


**NEW YORK CITY DEPARTMENT OF BUILDINGS**

**NOTICE OF ADOPTION OF RULE**

**NOTICE IS HEREBY GIVEN**, pursuant to the authority vested in the Commissioner of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to Section 3307-01 of chapter 3300 of Title 1 of the Official Compilation of the Rules of the City of New York regarding artwork on temporary protective structures. This rule was first published on March 26, 2025 and a public hearing thereon was held on April 30, 2025.

Dated: 5/5/2025  
New York, New York

  
James S. Oddo  
Commissioner

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

Local Law 111 of 2024 (LL 111) amended section 3307.11 of Chapter 33 of the Building Code regarding artwork on temporary protective structures to allow for artwork to be painted on the structures.

The Department of Buildings (DOB) is amending section 3307-01 of Chapter 3300 of Title 1 of the Rules of the City of New York to address the new requirements of LL 111, and clarifying that the inspection requirements set forth in section 3307-01 do not apply to artwork painted on temporary protective structures.

DOB's authority for these rules is found in sections 643 and 1043 of the New York City Charter and Local Law 111 of 2024.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (\*\*\*) indicate unamended text.

"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. Subdivision (a) of section 3307-01 of chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

**(a) Required installation of artwork approved by the Department of Cultural Affairs ("DCLA").** Temporary protective structures installed on and after September 1, 2023 must include DCLA-approved artwork as defined in Section 3307.11.2 of the Building Code unless the owner of the property at which such temporary structure is installed opts out in accordance with the provisions of this section. For the purposes of this section, the term "temporary protective structures" refers to sidewalk sheds, construction fences, and supported scaffolds that are or will be installed for at least 90 days. For the purposes of this section, the term "install" with respect to artwork means affixed to or painted on a temporary protective structure.

§2. The exception to subdivision (c) of section 3307-01 of chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

**(c) Opting out.**

\* \* \*

Exception. Subject to appropriation of funds for city capital projects to install approved or alternative artwork, properties owned by the City of New York or receiving capital funding from the City or a City agency may not opt out, except as otherwise provided in Section [3307.11.8] 3307.11.7.1 of the Building Code.

§3. Subdivisions (d), (e) and (f) of section 3307-01 of chapter 3300 of Title 1 of the Rules of the City of New York are amended to read as follows:

**(d) Installation [and removal] of the artwork.**

(1) The applicant of record for the temporary protective structure must submit plans showing area of coverage, materials, and method of installation of the artwork to the temporary protective structure.

(2) If DCLA approval for alternative artwork is not received by the time that the application for the temporary protective structure is approved, the applicant must file a post approval amendment with revised plans that comply with paragraph (1) above when DCLA approval is received and prior to installation of the artwork.

[(3) An owner may choose to participate in the program again after de-installation of the artwork and may install DCLA-approved artwork in accordance with the provisions of this section.]

**(e) Method of installation.**

(1) Artwork installed on sheds. Artwork [must] may be installed on the outer sides and ends of sidewalk sheds by stretching such artwork over the shed and fastening to the back or on panels that adhere directly to the outer sides and ends of the shed. Artwork cannot extend above or below the shed parapet or be larger than four (4) feet in height. Artwork may also be painted directly onto the shed.

(2) Artwork installed on construction fences. Artwork [must] may be installed on the outside of the construction fence by stretching such artwork over the fence and fastening

to the back or on panels that adhere directly to the fence structure. Artwork cannot extend beyond the top of the fence. Artwork may also be painted directly onto the fence.

(3) Artwork installed on supported scaffolds. Artwork must be printed on debris netting meeting the requirements of Section 3314.8.2 of the Building Code.

**(f) Inspections.**

(1) Upon completion of the installation of affixed artwork on a temporary protective structure, such installation must be inspected by a qualified person designated by the permit holder for the temporary protective structure or a third party acceptable to such permit holder to verify that the artwork is in a safe condition and has been installed in accordance with approved plans. The results of the inspection must be documented in an installation inspection report signed and dated by the person who performed the inspection.

(2) In addition, the affixed artwork must be inspected in accordance with the following provisions:

(i) Sheds – daily, as set out in Section 3307.6.5.10 of the Building Code.

(ii) Fences – weekly, as set out in Section 3307.7.8 of the Building Code.

(iii) Supported scaffolds – prior to each shift, as set out in Section 3314.4.3.4 of the Building Code.

(3) Inspection records must be kept on site and made available to the Department on request.

Exception. The requirements of this subdivision do not apply to artwork painted on a temporary protective structure.