

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? Proposed amendments to extend the existing moratorium on street fair applications.

When and where is the Hearing? The Street Activity Permit Office (SAPO) of the Office of Citywide Event Coordination and Management (OCECM) will hold a public hearing on the proposed rule. The public hearing will take place at 11:00am on Friday, November 15, 2013. The hearing will be at 22 Reade Street, 2nd Floor, in the Barrish Hearing Room.

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.
- **Email.** You can email written comments to saporules@cityhall.nyc.gov.
- **Mail.** You can mail written comments to Emil Lissauer, Director, Street Activity Permit Office, 100 Gold Street, 2nd Floor, New York, NY 10038.
- **Fax.** You can fax written comments to SAPO, 212-788-7887.
- **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 Emil Lissauer at (212) 788-7567 by close of business on November 13, 2013. You can also sign up in the hearing room before the hearing begins on **November 15, 2013 at 11:00am**. 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 20, 2013.

Do you need assistance to participate in the Hearing? You must tell 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 may also tell us by telephone by calling Emil Lissauer at (212) 788-7567. You must tell us by the close of business on November 13, 2013.

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. A few days

after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at 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 Office of Citywide Events Coordination and Management (OCECM), Street Activity Permit Office (SAPO) is charged with administration of the permit system for street activities, block parties and fairs.

Over two hundred SAPO-permitted street fairs and over 5,000 events occur annually within the City. Almost all of these events involve permits for 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. Such events require additional police presence and increase overtime expenditure by the City. In order to effectively deploy police resources, the New York City Police Department has requested for the calendar year 2014 that SAPO exercise its discretion temporarily to deny permits for additional events that place an excessive burden on police resources and divert uniformed personnel from core crime fighting, public safety and counter terrorism duties.

In the interests of protecting the City and its inhabitants, these rules will authorize SAPO to deny permits to events scheduled for calendar year 2014, the anticipated effective date of the proposed rules, if the event was not held in the calendar year 2013, the year prior to the effective date of the proposed rules.

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 1-05(d) of Chapter 1 of Title 50 of the Rules of the City of New York is amended to read as set forth below.

(d) For the calendar year [2013] 2014, the Director shall deny applications for street activity permits for street fairs not held in the calendar year [2012] 2013.

**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: Moratorium on New Street Fairs for 2014

REFERENCE NUMBER: 2013 RG 089

RULEMAKING AGENCY: Mayor's Office of Citywide Event Coordination and Management/Street Activity Permit Office

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 10, 2013

**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: Moratorium on New Street Fairs for 2014

REFERENCE NUMBER: SAPO-3

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 the underlying rule does not create or require a fine or fee.

/s/ Hunter Gradie
Mayor's Office of Operations

October 10, 2013
Date