

Title 50: Community Assistance Unit

Chapter 1: Application, Fees and Charges for Street Activity Permits

§ 1-01 Applicability and Definitions.

These rules shall apply to all applications for street activity permits, and for purposes of this chapter, the following terms shall have the following meanings:

"Applicant" means an individual or entity applying for a street activity permit that is responsible for the street activity proposed in the application.

"Art and Cultural Institution" means (i) an art or cultural group, organization or institution within the city of New York that is a member of the cultural institutions group, as determined by the department of cultural affairs, or that is eligible to apply for a grant through the cultural development fund administered by such department, or (ii) a person providing documentation of funding from a borough arts council within the prior two years.

"Block" means the linear stretch of a street between the curb lines of the cross streets that intersect such block.

"Block party" means a community sponsored Street event requiring the closure of a single block of a street, or a portion thereof, for a single day in which no fundraising or the sale of goods or services occurs, and does not otherwise fall into any other category.

"Business improvement district" means an entity established pursuant to article nine of the general municipal law.

"Civic event" means a Plaza or Street event that is sponsored by a documented not-for-profit organization that is open to the public, may offer free services or information to the community, and does not have a fundraising component or include the sale of goods or services. Civic events include, but are not limited to, artistic/cultural performances, classes, religious worship or educational gatherings that support the mission of the sponsoring, documented not-for-profit organization. Civic events may not include signs or banners displaying sponsors or supporter logos that exceed ten percent (10%) of the face of the sign or banner.

"Civic center" means a use of property for public facilities such as schools, libraries and/or parks.

"Charitable event" means a Plaza or Street event in which the sole purpose of the activity is fundraising by or for a specific documented not-for-profit organization. Charitable events shall not include street fairs or block parties, Civic events or Commercial/Promotional events or Street events that fall into any other category. Charitable events may not include signs or banners displaying sponsors or supporter logos that exceed ten percent (10%) of the face of the sign or banner.

"Clean-up" means a Street event that is held for the purpose of neighborhood improvement by a documented not-for-profit organization, Community Sponsor or an individual with an indigenous relationship with the proposed event location. No fundraising or sale of goods or services to the general public shall occur at a Clean-up.

"Commercial/Promotional event" means a Plaza or Street event that promotes, advertises or introduces a product, corporation, company or other commercial entity or the goods or services of a corporation, company or other commercial entity to either the general public or to a portion of the general public. Commercial/Promotional events do not include Charitable or Civic events.

"Commercial center" means a use of property for active ground floor uses such as retail.

"Community sponsor" means a community-based, documented not-for-profit organization, association, corporation or the like that has an indigenous relationship to the specific street or geographic community where the Street event is proposed.

"Cultural Venue" means an entertainment facility in the city of New York intended or designed to be used for a performance in front of a live audience.

"Deadline" means the number of days prior to the start of an event by which an Applicant must submit an application for review.

"Event time" means the time between set up and break down of a Street or Plaza event.

"Extra large event, Street or Plaza" means an event that is a Commercial/Promotional event or a Charitable event and has an extensive impact on the surrounding community and vehicular and/or pedestrian traffic, uses multiple locations or a combination of Pedestrian plazas or full street closure; requires significant set-up including, but not limited to, erection of structures that may require a Department of Buildings permit; and requires substantial coordination between the Street Activity Permit Office and City agency staff, including the Police Department, Fire Department, Department of Transportation and the Executive Director of Office of Citywide Event Coordination and Management.

"Farmer's market" means an open-air market held on a sidewalk for the sale to the general public of products grown, raised, caught or baked by local farmers and fishers and that does not have a fundraising component. An Applicant for a farmer's market shall be a documented not-for-profit corporation with federal tax exempt status.

"Health fair" means a community sponsored event in which a health vendor(s) promotes and provides in-kind services to the community, taking place within a Pedestrian plaza or requiring the closure of a single block of a street, or a portion thereof, for a single day in which no fundraising or sale of goods or services occurs, and in which a health vendor(s) does not pay a fee to participate.

"Inflatables" means balloons or displays that are expanded with air or gas and used for event promotion, logo placement, product display or recreational purposes. Blimps and inflatable rides are not considered inflatables for purpose of this section.

"Open Culture Event" means an event where the applicant or sponsor is a art and cultural institution or cultural venue and where the activity will take place in the roadway on an Open Culture street and obstruct the regular use of the location by pedestrian or vehicular traffic but shall not include activities conducted pursuant to a parade or construction permit. An Open Culture Event shall not be considered a Street event for the purposes of these rules.

"Open Culture Street" means a street designated by the Department of Transportation for inclusion in the Open Culture program.

"Plaza event" means any activity within a Pedestrian plaza where the activity will interfere with or obstruct the regular use of such Pedestrian plaza, but shall not include activities conducted pursuant to a valid film, parade or construction permit.

"Plaza event, Large" means usage of over fifty percent (50%) of a Pedestrian plaza's square footage with an expected attendance between fifty percent to one hundred (50 - 100%) of the Pedestrian plaza's capacity and held with or without the use of amplified sound.

"Plaza event, Medium" means usage of twenty-five to fifty percent (25 - 50%) of the Pedestrian plaza's square footage with an expected attendance between twenty-five to fifty percent (25 - 50%) of the Pedestrian plaza's capacity and held with or without the use of amplified sound.

"Plaza event, Small" means usage of less than twenty-five percent (25%) of the Pedestrian plaza's square footage with an expected attendance of less than twenty-five percent (25%) of the Pedestrian plaza's capacity and held with or without the use of amplified sound.

"Pedestrian plaza" means an area designed by the Department of Transportation for pedestrian circulation, use, and enjoyment on property under the jurisdiction of the Department of Transportation including, but not limited to, property mapped as a public place or property within the bed of a roadway, and which may contain amenities such as tables, seating, trees, plants, lighting, bike racks, or public art. Pedestrian plazas are categorized into the levels defined below, and a list of levels and which Pedestrian plazas fall into a particular level are available at <http://www1.nyc.gov/site/cecm/permitting/plazas.page>.

"Pedestrian plaza, Level A" means a Pedestrian plaza where (a) the total size is greater than 100,000 square feet, the total area occupies more than 2 consecutive Blocks, and the area is located near a Transit hub, a Civic center and a Commercial center; or (b) the total size is less than or equal to 100,000 square feet but greater than 30,000 square feet, the total area occupies more than 4 consecutive Blocks and the area is located near a combination of at least 2 of the following: a Transit hub, a Civic center or a Commercial center.

"Pedestrian plaza, Level B" means a Pedestrian plaza where (a) the total size is less than or equal to 100,000 square feet but greater than 30,000 square feet, the total area occupies one or more Blocks, and the area is located near a Transit hub, Civic center or a Commercial center; or (b) the total size is less than or equal to 30,000 square feet but greater than 10,000 square feet, the total area occupies more than 2 consecutive Blocks and the area is located near a combination of at least 2 of the following: a Transit hub, a Civic center or a Commercial center.

"Pedestrian plaza, Level C" means a Pedestrian plaza where (a) the total size is less than or equal to 30,000 square feet but greater than 10,000 square feet, the total area occupies one or more Blocks, and the area is located near a Transit hub, Civic center or a Commercial center; or (b) the total size is less than or equal to 10,000 square feet, the total area occupies more than 2 consecutive Blocks and the area is located near a Transit hub, a Civic center and a Commercial center.

"Pedestrian plaza, Level D" means a Pedestrian plaza where (a) the total size is less than or equal to 10,000 square feet, the total area occupies one or more Blocks, and the area is located near a Transit hub, a Civic center or a Commercial center.

"Pedestrian plaza block" means the continuous portion of a Pedestrian plaza between the curb lines of the cross streets that intersect such pedestrian Plaza.

"Pedestrian plaza capacity" means the percentage or area of a Pedestrian plaza that is not designated for pedestrian circulation space, emergency access, or a Plaza subconcession approved by the Department of Transportation.

"Pedestrian plaza partner" means an organization selected by the Department of Transportation to assist with functions related to Pedestrian plazas, pursuant to a non-exclusive agreement with the Department of Transportation, pursuant to Chapter 13 or 14 of the Charter. Such functions may include, but are not limited to, the design, daily management, maintenance, programming, and the provision of funding to support such functions.

"Pedestrian plaza partner event" means a Civic event in which the applicant is solely the Pedestrian plaza partner for a Plaza event that occurs on the Pedestrian plaza that the Pedestrian plaza partner programs under agreement with the Department of Transportation.

"Press Conference/Rally/Stationary Demonstration" means a public convening with minimal elements in a Pedestrian plaza, requiring the use of over fifty percent (50%) of one Pedestrian plaza or over fifty percent (50%) of one Pedestrian plaza in conjunction with any part of any other Pedestrian plaza(s) for a single day, and which is not a Commercial/Promotional event or a Charitable event and no fundraising or the sale of goods or services occurs.

"Production event" means an event that occurs for no more than fifteen (15) consecutive days in a curb lane and/or sidewalk to facilitate the pick up and drop off of passengers and the set up or break down of event components only, has no impact on pedestrian and/or vehicular traffic and requires minimal coordination between SAPO, the Office of Citywide Event Coordination and Management and the Applicant.

"Street event" means any activity on a public street, street curb lane, or sidewalk where the activity will interfere with or obstruct the regular use of the location by pedestrian or vehicular traffic but shall not include activities conducted pursuant to a valid film permit, parade or construction permit.

"Street event, Large" means a Commercial/Promotional event or a Charitable event that has an extensive impact on the surrounding community and vehicular and/or pedestrian traffic; includes the full street closure of one Block; requires significant set-up including, but not limited to, erection of structures that may require a Department of Buildings permit; and requires substantial coordination between SAPO, including the Executive Director of Office of Citywide Event Coordination and Management, and City agency staff, including the Police Department, Fire Department, Department of Transportation.

"Street event, Medium" means a Commercial/Promotional event or a Charitable event that impacts pedestrian and/or vehicular traffic and requires significant set up on a sidewalk and curb lane, or includes an obstruction such as a tent, canopy, stage platform, bleacher, reviewing stand, outdoor bandstand or similar structure that may require a Department of Buildings permit; and requires coordination between SAPO and City agency staff, including the Police Department, Department of Transportation and the Executive Director of the Office of Citywide Event Coordination and Management.

"Street event, Small" means an event that occurs for a short period of time with low or minimum impact on pedestrian or vehicular traffic and requires little coordination between SAPO, including the Executive Director of the Office of Citywide Event Coordination and Management, and the Police Department and the Applicant. A Street event, Small includes, but is not limited to:

- (a) use of the curb lane or sidewalk for placement of promotional materials, red carpet, tent(s) or display of a vehicle; or
- (b) a Commercial/Promotional event.

"Street fair" means a community sponsored event requiring a street closure of one Block or more in which the general public can purchase goods or services provided by vendors and vendors may pay a fee to participate.

"Transit hub" means a use of property for a mass transit station or stop and/or the interchange of multiple modes of transportation.

Vendor means an individual, entity or organization that sells or offers for sale, food, goods, tickets or services.

(Amended City Record 8/19/2016, eff. 8/19/2016; amended City Record 3/1/2021, eff. 3/1/2021)

§ 1-02 Street Activity Permit Office.

(a) The Executive Director of the Mayor's Office of Citywide Event Coordination and Management (hereafter "CECM") hereby establishes within CECM a Street Activity Permit Office (hereinafter referred to as "SAPO") and the position of Director of the Street Activity Permit Office. The function of SAPO shall be to administer the procedures set forth in these rules. The Director of SAPO shall be consistent with these rules, have the authority to approve or deny any application for a street activity permit, to temporarily suspend or to revoke any street activity permit, or to impose upon the issuance of any street activity permit any conditions necessary to protect the interests of the City, the community and the general public.

§ 1-03 Application Requirements and Deadlines.

(a) A street activity permit is required to conduct any event as defined by 50 RCNY § 1-01 and may also be requested for a Press Conference/Rally/Stationary Demonstration that requires less than 50% of a Pedestrian plaza.

(b) All Applicants are required to identify a contact person and include their complete contact information for purposes of communications concerning the application and the proposed event. If a permit requires a Community sponsor then an individual from the organization must be listed as the contact person.

(c) Applicants are required to submit the following with applications:

- (1) processing fee;
- (2) proof of status as a Community sponsor, if applicable;
- (3) proof of documented not-for-profit tax exempt status with State or federal records, if applicable;
- (4) proof of status as an Art and Cultural Institution or Cultural Venue, if applying for an Open Culture event;
- (5) \$1,000,000 liability insurance as required by 50 RCNY § 1-08(b) of this chapter, if applicable, for events other than a Press Conference/Rally/Stationary Demonstration; and
- (6) plans outlining components of the proposed Street event, Plaza event, or Open Culture event.

(d) Applications shall be submitted by the following deadlines unless the event is proposed for a Pedestrian plaza, in which case the deadlines in paragraphs (7)-(9) of this subdivision apply:

- (1) Block party applications must be submitted 60 days prior to event date.
 - (2) Clean-up applications must be submitted 60 days prior to event date.
 - (3) Charitable event applications must be submitted 30 days prior to the event date.
 - (4) Civic event applications must be submitted 14 days prior to event date.
 - (5) Farmer's market applications must be submitted 60 days prior to the event date.
 - (6) Health fair applications must be submitted 30 days prior to the event date.
 - (7) Pedestrian plaza Level A applications other than for Civic events must be submitted 45 days prior to the event date, except applications for multiple Pedestrian plazas in the same area must be submitted 60 days prior to the event date.
 - (8) Pedestrian plaza Level B and C applications other than for Civic events must be submitted 30 days prior to the event date, except applications for multiple Pedestrian plazas in the same area must be submitted 45 days prior to the event date.
 - (9) Pedestrian plaza Level D applicants must be submitted 14 days prior to the event date and include usage of only one plaza.
 - (10) Press Conference/Rally/Stationary Demonstration applications must be submitted 10 days prior the event date. Where an Applicant can demonstrate that the need for this type of event was not known in time to file an application earlier, the Applicant may submit an application less than 10 days prior to the event date.
 - (11) Production event applications must be submitted 10 days prior to the event date.
 - (12) Street event, Large applications must be submitted 45 days prior to the event date.
 - (13) Street event, Medium applications must be submitted 30 days prior to the event date.
 - (14) Street event, Small applications must be submitted 14 days prior to the event date.
 - (15) Street fair applications must be submitted no later than December 31st of the year preceding the calendar year for which the proposed street fair will take place. For Street fairs that are only one day and one Block in length, applications will be accepted 90 days prior to the event date.
 - (16) Open Culture event applications must be submitted 15 days prior to the event date.
- (e) Applicants or community sponsors for street fairs shall be limited to one event per application and two events per calendar year.
- (f) All events that require a full street closure and Pedestrian plaza events must allow for a 15-foot emergency vehicle lane.
- (g) SAPO applications may be completed and submitted online at <https://nyceventpermits.nyc.gov> or any successor website. If an online submission is not possible or if paper submission is preferred, Applicants may obtain and submit paper copies at SAPO offices.
- (h) For Street events that require a full street closure or Plaza events for Pedestrian plaza, Level A or Pedestrian plaza, Level B that require the use of more than fifty percent (50%) of a Pedestrian plaza, a site visit will be scheduled with SAPO, DOT and other relevant city agencies.
- (i) For Open Culture Events, the Director of SAPO may establish guidelines that restrict certain event elements, as well as activities that would require additional agency permits. Unless otherwise provided by law, the Open Culture program shall remain in effect until March 31, 2022, and the final application deadline for any Open Culture event shall be March 16, 2022.
- (j) The Director of SAPO may establish guidelines that set limits on the frequency of Open Culture events from a single applicant or sponsor to ensure that numerous applicants and sponsors are able to utilize Open Streets for Open Culture Events. Such guidelines may take into consideration the concentration of events in certain neighborhoods, and the provision of equitable access to all groups.
- (k) The Director of SAPO may, in extraordinary circumstances, waive or alter any applicant deadline in this chapter for an individual applicant upon a written determination by the Director that compliance with such deadline would frustrate the purposes of this chapter by preventing the equitable use of streets for community gatherings due to an inadvertent applicant error.

(Amended City Record 12/1/2015, eff. 12/31/2015; amended City Record 8/19/2016, eff. 8/19/2016; amended City Record 3/1/2021, eff. 3/1/2021; amended City Record 11/1/2021, eff. 11/1/2021)

§ 1-04 Submitting and Processing of Applications.

- (a) All event applications shall be submitted directly to SAPO.
- (b) SAPO will make available applications for street fairs, block parties, Open Culture events, farmer's markets and clean-ups to the community board(s) for the community district(s) that encompass(es) the area(s) in which the proposed street fair, block party, farmer's market, or clean-up is to take place.
- (c) SAPO will make available applications for Plaza event permits to the community board(s) for the community district(s) that encompass(es) the Pedestrian plaza(s) in which the proposed Plaza event is to take place and to the Pedestrian plaza partner(s) for the Pedestrian plaza(s) in which the

proposed Plaza event is to take place.

(d) There shall be a non-refundable twenty-five dollar processing fee for all applications with the exception of applications for Open Culture events which shall have a fee of twenty dollars. Online submissions may be subject to an additional convenience fee.

(e) Applications for rain dates or other make-up dates are not accepted.

(f) If two or more applicants request the same date and the same location, the application from the Applicant who held a permit for such date and such location in the calendar year immediately preceding the calendar year for which such permit is now sought shall be eligible for approval; provided however, that if neither of such Applicants held a permit for such date and such location in the calendar year immediately preceding the calendar year for which such permit is now sought, the permit application from the Applicant that was received first shall be eligible for approval.

(g) For Street events, Block parties, Farmer's markets, Open Culture events, Clean-ups and for Pedestrian plaza events, SAPO shall notify the community board in which the proposed event will take place that the application is available for agency review and comment on the CEMS database. SAPO shall notify the Pedestrian plaza partner for the Pedestrian plaza in which a proposed Plaza event will take place that the application is available for review in the CEMS database.

(h) The community board shall forward its recommendation for approval, approval with conditions or denial of a street activity permit application to SAPO for further processing, and shall notify the applicant in writing of such recommendation. If the community board has recommended approval with conditions or denial of a street activity permit application, it shall also notify the applicant of the applicant's opportunity to comment on such recommendation to SAPO.

(1) In the event that the community board recommends approval with conditions or denial of the permit application, an Applicant shall have five (5) business days from the receipt of the notification by the community board of its recommendation to file written comments with SAPO.

(2) If the board recommends denial and the Applicant fails to file written comments within the time provided, then the application shall be deemed denied. If the board gives an approval with conditions, failure to file comments by the Applicant shall be deemed acceptance of such conditions by the Applicant.

(i) The Pedestrian plaza partner shall forward its recommendation for approval or denial of a Plaza event application to SAPO for further processing. If the Pedestrian plaza partner has recommended approval with conditions or recommended denial of a Plaza event permit application, SAPO shall also notify the Applicant of the Applicant's opportunity to comment on such recommendation to SAPO.

(1) If the Pedestrian plaza partner recommends approval with conditions or recommends denial of the permit application, an Applicant shall have five (5) business days from the receipt of the notification to file written comments with SAPO.

(2) If the Pedestrian plaza partner recommends denial and the Applicant fails to file written comments within the time provided, then the application shall be deemed denied. If the Pedestrian plaza partner gives an approval with conditions, failure to file comments by the Applicant shall be deemed acceptance of such conditions by the Applicant.

(j) Upon receipt of an event application, the application will be available for review via the Citywide Event Management Systems "CEMS" database by the Police Department, the Fire Department, the Department of Sanitation, the Department of Transportation, the Community Board and the Pedestrian plaza partner if a Plaza event is involved. Additional copies may also be sent to other agencies, including, but not limited to, the Department of Health and Mental Hygiene, the Department of Consumer Affairs, the New York City Transit Authority, the Human Resources Administration, the Department of Finance, the Department of Investigation, the New York State Department of Taxation and Finance, or any other appropriate agency.

(k) Applicants who submit an application for an Extra-Large event, Street or Plaza or a Street event, Large or Street Event, Medium who withdraw their application or decline a permit fewer than ten (10) calendar days prior to the event date will be assessed a cancellation fee of ninety percent (90%) of the City's cost to process the application.

(Amended City Record 8/19/2016, eff. 8/19/2016; amended City Record 3/1/2021, eff. 3/1/2021)

§ 1-05 Approval or Denial of Applications by the Street Activity Permit Office.

(a) The Director of SAPO shall take into consideration any recommendations or comments received from community boards and Pedestrian plaza partners, where applicable, or City agencies or other government agencies in determining whether to approve, approve with conditions, or deny a Street event permit application, Plaza event permit application or Open Culture event permit application. At any time during the review of an application for a street activity permit, Plaza event permit or Open Culture event permit, the Director of SAPO or Executive Director of CECM or his or her designee may require the submission by the Applicant of such additional information that he or she deems necessary to evaluate the application or the qualifications of the Applicant or to implement the requirements of these rules.

(b) The Director shall have the authority to deny an application, to condition the approval of an application, or to revoke a Street event, Plaza event or Open Culture event permit, based on the following:

(1) Applicant's past or present failure to make payment of the processing fee; or

(2) Applicant's past or present failure to make payment to, or reach satisfactory agreement with all agencies, (e.g., the Department of Sanitation regarding a clean-up deposit); or

(3) Applicant's past or present failure to present proof that all necessary and proper licenses, permits, insurance or authorizations have been received; or

(4) Applicant's past or present failure to make payment to, or reach satisfactory agreement with, SAPO regarding a Street event fee, Plaza event fee, or Open Culture Event fee; or

(5) Applicant's past or present failure to comply with applicable laws or rules; or

(6) Applicant's past or present failure to comply with a condition imposed on a permit issued previously to the Applicant; or

(7) Applicant proposes activities that would be in violation of law, rule or regulation; violate subdivisions 1, 4, 5, 6 or 7 of § 240.00 of the Penal Law; or would otherwise present an unreasonable danger to the health or safety of the applicant, event participants or other members of the public or cause damage to public or private property; or

(8) Applicant's past or present failure to provide the Director or Executive Director of CECM with any additional information which he or she has determined to be necessary to evaluate the application or the qualifications of the Applicant; or

(9) Applicant for an Open Culture Event proposes activities that would violate the applicable guidelines for the Open Culture program.

(c) In addition to the provisions of subdivision (b) of this section, the Director shall have the authority to deny an application, condition the approval of an application or revoke a Street event permit, Plaza event permit, or Open Culture event permit on any or all of the following grounds:

(1) The Police Department, the Fire Department, the Department of Sanitation, the Department of Transportation, the Department of Health and

Mental Hygiene, the Department of Buildings, the Department of Consumer Affairs, the New York City Transit, the Human Resources Administration, the Department of Finance, the Department of Investigation, the New York State Department of Taxation and Finance, or any other appropriate agency that received a copy of a Street event permit application or a Plaza event application for comment, has notified the Director of SAPO of its disapproval and the reasons therefor; or

(2) the proposed activity, when considered in conjunction with other proposed activities, would produce an excessive burden on the community, City services or City personnel; or

(3) the information provided on the application or forms or documentation required to be submitted is false, misleading, incomplete or inaccurate; or

(4) approval of the application is not in the best interest of the community, City or general public for reasons that may include, but are not limited to, lack of good character, honesty, integrity or financial responsibility of the Applicant. If the Director determines that the application shall be denied on the ground that the Applicant lacks good character, honesty, integrity or financial responsibility, the Director shall notify the Applicant that the application has been denied and shall specify the reason for such denial. The Applicant may thereafter respond to the Director's determination and appeal such denial pursuant to the provisions of 50 RCNY § 1-06.

(d) For the calendar year 2022, the Director will deny applications for Street event permits for street fairs not held in the calendar year 2019.

(e) All information pertaining to anticipated Vendors participating in a street fair must be submitted one week prior to the date of the event. If this information is not provided, the final permit may not be issued. This information must include the anticipated gross income received from Vendors, the number of spaces occupied by documented not-for-profit organizations, including but not limited to the applicant's organization, the number of spaces occupied by Vendors and the amount paid by both documented not-for-profit organizations and the Vendors. The applicant must affirm the accuracy of this information. Information reflecting the final attendance of Vendors that took part in the Street fair must be submitted one week after the event took place. SAPO may request additional documentation to verify the Vendor fees received by Applicant.

(f) The Director will deny applications submitted for Street event permits for any street fair, block party or other street activity requiring closure of a street located between 42nd Street and 50th Street and between 6th Avenue and 8th 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.

(g) The Director will deny applications submitted for Open Culture event permits for any location that is not an Open Culture Street.

(h) Notwithstanding anything in this section, this Director shall not deny an application for a Press Conference/Rally/Stationary Demonstration other than under paragraph 7 of subdivision b of this section or unless the requested time or location conflicts with another permit, in which case the applicant shall be offered an alternative time or location for the Press Conference/Rally/Stationary Demonstration.

(i) Notwithstanding any other time period for review provided by these rules, notification of the approval or denial of an Open Culture event application shall be made within 5 days of receipt of a complete application.

(Amended City Record 12/1/2015, eff. 12/31/2015; amended City Record 8/19/2016, eff. 8/19/2016; amended City Record 12/30/2016, eff. 12/30/2016; amended City Record 12/1/2017, eff. 12/31/2017; amended City Record 12/31/2018, eff. 12/31/2018; amended City Record 11/29/2019, eff. 11/29/2019; amended City Record 12/31/2020, eff. 12/31/2020; amended City Record 3/1/2021, eff. 3/1/2021; amended City Record 11/1/2021, eff. 11/1/2021)

§ 1-06 Process for Appealing Determination by SAPO Director.

(a) An Applicant shall have five business days from receipt of the notification of a denial, of an approval with conditions, or a denial of a waiver of the insurance requirement by the Director of SAPO to file a written appeal with the Executive Director of CECM. If an Applicant fails to appeal a denial of a permit or a waiver of the insurance requirement within the time provided, then the application process shall be terminated. If the Director approves the application with conditions and the Applicant fails to appeal, the Applicant shall be deemed to have accepted such conditions.

(b) Following the receipt of a written request by an Applicant to appeal the determination of the Directory of SAPO, the Executive Director of CECM, or a designee, shall review that determination and may hold an appeal conference with, or receive solicited written statements from, the interested parties. Such interested parties shall include the Director of SAPO and the Applicant and may also include any other parties the Executive Director of CECM deems appropriate. The Applicant shall be notified in writing of the determination of the Executive Director of CECM within a reasonable time following the receipt by the Executive Director of CECM of such request.

§ 1-07 Amendments to Applications for Permits.

(a) Any Applicant who proposes to amend the date, location or time or make any other material change on an application that has been filed or a permit that has been granted shall notify, in writing, the proposed changes to SAPO. The Director of SAPO shall consider the recommendations and comments of the community board and City agencies, if any, prior to his or her approval or denial of the proposed amendment.

(b) If a proposed amendment is approved by SAPO, then SAPO shall note the amendment on the application or issue a revised permit.

§ 1-08 Street Activity Fees.

(a) Street activities that occupy one block for more than one day, a fee of thirty-five (35) dollars shall be charged for each day after the first day.

(b) All events except for block parties and any Press Conference/Rally/Stationary Demonstration are required to have liability insurance in the amount of one million dollars (\$1,000,000) per occurrence naming the City of New York as an additional insured on such policy, unless otherwise determined by the director of SAPO as set forth in this section. Notwithstanding any other provision of this section, no insurance requirement shall be imposed for a Press Conference/Rally/Stationary Demonstration.

(1) The Director of SAPO shall have the authority to waive the insurance requirement where the Applicant is able to demonstrate that such insurance cannot be obtained without imposing an unreasonable hardship on the applicant. Any request for a waiver of the insurance requirement shall be included by the Applicant in the application submitted to SAPO. The burden of demonstrating unreasonable hardship shall be on the Applicant, and may be demonstrated by a showing that the cost of obtaining insurance for the street activity exceeds twenty-five percent (25%) of the Applicant's anticipated revenue from the proposed event.

(i) If the Applicant has held the street activity in the preceding three (3) years, the anticipated revenue from the proposed street activity shall be presumed to equal or exceed the average of the revenue obtained by the Applicant in the preceding three (3) years.

(ii) If the applicant has held the street activity for fewer than three (3) years, the anticipated revenue from the proposed street activity shall be presumed to equal or exceed the average of the revenue obtained by the applicant or sponsor in any preceding years in which the event was held.

(iii) If the Applicant has not previously held the proposed event, the Director of SAPO shall take into consideration the Applicant's projections of anticipated revenue and the prior revenue of comparable events of similar size and duration in determining whether the cost of obtaining insurance exceeds twenty-five percent (25%) of anticipated revenue.

(iv) In the event that the Director denies a waiver of the insurance requirement, the Applicant may appeal such denial.

(2) The Director of SAPO shall have the authority to increase the insurance requirement based on an assessment of the elements of the event in

question and the risk such elements, taken individually or as a whole, could pose to event attendees. Elements that the Director shall consider in determining whether an increased risk poses include the following:

- (i) the size of the event;
- (ii) the availability of alcohol at the event;
- (iii) whether pyrotechnics, amusement rides or similar elements are involved in the event; and,
- (iv) any other element of the event that increases the risk of bodily injury or property damage.

(c) In addition to the application processing fees specified in this section, and subject to 50 RCNY § 1-08(f), the following Street event fees and Plaza event fees are hereby imposed upon holders of permits for the following types of street and Plaza activities:

| Event Type | Fee | Deadline |
|--|--|---|
| Block Party | Processing fee only | 60 Days |
| Charitable Event | 20% of the event fee charged based on the event size and location | 30 Days |
| Civic Event | Processing fee only | 14 Days |
| Clean-up | Processing fee only | 60 Days |
| Day fee (as per 50 RCNY § 1-08(a)) | \$35 each day after the first day | |
| Extra Large Event, Street or Plaza | Up to \$66,000 per location | |
| Farmers Market | \$15 per day | 60 Days |
| Health Fair | Processing fee only | 30 Days |
| Open Culture Event | Processing fee only | 15 Days |
| Plaza Event (Pedestrian plaza Level A) | Fee per Plaza block \$31,000 Large \$15,500 Small or Medium | 45 Days (1 Plaza block) 60 days (Multiple Plaza blocks) |
| Plaza Event (Pedestrian plaza Level B) | MN Plaza Event Fees per Plaza block \$20,000 Large \$10,000 Medium \$5,000 Small SI, QN, BX, BK Plaza Event Fees per Plaza block \$8,000 Large \$4,000 Medium \$2,000 Small | 30 Days (1 Plaza block) 45 days (Multiple Plaza blocks) |
| Plaza Event (Pedestrian plaza Level C) | MN Plaza Event Fees per Plaza block \$11,000 Large \$5,500 Medium \$2,500 Small SI, QN, BX, BK Plaza Event Fees per Plaza block \$5,000 Large \$2,500 Medium \$1,000 Small | 30 Days |
| Plaza Event (Pedestrian plaza Level D) | MN Plaza Event Fees \$2,500 Large \$1,250 Medium or Small SI, QN, BX, BK Plaza \$2,000 Large \$1,000 Medium or Small | 14 Days |
| Press Conference/ Rally/Stationary Demonstration | Processing fee only | 10 Days unless need for event could not be anticipated in advance |
| Production Event | \$290 (with curb lane or sidewalk) \$700 (with curb lane and sidewalk) | 10 Days |
| Street event | Street event, Large \$25,000 Street event, Medium \$11,000 Street event, Small \$3,100 | 45 Days 30 Days 14 Days |

| | | |
|-------------|---|---|
| Street Fair | 20% of the total fee paid by vendors to participate | December 31st of the preceding year. Applications for 1 day/1 block, 90 days |
|-------------|---|---|

(d) For a current listing of Pedestrian plazas by level category, please refer to: <http://www1.nyc.gov/site/cecm/permitting/plazas.page>.

(e) This schedule does not apply to the following:

(1) sites or events covered by a license, lease or third party agreement with the City of New York, unless otherwise provided by a rule issued by the licensor, leasing or contracting agency;

(2) City agency facilities, departmental or administrative offices;

(3) parades; or

(4) Pedestrian plaza partner events of a Pedestrian plaza partner programming a Pedestrian plaza pursuant to a contract or concession from the City if:

(i) such entity is the Applicant for the event;

(ii) the event furthers civic, cultural or charitable purposes or the marketing and promotion of local businesses generally or a neighborhood within the business improvement district or local community but does not promote a single or specified entities or businesses within the business improvement district or local community;

(iii) the Vendors and/or merchants donate their goods and services for the Plaza event, they receive no monetary compensation or other reimbursement for their participation; and

(iv) if tickets are sold, their sales benefit of the community and not a single entity.

(f) The Director of SAPO shall have the authority to require:

(1) 25% of the expected total street use fee due for street fairs be made no later than the Tuesday prior to the date of the street activity and that any amounts remaining owed to the City be paid no later than 30 days following the date of such activity.

(2) An independent audit for events with vendors where the applicant/sponsor pays a SAPO fee over \$20,000.

(g) Fees under this section, with the exception of Production events shall be assessed on a daily basis. Production events shall be assessed fees on a daily basis up to a maximum of \$1,000.

(h) The fees authorized by this section shall be in addition to any bonding requirement imposed by the Director or the Department of Sanitation or any other bond or fee imposed by any City agency.

(i) The Director of SAPO shall have the authority to require that full or partial payment of the fee be made prior to the date of the activity and to require that any amounts remaining owed to the City be paid within a specified period of time following the date of such activity.

(Amended City Record 8/19/2016, eff. 8/19/2016; amended City Record 3/1/2021, eff. 3/1/2021)

§ 1-11 Applications for Street Activity Permits for Street Activities Held On or After the Effective Date of Rules. [Renumbered]

§ 1-12 Street Activity Fees for Commercial or Promotional Events. [Repealed]