

NEW YORK CITY DEPARTMENT OF BUILDINGS

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Buildings (DOB) proposes to add a new Section 105-04 to Subchapter E of Chapter 100 of Title 1 of the Rules of the City of New York (“RCNY”). The new section will allow licensed sign hangers (Master Sign Hangers and Special Sign Hangers) to file applications to install certain wall-mounted, accessory signs and related structural elements.

When and where is the hearing? DOB will hold a public hearing on the proposed rule. The public hearing will take place at 10am on 1/30/17. The hearing will be in the 3rd floor conference room at 280 Broadway.

This location has the following accessibility option(s) available: Wheelchair Accessibility.

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

- **Website.** You can submit comments to DOB through the NYC rules Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to dobrules@buildings.nyc.gov.
- **Mail.** You can mail comments to the New York City Department of Buildings, Office of the General Counsel, 280 Broadway, 7th floor, New York, NY 10007.
- **Fax.** You can fax comments to the New York City Department of Buildings, Office of the General Counsel, at 212-566-3843.
- **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 212-393-2085. You can also sign up in the hearing room before the hearing begins on 1/30/17. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by 1/30/17.

Do you need assistance to participate in the hearing? You must tell the Office of the General Counsel 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 or email at the addresses given above. You may also tell us by telephone at 212-393-2085. You must tell us by 1/23/17.

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 <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments and a summary of oral comments

concerning the proposed rule will be available to the public at the Office of the General Counsel.

What authorizes DOB to make this rule? Sections 643 and 1043(a) of the City Charter, and Section 28-104.6 of the Administrative Code of the City of New York, authorize DOB to make this proposed rule. This proposed rule was not included in DOB's regulatory agenda for this Fiscal Year because it was not contemplated when DOB published the agenda.

Where can I find DOB's rules? DOB's rules are in Title 1 of the Rules of the City of New York.

What rules govern the rulemaking process? DOB 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(b) of the City Charter.

Statement of Basis and Purpose

The Department of Buildings (DOB) proposes adding new Section 105-04 to its Rules, which will allow licensed sign hangers (Master Sign Hangers and Special Sign Hangers) to file applications in order to obtain permits to hoist, lower, hang, or attach certain wall-mounted, accessory signs and related structural elements (e.g. frames or columns) that comply with specified size and location requirements. Section 28-415.3 of the Administrative Code of the City of New York explains the difference between Master Sign Hangers and Special Sign Hangers. Master Sign Hangers hoist, lower, hang, or attach signs, irrespective of weight, upon or on the outside of a building. Special Sign Hangers hoist, lower, hang, or attach certain signs of limited size and weight upon or on the outside of a building. A "wall-mounted sign" is attached to or erected against the wall of a building or an independent wall structure. An "accessory" sign is a non-advertising sign that is clearly incidental to a zoning lot's principal use; Zoning Resolution Section 12-10 further defines "accessory" use. This proposed rule is intended to encourage sign application filings with DOB by eliminating the need to hire registered design professionals in certain situations.

DOB's authority for this rule is found in Section 643 and 1043(a) of the New York City Charter and Section 28-104.6 of the Administrative Code of the City of New York.

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 one. Subchapter E of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new section to read as follows:

§105-04 Applications Filed by a Licensed Sign Hanger

(a) Scope. This rule establishes when licensed Master Sign Hangers and Special Sign Hangers may file applications for permits to install signs and related structural elements.

(b) References. See Administrative Code (AC) section 28-104.6, item 5, and Administrative Code, Title 28, Article 415.

(c) Licensed Sign Hanger. The term Licensed Sign Hanger shall refer to the holder of a Master Sign Hanger or Special Sign Hanger license.

(d) Conditions for filing sign applications. Pursuant to Section 28-104.6, item 5, a Licensed Sign Hanger may file applications for permits to install a sign and any related structural elements, provided he or she complies with all the following:

(1) The sign application must comply with the applicable provisions of the New York City Building Code and Zoning Resolution.

(2) The application must be limited to wall-mounted, accessory signs.

(3) The area of the display face of any sign must not exceed one hundred fifty (150) square feet. The area of the sign includes the entirety of individual letters, groups of letters, symbols, images, or any portion thereof.

(4) The sign, or any portion of it, must not project more than 18 inches beyond the face of a building, regardless of the building's setback.

(5) The entire sign must be mounted below the height of the second story ceiling.

(6) The sign must not exceed three hundred (300) pounds in total weight. The total weight includes all portions of the sign and any related structural elements, including individual letters, groups of letters, symbols, images, associated electrical components, structural supports, hardware, framework, or any portion thereof, even if the sign is erected in stages or portions over time. If structural work beyond a frame or support used to provide rigidity is required, a registered design professional must design all structural plans.

(7) Signs must be mounted by means of mechanical anchors installed in accordance with the table below. Anchors must be fastened 12 inches on center, with a minimum of four anchors used. The anchors must be able to support an allowable stress of five times the weight of the sign and any related structural elements.

<u>Anchors in Concrete and Masonry Walls</u>	
<u>Anchor Diameter</u>	<u>Embedment Depth</u>
<u>1/4"</u>	<u>1" minimum</u>
<u>5/16"</u>	<u>1" minimum</u>
<u>3/8"</u>	<u>1-1/4" minimum</u>
<u>1/2"</u>	<u>1-1/2" minimum</u>
<u>5/8"</u>	<u>2" minimum</u>
<u>3/4"</u>	<u>2" minimum</u>
<u>Anchors in Wood Walls</u>	
<u>Anchor Diameter</u>	<u>Embedment Depth</u>
<u>1/4" to 3/4"</u>	<u>2" minimum</u>

(e) Prohibited filings. Notwithstanding subdivision (d) of this section, a Licensed Sign Hanger may not file applications for permits to install any of the following:

(1) Any rooftop mounted sign;

(2) Any sign projecting more than 18" across a street line;

(3) Any marquee;

(4) Any digital sign; or

(5) Any related structural elements other than those referenced in subdivision (d) of this section.

A registered design professional must file the applications listed in subdivision (e).

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Applications for Certain Signs and Related Structural Elements

REFERENCE NUMBER: 2016 RG 088

RULEMAKING AGENCY: Department of Buildings

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: December 14, 2016

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

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

RULE TITLE: Applications for Certain Signs and Related Structural Elements

REFERENCE NUMBER: DOB-83

RULEMAKING AGENCY: Department of Buildings

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/ Guenevere Knowles
Mayor's Office of Operations

12/14/2016
Date