

**OFFICE OF THE MAYOR**

**MAYOR'S OFFICE OF CITYWIDE EVENT COORDINATION AND MANAGEMENT**

**STREET ACTIVITY PERMIT OFFICE**

**Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**What are we proposing?** The Street Activity Permit Office (SAPO) of the Office of Citywide Event Coordination and Management (OCECM) is proposing amendments to extend the existing moratorium on street fair applications to Calendar Year 2016 and to restrict street fairs in the Times Square area that require street closures.

**When and where is the Hearing?** OCECM/SAPO will hold a public hearing on the proposed rule. The public hearing will take place at 11:00 am on Monday, November 23, 2015. The hearing will be in Hearing Room A at the Office of Administrative Trials and Hearings, located at 100 Church Street, 12th Floor, NY, NY 10007.

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to SAPO through the NYC rules Web site at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules).
- **Email.** You can email written comments to [saporules@cityhall.nyc.gov](mailto:saporules@cityhall.nyc.gov).
- **Mail.** You can mail written comments to Michael Paul Carey, Executive Director, Office of Citywide Coordination and Management, at 100 Gold Street, 2<sup>nd</sup> Floor, New York, NY 10038.
- **Fax.** You can fax written comments to 212-312-0759.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling Michael Carey at (212) 788-9265 by close of business on Monday, November 16, 2015. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** Written comments must be received no later than close of business on November 23, 2015.

**Do you need assistance to participate in the Hearing?** You must tell OCECM/SAPO if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You must tell us by the close of business on November 16, 2015.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules). A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at OCECM/SAPO.

**What authorizes SAPO to make this rule?** Section 1043 of the City Charter as well as Executive Orders No. 100 and No. 105 authorize SAPO to make this proposed rule. This proposed rule was not included in SAPO's regulatory agenda for this Fiscal Year because it was not contemplated when SAPO published the agenda.

**Where can I find the SAPO rules?** The SAPO rules are in title 50 of the Rules of the City of New York.

**What rules govern the rulemaking process?** SAPO must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

### **Statement of Basis and Purpose of Proposed Rule**

The Mayor's Office of Citywide Events Coordination and Management (OCECM), which oversees the Street Activity Permit Office (SAPO), administers New York City's permit system for street activities, block parties and fairs.

Each year SAPO issues permits to over 200 street fairs and over 5,000 other events, most of which include the use of multiple blocks over several days, the erection of structures, the vending of food, apparel and other goods and the use of amplified sound and the performance of music. Events like these require additional police officers which increases overtime costs to the City. These events also divert police officers from core crime-fighting, public-safety and counter-terrorism duties.

To more effectively deploy police resources and control overtime costs, the New York City Police Department has requested that SAPO exercise its discretion temporarily to deny permits for additional events scheduled for calendar year 2016. The proposed rules will authorize SAPO to deny permits to these events if the event was not held in the calendar year 2015. Events that received permits in calendar year 2015 will be eligible to receive permits again in calendar year 2016 so long as the required fees are paid and there were no violations of the 2015 permit.

The Police Department has also requested that SAPO permits be restricted for block closures on side streets in the Times Square area during ongoing construction, which has had a significant impact on traffic in an already congested area.

In light of the need to effectively deploy police resources and control overtime costs articulated above and the desire to allow opportunities for new street fairs, during calendar year 2016 OCEM will explore options for reallocating the distribution of street fairs during the 2017 calendar year.

In addition, in order to permit adequate time for review, the deadline for applications for special events is being changed from 10 business days to 30 days. Additional timing allows all parties for proper planning of resources in a more timely manner.

SAPO authority for these rules is found in section 1043 of the New York City Charter and Executive Order No. 105 of 2007.

New material is underlined.  
[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Section 1-03(d)(4) of Chapter 1 of Title 50 of the Rules of the City of New York is amended to read as follows:

(4) Charitable, commercial or promotion, or civic event application must be submitted [10 business] 30 days prior to the event date.

§ 2. Section 1-05(d) of Chapter 1 of Title 50 of the Rules of the City of New York is amended to read as follows:

(d) For the calendar year [2015] 2016, the Director will deny applications for street activity permits for street fairs not held in the calendar year [2014] 2015.

§ 3. Section 1-05 of Chapter 1 of Title 50 of the Rules of the City of New York is amended to add a new subdivision e to read as follows:

e) The Director will deny applications submitted for street activity permits for any street fair, block party or other street activity requiring closure of a street located between 42<sup>nd</sup> Street and 50<sup>th</sup> Street and between 6<sup>th</sup> Avenue and 8<sup>th</sup> Avenue in the borough of Manhattan. The Director must make reasonable efforts to find alternative locations for street fairs, block parties, and other street activities that took place in this area during calendar year 2015.

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
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**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE: Amendment to Impose One-Year Moratorium on New Events, Restrict Activities in the Area of Times Square and Change Submission Deadline for Special Event Applications**

**REFERENCE NUMBER: 2015 RG 119**

**RULEMAKING AGENCY: Office of Citywide Event Coordination and Management**

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: October 15, 2015

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Amendment to Impose One-Year Moratorium on New Events, Restrict Activities in the Area of Times Square and Change Submission Deadline for Special Event Applications**

**REFERENCE NUMBER: CECM-SAPO-5**

**RULEMAKING AGENCY: Office of Citywide Event Coordination and Management**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Benno Kling  
Mayor's Office of Operations

October 15, 2015  
Date