



Legislation Text

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Int. No. 2068-A

By Council Members Van Bramer, Cumbo, Reynoso, Kallos, Rose, Menchaca, Powers, Cabrera, Vallone, Holden, Salamanca, Gjonaj, Chin, Cornegy, Rosenthal, Adams, Lander, Levine, Rivera, Ayala and Barron

A Local Law in relation to the temporary use of outdoor space for artistic and cultural events

Be it enacted by the Council as follows:

Section 1. Definitions. For the purposes of this local law, the following terms have the following meanings:

Artistic or cultural event. The term “artistic or cultural event” means an event or programming offered or run by an eligible art and cultural institution or a cultural venue, including but not limited to cultural performances, rehearsals and classes.

COVID-19. The term “COVID-19” means the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Cultural venue. The term “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.

Eligible art and cultural institution. The term “eligible 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.

Office. The term “office” means the mayor’s office of citywide event coordination and management established pursuant to executive order number 105, dated September 17, 2007, or another office or agency

designated by the mayor to perform the functions of such office set forth in this local law.

Open space. The term “open space” means any portion of a roadway, designated by the department of transportation, in consultation with the office, that may be used by an eligible art and cultural institution or cultural venue for an outdoor artistic or cultural event.

Program. The term “program” means the open culture program established pursuant to section two of this local law.

§ 2. Open culture program. By March 1, 2021, the office, in consultation with the department of transportation, the department of buildings, the police department, the fire department, and any other agency designated by the mayor, shall establish an open culture program pursuant to which an eligible art and cultural institution or cultural venue may utilize an open space for an artistic or cultural event. The office shall, in consultation with relevant agencies, establish eligibility and use guidelines and policies for such program, and promulgate any necessary rules; provided, however, that such program shall include the following elements:

a. There shall be no fee for participation by an eligible art and cultural institution or cultural venue in such program, except as provided for in section four of this local law.

b. An eligible art and cultural institution or cultural venue utilizing an open space for an event or performance may produce such event for no charge to an audience, request audience donations before, during or after such event, or charge for tickets; provided, however, that such institution or venue may not physically exclude a member of the public from viewing such event from a publicly accessible location outside the open space assigned for such event.

c. An event or performance must comply with any applicable requirements on outdoor cultural events and gatherings set by applicable federal or state law or regulations or other directive from the governor or any agency of the state of New York.

d. The program shall provide that permission for an eligible art and cultural institution or cultural venue

to use an open space will only require an application to one city agency, and that to the extent practicable such application place a minimal burden on such institution or venue. A determination that such application is approved or denied shall be made within five business days of application submission by an eligible art and cultural institution or cultural venue.

§ 3. Designation of open spaces. The department of transportation, in consultation with the office, shall designate locations to be open spaces, considering suggestions from council members and factors including but not limited to the effects on traffic, public safety, quality of life, and suitability for use of such locations for performances. The department of transportation shall transmit a list of such open spaces to the office by February 1, 2021.

§ 4. Allowable fees. a. In accordance with subdivision a of section two of this local law, only an application fee of \$20 may be charged for application and participation in the program, provided, however, that applicants seeking a permit to use or operate a sound device or apparatus must pay the applicable fee in accordance with subdivision h of section 10-108 of the administrative code of the city of New York.

b. Nothing in this section shall waive any penalty or fine that may be issued for such event for violation of any applicable rule, law or order.

§ 5. Compliance with other laws. a. Nothing in this local law shall relieve an eligible art and cultural institution or cultural venue from their obligation to adhere to all emergency executive orders issued pursuant to section 24 or 29-a of the executive law, and to all local, state, and federal requirements relating to health and safety. An eligible art and cultural institution or cultural venue participating in the program shall adhere to all applicable guidance and regulations issued by the department of transportation, the department of cultural affairs, the department of buildings, the department of health and mental hygiene, the New York state department of health, and any other agency. Such institution or venue shall also adhere to all local, state and federal requirements relating to accessibility for people with disabilities.

b. The following laws and rules are suspended only to the extent necessary to implement this program,

provided that the office or any relevant agency may further limit the waiver of such laws and rules in program guidance to effectuate the establishment of the program:

1. Paragraph a of subdivision 2 of section 16-118 of the administrative code of the city of New York, to the extent such paragraph would prohibit the obstruction of a sidewalk, flagging or curbstone as part of the program.

2. Subdivision b of section 16-122 of the administrative code of the city of New York, to the extent such subdivision would prohibit movable property to be left, or any obstruction to be erected, in a public place as part of the program.

3. Section 21-111 of the administrative code of the city of New York, to the extent such section would require an eligible art and cultural institution or cultural venue to obtain a public solicitation license in order to solicit donations as part of this program.

4. Paragraph r of subdivision 1 of section 1301 of the New York city charter, section 22-205 of the administrative code of the city of New York, “Movie-making, telecasting and photography in public places,” and chapter 9 of title 43 of the rules of the city of New York, to the extent any such provision may require a permit for any filming or rigging in connection with an event covered by the program.

5. Sections 2-03 and 2-04 of title 34 of the rules of the city of New York, to the extent such sections would require a permit and a fee for the use of a tent or umbrella as part of the program.

6. Sections 7-02 and 7-04 of title 34 of the rules of the city of New York, to the extent such provisions would apply to the installation or construction of an improvement or other structure as part of the program.

7. Chapter 1 of title 50 of the rules of the city of New York, to the extent necessary to: (i) suspend all deadlines and fee schedules for a roadway event occurring as part of the program, (ii) allow the office to modify or eliminate any timeframe or deadline for an agency or applicant to review or comment on an application submitted as part of this program in order that the office may make a timely determination as required by subdivision d of section two of this local law; and (iii) allow the office to establish application and

use guidelines for the program.

§ 6. Suspension. The department of transportation, upon consultation with the office and the department of health and mental hygiene, may suspend the program upon a determination that use of open space as part of the program may materially impact public health and safety efforts to contain the spread of COVID-19. The office shall promptly provide written notice to the speaker of the council of any such suspension.

§ 7. Expiration. The program shall remain in effect until October 31, 2021, or until such later date as the office shall determine; provided, however, that such program shall not remain in effect after March 31, 2022. The office shall provide written notice to the speaker of the council at least five days prior to the termination of such program.

§ 8. This local law takes effect immediately and shall expire and be deemed repealed on March 31, 2022.

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