

# NEW YORK CITY DEPARTMENT OF PARKS & RECREATION

## NOTICE OF ADOPTION

### Revision of New York City Department of Park & Recreation's Rules

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN** the Commissioner of the Department of Parks & Recreation (“the Department”) 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, the Department hereby revises Chapter 1 to Title 56 of the Official Compilation of the Rules of the City of New York to add a new section 1-04(c)(5) and to add a row to the table in section 1-07.

Written comments regarding the rules were received in accordance with the notice published in the City Record or electronically through NYC RULES at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules) and a public hearing was held on June 25, 2024 at Chelsea Recreation Center, 430 West 25th Street, New York, NY 10001.

#### **Statement of Basis and Purpose**

The Department is revising sections 1-04 and 1-07 of Chapter 1, Title 56 of the Rules of the City of New York. The amendments prohibit vendors from storing property used for vending on sidewalks adjacent to parks and other property within the jurisdiction of the Department when they are not actively vending and add a penalty for violation of this prohibition.

Previously, the Department's rule prohibited the storage of personal property in areas in or adjacent to parks only if the property is left unattended. However, the storage of vending property on sidewalks at any time creates hazards to both vendors and pedestrians. The storage of vending materials on sidewalks poses a security risk because it increases the risk that (1) vendors' property will be stolen when the property is not properly attended, and (2) other individuals will place dangerous or illegal items under the vendors' tables or tarps. In addition, storage of vending materials on sidewalks results in the inability to properly clean sidewalks, creating a health and safety hazard.

The amended rule now prohibits vendors from storing vending related materials, whether attended or unattended, on sidewalks that are adjacent to parks and other property within the jurisdiction of the Department. The fine for violating this rule is \$250.

This rule will not affect individuals who are not vendors and will not impact vendors' ability to vend as described in paragraph (b) of section 1-05 of Chapter 1, Title 56 of the Rules of the City of New York.

The Department's authority for these rules is found in Section 389, 533(a)(9), and 1043 of the New York City Charter.

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. Paragraph (c) of Section 1-04 of chapter 1 of Title 56 of the Rules of the City of New York is amended to read as follows:**

**(c) Littering, Polluting, Dumping, [and] Unattended Property, and Storage of Vending-Related Property**

- (1) No person shall litter in any park. All persons shall use receptacles provided for the disposal of refuse.
- (2) No person shall throw, drop, allow to fall, discharge into or leave in, or otherwise introduce into Parks waters any substance, liquid or solid, gas, or other item which may or will result in the pollution of said waters. Violation of this paragraph constitutes a misdemeanor.
- (3) No person shall engage in unlawful dumping in any park. Violation of this paragraph constitutes a misdemeanor.
- (4) No person shall, within or adjacent to any park, store or leave unattended personal belongings.
- (5) No vendor, as defined in section 1-05(b)(1) of this title, or person acting on behalf of a vendor, shall store or otherwise leave any item or items used or offered in conjunction with vending, whether attended or unattended, on any property under the jurisdiction of the Department when not actively engaged in vending allowed under section 1-05(b) of this title. For the purposes of this section, “actively vending” means that: (i) if the vendor is providing goods for sale, hire, lease, let, or in exchange for a donation, such goods are displayed and readily available for sale, hire, lease, let, or in exchange for a donation, or (ii) if the vendor is providing services or entertainment for sale, hire, lease, let, or in exchange for a donation, those services or entertainment are readily available for sale, hire, lease, let, or in exchange for a donation.

**Section 2. The table set forth in section 1-07 of chapter 1 of Title 56 of the Rules of the City of New York is amended by adding a new row, to be placed in the table in alphanumeric order, to read as follows:**

56 RCNY § 1-04(c)(5)	Storing/leaving vending property	\$250	\$375
----------------------	----------------------------------	-------	-------

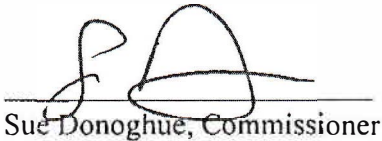
## FINDING OF SUBSTANTIAL NEED FOR EARLIER IMPLEMENTATION

Pursuant to the New York City Charter Section 1043(f)(1)(d), I hereby find and represent to the Mayor that there is a substantial need for the implementation, immediately upon its final publication in the City Record, of the New York City Department of Parks and Recreation (the "Department") rule prohibiting the storage of vending related property.

As explained in the Statement and Basis of Purpose accompanying the Notice of Adoption of the final rule, currently, the Department's rule prohibits the storage of personal property in areas in or adjacent to parks only if the property is left unattended. However, the storage of vending property on sidewalks adjacent to Parks at any time creates hazards to both vendors and pedestrians. The storage of vending materials on such sidewalks presents a security risk because it increases the chance that (1) vendors' property will be stolen when the property is not properly attended, and (2) other individuals will place dangerous or illegal items under the vendors' tables or tarps. In addition, storage of vending materials on sidewalks adjacent to parks makes it difficult to properly clean such sidewalks, creating a health and safety hazard.

Immediate implementation and enforcement of this rule is necessary to protect the health and safety of pedestrians from the risks posed by the storage of vending property on sidewalks.

Therefore, this rule must take effect immediately upon its final publication in the City Record, in accordance with Charter Section 1043(f)(1)(d).



Sue Donoghue, Commissioner

New York City Department of Parks and Recreation

APPROVED:



Eric Adams

Mayor