

DEPARTMENT OF PARKS & RECREATION

Notice of Opportunity to Comment on Proposed Rule

*Revision of §§2-09 and 2-14
of Title 56 of the Official Compilation of Rules of the City of New York*

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Parks & Recreation (“Parks”) by Sections 389 and 533(a) (9) of the New York City Charter and in accordance with the requirement of Section 1043 of the New York City Charter, that Parks proposes to amend §§2-09 and 2-14 of Title 56 of the Official Compilation of Rules of the City of New York.

Written comments regarding the proposed rules may be sent to Alessandro G. Olivieri, General Counsel, Department of Parks & Recreation, The Arsenal, Central Park, 830 Fifth Avenue, New York, New York 10065, or electronically through NYC RULES at www.nyc.gov/nycrules on or before January 25, 2011. A public hearing shall be held on January 25, 2011 at Chelsea Recreation Center, 430 West 25th Street, New York, NY 10010 at 11:00 a.m. Persons seeking to testify are requested to notify Laura LaVelle at (212) 360-1335 or email at laura.lavelle@parks.nyc.gov. Persons who request that a sign language interpreter or other reasonable accommodation be provided at the hearing are asked to notify Laura LaVelle at the foregoing address by January 11, 2011. Written comments and a tape recording of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9:00 a.m. and 5:00 p.m. at The Arsenal, Room 313, telephone number (212) 360-1313.

These amendments were not included in the Parks regulatory agenda because the Department was not aware of the necessity for amendments at the time the regulatory agenda was prepared.

New material is indicated by underlining. Deletions are indicated by brackets.

Section 1. Section 2—09 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

- (a) *All boroughs.*

Permit

Fees

TENNIS

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|---|---|
| Adult (18 years to 62 years) | \$[100.00]200.00 |
| Senior (<u>62 years and above</u>) | \$ 20.00 |
| Junior | \$ 10.00 |
| Adult Duplicate | \$ 5.00 |
| Junior Duplicate | \$ 6.00 |
| Single Play | \$ [7.00]15.00 |
| Reservation Ticket | \$ [7.00]15.00 |
| Lockers | \$ 20.00 |
| LAWN BOWLING | \$ 30.00 |
| CROQUET | \$ 30.00 |
| MODEL YACHT STORAGE | \$ 20.00 |
| KAYAK/CANOE | \$ 15.00 |
| POOL PERMITS (Groups of 10 or more supervised individuals) | \$ 25.00 plus \$1.00 for each individuals in a group |
| Special Event Permit | \$ 25.00 |
| USE OF BOARDWALK SPACE BY RESTAURANTS | |
| Self-serve Restaurants | \$ 55.00/ linear foot |
| Table Service Restaurants | \$ 110.00/ linear foot |

[(b) *Borough-Wide fees.*

Brooklyn
Kate Wollman Rink

| | |
|----------------------|----------|
| Children and Seniors | \$ 3.00 |
| Adults | \$ 5.00] |

[(c)] (b) *Schedule of Permit Fees.*

| | |
|--|----------------------------------|
| Field Lights (18 yrs & over) | \$ [32.00/session]25.00/per hour |
| Cricket, football, lacrosse, rugby and ultimate Frisbee fields (18 yrs & over) | \$ [20.00/session]16.00/per hour |

Baseball, softball and volleyball, Turf/Soft surface fields
(18 yrs & over) \$ [16.00/session] 12.50/per hour

Basketball, baseball, softball, roller hockey and volleyball, Hardtop
playing surfaces (18 yrs & over) \$ [10.00/session] 8.00/per hour

[A session is defined as 2 hours, with the exception of week days after 4 p.m. on Manhattan fields, when session length is 90 minutes due to the high demand for fields.]

[(d)](c) *Ages*
Day Camp Programs - Age 6-13 \$100 per child (Public Assistance Families are exempt)

§ 2. Section 2-14 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

(a) For purposes of this section, the following terms shall have the following meanings:

Recreation Center. "Recreation Center" shall mean a building or structure located within property under the jurisdiction of the Department, with the primary purpose of providing recreational programming and other community activities.

Adult Membership Fee. "Adult Membership Fee" shall mean the membership fee for use of recreation centers in a particular class (i.e. Recreation Center With an Indoor Pool, Recreation Center Without Indoor Pool) for all patrons who are [between] eighteen (18) to [and] sixty-two ([54]62) years of age, not including session fees, except for patrons who otherwise qualify for the Senior Citizen Membership Fee. Membership includes, but is not limited to, use of fitness equipment, indoor pools and computer resource centers.

Senior Citizen Membership Fee. "Senior Citizen Membership Fee" shall mean the membership fee for use of recreation centers in a particular class (i.e. Recreation Center With an Indoor Pool, Recreation Center Without Indoor Pool) for all patrons [fifty-five (55)] sixty-two (62) years of age and over, not including session fees. However, current Recreation Center Members who as of the effective date of this rule are fifty-five (55) to sixty-two (62) years of age and who seek to renew their Membership may continue to do so at the Senior Citizen Membership Fee rate, provided such renewals takes place prior to any expiration date. Membership includes, but is not limited to, use of fitness equipment, indoor pools and computer resource centers.

Child Membership Fee. "Child Membership Fee" shall mean the membership fee for use of recreation centers in a particular class (i.e. Recreation Center With an Indoor Pool, Recreation Center Without Indoor Pool) for all patrons under eighteen (18) years of age, not including session fees. Membership includes, but is not limited to, use of fitness equipment, indoor pools and computer resource centers.

Recreation Center Without Indoor Pool. "Recreation Center Without Indoor Pool" shall include all recreation centers without indoor pools, including, but not limited to the

following recreation centers: Hunts Point Recreation Center, Hamilton Fish Recreation Center, Thomas Jefferson Recreation Center, Von King Recreation Center, Sunset Recreation Center, Red Hook Recreation Center, J.H. Wright Recreation Center, Jackie Robinson Recreation Center, Al Smith Recreation Center, Pelham Fritz Recreation Center, Lost Battalion Hall Recreation Center, Sorrentino Recreation Center, [Cromwell Recreation Center,] Williamsbridge Oval Recreation Center, St. James Recreation Center, Faber Recreation Center, Lyons Recreation Center, Al Oerter Recreation Center, and Owen Dolan Recreation Center.

Recreation Center With Indoor Pool. "Recreation Center With Indoor Pool" shall include all recreation centers with indoor pools, including, but not limited to the following recreation centers: St. Mary's Recreation Center, Brownsville Recreation Center, Metropolitan Pool Recreation Center, St. John's Recreation Center, Asser Levy Recreation Center, Hansborough Recreation Center, Recreation Center 54, Recreation Center 59, Tony Dapolito Recreation Center, Flushing Meadows Corona Park Aquatic Center, Chelsea Recreation Center, and Roy Wilkins Recreation Center.

Session Fees. "Session Fees" shall mean all fees associated with specific instructor-led courses including, but not limited to the following activities: aerobic classes, martial arts instruction, music lessons, and yoga classes.

(b) No person shall use any recreation center and/or participate in activities requiring the payment of a session fee as defined in this section unless such person has paid the applicable annual membership fee set forth in subdivision (c) of this section in addition to any applicable session fees.

(c) *Recreation Center Membership Fee Schedules.* The Commissioner shall charge a recreation center member subject to these provisions the amount set forth in the following schedule for an annual membership. Such annual membership does not include session fees.

| Type of Recreation Center | Child Membership fee | Adult Membership fee | Senior Citizen Membership Fee |
|---------------------------------------|----------------------|----------------------|-------------------------------|
| Recreation Center with Indoor Pool | \$0 | \$[75] <u>150</u> | \$[10] <u>25</u> |
| Recreation Center without Indoor Pool | \$0 | \$[50] <u>100</u> | \$[10] <u>25</u> |

(d)(1) Session fees will be set pursuant to the following schedule:

| Type of Recreation Center | Session Fee (Maximum) |
|---------------------------------------|-----------------------|
| Recreation Center with Indoor Pool | \$10-\$100 |
| Recreation Center without Indoor Pool | \$10-\$100 |

(2) *Factors for Determination of Session Fees.* In determining the amount of the session fees pursuant to the schedule above, the following factors shall be taken into consideration:

- (i) the length of the course.
- (ii) the number of scheduled classes.
- (iii) the skill required for the instructor.
- (iv) the expected number of participants.

- (v) such other information as the Commissioner deems relevant.

STATEMENT OF BASIS AND PURPOSE

These rules are promulgated pursuant to the authority of the Commissioner of the Department of Parks and Recreation (the “Commissioner”) under sections 389, 533(a) (9) and 1043 of the New York City Charter. The Commissioner is authorized to establish and enforce rules for the use, governance and protection of public parks and of all property under the charge or control of the Department of Parks and Recreation.

The proposed increased fees are designed to help defray the costs for the Department to maintain fields, courts and Recreation Centers. The change to an hourly fee from a session fee is designed to establish a clearer and more understandable basis for assessing charges for field usage. The definition of senior citizen for the purpose of determining the appropriate Recreation Center Membership fee has been changed to make it uniform with the definition of senior citizen in other areas of the Department’s rules. However, to lessen the impact on current Recreation Center members who are fifty-five (55) to sixty-two (62) years of age, these members will be allowed to continue to renew their membership at the Senior Citizen membership rate as long as they renew prior to any expiration date of their membership.

Since the Kate Wollman Rink is being demolished to be replaced by a new facility, the fees for the rink are no longer applicable. In addition, Cromwell Recreation Center has been removed from the list of Recreation Centers without indoor pools since it is no longer open; while Faber Recreation Center, Lyons Recreation Center and Al Oerter Recreation Center were added to the list of Recreation Centers without indoor pools in order to update the list since they were not open or were inadvertently not included when the list was previously established. Likewise, Flushing Meadows Corona Park Aquatic Center and Chelsea Recreation Center were added to the list of Recreation Centers with indoor pools in order to update the list since they were not previously open or were inadvertently not included when the list was previously established.