

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1990**

No. 23

Introduced by Council Members Leffler, the Speaker (Council Member Vallone) and Crispino, (By Request of the Mayor); Alter, Michels, Eisland, Robles and McCaffrey; also Council Members Castaneira Colon, Eldridge, Friedlander, Gerges, Greitzer, Harrison, Katzman, Povman, Pinkett, Rivera, Spigner, Ward and Dryfoos.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to increasing the powers of the fire commissioner and buildings commissioner to abate public nuisances, and increasing the penalties for violations of such commissioners' orders with respect to such public nuisances.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative intent. The council finds that the failure to comply with building code and fire prevention code requirements on the part of many establishments in the city continues to pose a serious threat to the health, safety and welfare of the city's residents and visitors and is perilous to property. The critical nature of this problem was evidenced by the recent fire at an illegal social club in the Bronx in which eighty-seven people died. The council recognizes that disregard of building and fire prevention code requirements is not limited to illegal social clubs: Factories, offices, day care and senior citizen centers and other non-residential places used for commercial or profit-generating purposes are all equally likely to have violations that would be perilous to their occupants.

The council finds that the issuance of a vacate order against premises found to be in a condition that is dangerous to life, which has been the enforcement mechanism most often employed by the buildings and fire departments, has not been sufficient to prevent the persistence of such hazardous conditions. This was demonstrated by the fact that the social club at which the recent tragic fire occurred had been ordered vacated sixteen months earlier, and although the various building code violations on the premises had not been corrected, it continued to operate. The council finds that in order to rectify this situation, the commissioners of the department of buildings and fire department must have discretion to immediately seal, secure and close as well as vacate such premises which are found to be in a condition imminently perilous to life and property. In addition, the council finds that the owners of such premises which are padlocked must be required to certify that before such premises are again occupied, the violations in question will be cured, and any false statement in such certification must subject the owner to substantial civil penalties. In addition, the council finds that any person who reopens premises in violation of an outstanding vacate order or padlock must be subject to substantial civil and criminal penalties. The council further finds that mortgagees of premises that have been ordered vacated or padlocked must be notified of such order so that they can exercise any rights to prevent the illegal use of the premises that they may have under the mortgage agreement.

The council also finds that the sanctions available against persons who fail to comply with orders to vacate have not adequately deterred such violations. The council finds that the gravity of this problem is of sufficient magnitude to warrant a substantial increase in the amount of the civil penalty which may be imposed in the case of such failure to comply, up to a maximum of one million dollars for each person injured. The council intends that the maximum penalty be imposed only in the case of the most egregious and flagrant situations, where there is a showing of extensive and severe injuries caused by the willful or reckless conduct of the violator, a substantial history of violations by such violator, and a demonstration that such penalty is commensurate with the violator's financial resources.

It is the intention of the council to provide the fire and buildings departments with a broad array of enforcement tools to close, and keep closed, dangerous buildings and places. The enforcement tools and remedies contained in this local law are intended to be used, to the extent practicable, in conjunction with each other, and are not intended to be mutually exclusive.

The council also finds that there are many not-for-profit civic, cultural, recreational and social groups and organizations that play a vital role in the lives of this city's neighborhoods and communities. These groups are often located in buildings that fail to fully comply with building code and fire prevention code requirements. This is often due to a variety of factors such as their inability to compel landlords to make necessary repairs or a lack of understanding with respect to the city's requirements. In recognition of the importance of these organizations to the city, the council deems it appropriate to create a temporary commission to examine the problems faced by such groups and to make recommendations as to how these organizations can be assisted to enable them to comply with the law.

§2. Temporary commission on social clubs. a. There is hereby established a temporary commission on social clubs consisting of ten members. The mayor shall appoint five members, one of whom shall serve as chairperson, and the speaker of the council shall appoint five members. Such commission shall have a duration of nine months. The members of the commission shall be appointed within thirty days of the effective date of this section. Each member shall serve without compensation for the duration of the commission.

b. The commission may appoint an executive director to serve at its pleasure and may employ or retain such other employees and consultants as are necessary to fulfill its functions, within appropriations for such purposes.

c. Within six months of the appointment of the last member of the commission, the commission shall issue an interim report to the mayor and the council. The interim report shall make specific recommendations with respect to the areas listed below and shall include an assessment of the fiscal implications of such recommendations:

1. Methods to enable local, non-profit, civic, cultural, recreational and social groups and organizations to comply with applicable building code and fire prevention code requirements.
2. Identification of all local, non-profit, civic, cultural, recreational and social groups and organizations located in city-owned buildings; cost of bringing such premises into compliance where building code and/or fire prevention code violations exist.
3. Creation of a central city office to coordinate assistance and respond to problems experienced by local, non-profit, civic, cultural, recreational and social groups and organizations in working with city agencies, and to implement the recommendations of the temporary commission on social clubs.
4. Provision of in-depth, multi-language information, explaining licensing requirements and process, regulatory standards and penalties for failure to comply with same.

5. Methods to provide technical assistance necessary for code compliance.
6. Methods to relocate local, non-profit, civic, cultural, recreational and social groups and organizations to locations that are in compliance with the building code and fire prevention code.
7. The need, if any, to amend existing provisions of law to promote the continued, safe operation of local, non-profit, civic, cultural, recreational and social groups and organizations.
8. The need, if any, to explore procedures pursuant to which the city could undertake to cure building and fire prevention code violations in both city and non-city owned properties and recover the cost of such repairs from the property owner.

§3. Section 15-227 of such code is amended to read as follows:

§15-227. Violations; order to vacate building. a. Any building, structure, enclosure, vessel, place or premises perilous to life or property in case of fire therein or adjacent thereto, by reason of the nature or condition of its contents, its use, the overcrowding of persons therein, defects in its construction, or deficiencies in fire alarm, fire extinguishing or fire escape equipment, or by reason of any condition in violation of law, or order of the commissioner, is a *public nuisance* within the meaning of the code and the penal law. The commissioner is empowered to abate any such *public nuisance*.

b. In case any order to remedy a condition imminently perilous to life or property issued by the commissioner or the department is not complied with, or the commissioner certifies in writing that an emergency exists requiring such action, he or she may order *and immediately cause* any building or structure or part thereof (i) to be vacated [.]; *and, also, if the commissioner determines such action is necessary to the preservation of life and safety, (ii) to be sealed, secured and closed; provided, however, that the commissioner shall not order sealed, secured, and closed any dwelling unit or other space lawfully used for residential purposes. Upon the issuance of an order to seal, secure and close, no person shall have access to such premises except as authorized by the commissioner. For the purpose of this section, "sealed, secured and closed" shall mean the use of any means available to render the building, structure or part thereof inaccessible, including but not limited to the use of a padlock or cinder blocks.*

c. *All orders issued pursuant to this section shall be posted upon the premises. Immediately upon the posting of an order upon the premises, officers and employees of the police department, the department, and other authorized officers and employees of the city shall immediately act upon and enforce such order. The police department shall provide all reasonable assistance to the department and other authorized officers and employees necessary to carry out the provisions of this section. If an order issued pursuant to this section is not complied with within the time designated therein, the commissioner, in addition to or in lieu of any other remedy or power, may apply to the supreme court, at a special term thereof, without notice, for an order directing him or her to vacate *and/or seal, secure and close* such building or premises or so much thereof as he or she may deem necessary, and prohibiting and enjoining all persons from using or occupying the same for any purpose until such measures are taken as may be required by such order.*

d. *(i) Any order to seal, secure and close issued pursuant to item (ii) of subdivision b of this section shall contain notice of the opportunity for a hearing with respect to such order, to determine if the order was properly issued in accordance with the provisions of this section. Such hearing shall be conducted by the commissioner, or in the commissioner's discretion, by the office of administrative trials and hearings or the environmental control board. If the matter is referred to such office or board, the hearing officer shall submit his or her findings of fact and a recommended decision to the commissioner. The hearing shall be held within three business days*

after the receipt of the written request of an owner, lessor, lessee or mortgagee for such hearing and the commissioner shall render a decision within three business days after such hearing is concluded.

(ii) Any order issued pursuant to this section shall be served in accordance with section 15-224 of the code and, in addition, shall be mailed to the record owner of such premises and any record mortgagee of such premises at the address for such person as set forth in the recorded instrument and to the person designated as owner or agent of the building or designated to receive real property tax or water bills for the building at the address for such person contained in one of the files compiled by the department of finance for the purpose of the assessment or collection of real property taxes and water charges or in the file compiled by the department of finance from real property transfer forms filed with the city register upon the sale or transfer of real property. A copy shall also be filed with the county clerk of the county in which such premises are located. Such filing shall be notice of the order to any subsequent owner and such owner shall be subject to such order.

e. An order issued pursuant to this section shall not be rescinded unless the owner, lessor, lessee or mortgagee seeking such rescission provides assurance, in a form satisfactory to the commissioner, that the conditions which caused the issuance of such order have been corrected and will not reoccur. If such order is rescinded, upon the request of the owner, lessor, lessee or mortgagee, the commissioner shall provide a certified copy of such rescission, which may be filed with the county clerk of the county in which such premises are located.

f. The commissioner shall give written notice of the closing of any building or structure or part thereof pursuant to this section, and any subsequent actions taken with respect thereto, as soon as practicable, to (i) the borough president of the borough within which the closing has occurred; (ii) the council member representing the district within which the closing has occurred; and (iii) the local community board. On January first of each year, the commissioner shall submit a report to the council, setting forth the number of closings made in the previous year, the locations of such closings, and the nature and use of the premises closed. The commissioner shall, in addition, as soon as practicable after a building, structure or part thereof has been closed, make and publish a report of said closing in a manner calculated to quickly notify the local community in which such closing occurred. The commissioner shall also make and publish a report of any premises reopened pursuant to his or her permission under this section. Failure to comply with this subdivision shall not invalidate any action taken by the commissioner pursuant to this section.

§4. Such code is amended by adding a new section 15-227.1 to read as follows:

§15-227.1 Penalties for violation of order to vacate and order to seal, secure and close; access to premises. a. Any person who violates the provisions of an order to vacate issued pursuant to section 15-227 of this code shall be liable for a civil penalty of not more than twenty-five thousand dollars and an additional civil penalty of not more than one thousand dollars for each day the violation continues.

b. Except as authorized by the commissioner, any person who removes or causes to be removed the seal from any premises sealed in accordance with an order of the commissioner or his or her designee shall be guilty of a misdemeanor punishable by imprisonment for no more than one year or a fine not to exceed fifty thousand dollars, or both such fine and imprisonment. Such person shall also be subject to a civil penalty not to exceed fifty thousand dollars.

c. The commissioner shall allow access to the premises to an owner, or a lessor, lessee or mortgagee, in accordance with the terms of the parties' lease or mortgage agreement, upon the following conditions: (i) the submission of a written affirmation, satisfactory to the commissioner,

that such person or persons will commence or cause to be commenced without delay all work necessary to correct the conditions stated in the vacate order or otherwise to make the premises suitable for a lawful use and will complete such work within a period of time and in a manner to be approved by the commissioner; (ii) the submission of an affirmation or other proof satisfactory to the commissioner describing the steps that have been taken and will be taken in the future to ensure that the premises will be used or operated in a lawful manner and specifying such lawful use; (iii) if a license, permit or certificate of occupancy is necessary for such lawful use, the submission of a written affirmation or other proof, satisfactory to the commissioner, describing the steps that have been taken and will be taken in the future to ensure that such premises will be used or operated in compliance with any law requiring such license, permit or certificate of occupancy; and (iv) if the premises are leased and the person making the affirmations described in items (i), (ii) and (iii) is not such lessee, the commissioner may also require any authorized person seeking access pursuant to this subdivision to submit an affirmation or other proof that proceedings to enable such person to take actions necessary to ensure compliance with the affirmations submitted by such authorized person pursuant to items (i), (ii) and (iii) have been commenced.

d. Any person who makes a material false statement in any document submitted pursuant to subdivision c of this section which statement he or she knows or has reason to know will be relied upon by the commissioner in determining whether he or she will allow access to the premises shall be liable for a civil penalty of not more than fifty thousand dollars.

e. Notwithstanding any other law, rule, or regulation, any person, corporation, partnership, association or any other legal entity who permits a building, structure or part thereof to be unlawfully occupied or used in contravention of an order of the commissioner pursuant to section 15-227, or who negligently fails to prevent or prohibit such unlawful occupancy or use, shall be liable for a civil penalty of not more than one million dollars, if any other person suffers serious physical injury, as defined in section ten of the penal law, or death in the building, structure or part thereof subject to such order, as a result of such unlawful occupancy or use. If more than one person suffers serious physical injury or death, such penalty shall be recoverable for each person suffering injury or death. Such penalty shall be recovered in a civil action brought by the corporation counsel in the name of the city in any court of competent jurisdiction. In determining the amount of the civil penalty to be imposed the court shall consider:

- (i) the extent and severity of injury to persons and property caused by the violation;
- (ii) the history of violations by the defendant at such premises, or any other premises, of laws, rules or regulations enforced by the department;
- (iii) the degree of willfulness, recklessness, or negligence displayed by the defendant in committing the subject violation;
- (iv) the defendant's financial resources; and
- (v) the defendant's good faith efforts to cure the subject violation, including efforts to obtain entry to or possession of the premises in order to do so.

In the event that any person seriously injured or the family of any person who has died as the result of any unlawful occupancy or use described in this subdivision is unable to collect a judgment recovered in a civil action for personal injury or wrongful death against a defendant who has violated this subdivision because of the insolvency of such defendant, the city may, in its discretion, pay to such injured person or the family of such deceased person an amount, as hereinafter provided, collected from such defendant in an action relating to the same injury or death commenced by the corporation counsel against such defendant pursuant to this subdivision. Payments pursuant to this subdivision shall be made as a matter of grace and shall be in

such amounts and in accordance with such standards and procedures as shall be established by the mayor, provided, however, that any payment made pursuant to this subdivision shall be in an amount not exceeding out-of-pocket expenses, including indebtedness reasonably incurred for medical or other services necessary as a result of the injury upon which such action is based; loss of earnings or support resulting from such injury; burial expenses not exceeding two thousand five hundred dollars of a person who died as a result of such unlawful occupancy or use described in this subdivision; and the unreimbursed cost of repair or replacement of articles of essential personal property lost, damaged or destroyed as a direct result of such unlawful occupancy or use. In no event shall the payment made to any person exceed the amount of such person's uncollected judgment for personal injury or wrongful death and in no event shall the total amount paid to any number of persons with such uncollected judgments against a single defendant exceed the actual amount collected by the city from such defendant in an action under this subdivision.

§5. Section 26-127 of such code is amended as follows:

§26-127. Dangerous buildings, places and things; nuisance; order to vacate building; expenses.

a. Whenever any building, excavation, business, pursuit, matter or thing, or the lot on which it is situated, or the plumbing, sewerage, drainage, light or ventilation thereof is, in the opinion of the commissioner, in a condition or in effect dangerous or detrimental to life or health, the commissioner may declare that the same, to the extent that he or she may specify, is a public nuisance and he or she may order the same to be removed, sealed, abated, suspended, altered or otherwise improved or purified. The commissioner may order or cause any excavation, building, sewer, plumbing, pipe, passage, ground, matter or thing, or the lot on which it is situated to be purified, cleansed, disinfected, removed, altered, repaired or improved. *Any building, structure, place or premises perilous to life or property by reason of the nature or condition of its contents, its use, the overcrowding of persons therein, defects in its construction, or deficiencies in fire alarm, or fire extinguishing equipment or fire escape equipment, or by reason of any condition in violation of law or order of the commissioner, is a public nuisance within the meaning of the code and the penal law. The commissioner is empowered to abate any such public nuisance.*

b. *In case any order to remedy a condition imminently perilous to life or property issued by the commissioner or the department is not complied with, or the commissioner certifies in writing that an emergency exists requiring such action, he or she may order and immediately cause any building, structure, place or premises (i) to be vacated; and, also, if the commissioner determines such action is necessary to the preservation of life and safety, (ii) to be sealed, secured and closed; provided, however, that the commissioner shall not order sealed, secured and closed any dwelling unit or other space lawfully used for residential purposes unless such dwelling unit or other space is sealed pursuant to article eight of subchapter three of chapter one of title twenty-six of the code.*

c. *All orders issued pursuant to this section shall be posted upon the premises. Immediately upon the posting of an order upon the premises, officers and employees of the police department, the department, and other authorized officers and employees of the city shall immediately act upon and enforce such order. The police department shall provide all reasonable assistance to the department and other authorized officers and employees necessary to carry out the provisions of this section.*

d. *For the purpose of this section, "sealed" and "sealed, secured and closed" shall mean the use of any means available to render the building, structure or part thereof inaccessible, including but not limited to the use of a padlock or cinder blocks.*

e. (i) *Any order to seal, secure and close issued pursuant to item (ii) of subdivision b of this*

section shall contain notice of the opportunity for a hearing with respect to such order to determine if the order was properly issued in accordance with the provisions of this section. Such hearing shall be conducted by the commissioner, or in the commissioner's discretion, by the office of administrative trials and hearings or the environmental control board. If the matter is referred to such office or board, the hearing officer shall submit his or her findings of fact and a recommended decision to the commissioner. The hearing shall be held within three business days after the receipt of the written request of an owner, lessor, lessee, or mortgagee for such hearing and the commissioner shall render a decision within three business days after such hearing is concluded.

(ii) Any order issued pursuant to this section shall be served in accordance with section 26-117 of the code and, in addition, shall be mailed to the record owner of such premises and any record mortgagee of such premises at the address for such person as set forth in the recorded instrument and to the person designated as owner or agent of the building or designated to receive real property tax or water bills for the building at the address for such person contained in one of the files compiled by the department of finance for the purpose of the assessment or collection of real property taxes and water charges or in the file compiled by the department of finance from real property transfer forms filed with the city register upon the sale or transfer of real property. A copy shall also be filed with the county clerk of the county in which such premises are located. Such filing shall be notice of the order to any subsequent owner and such owner shall be subject to such order.

f. An order issued pursuant to this section shall not be rescinded unless the owner, lessor, lessee or mortgagee seeking such rescission provides assurance, in a form satisfactory to the commissioner, that the conditions which caused the issuance of such order have been corrected and will not reoccur. If such order is rescinded, upon the request of the owner, lessor, lessee or mortgagee, the commissioner shall provide a certified copy of such rescission, which may be filed with the county clerk of the county in which such premises are located.

g. Expenses of enforcing orders. The expenses attending the execution of any and all orders duly made by the department shall respectively be a several and joint personal charge against each of the owners or part owners, and each of the lessees and occupants of the building, structure, enclosure, place or premises to which such order relates, and in respect to which such expenses were incurred; and also against every person or body who was by law or contract bound to do that in regard to such building, structure, enclosure, place or premises which such order requires. Such expenses shall also be a lien on all rent and compensation due, or to grow due, for the use of any building, structure, place or premises, or any part thereof, to which such order relates, and in respect to which such expenses were incurred.

h. The commissioner shall give written notice of the closing of any building, structure, enclosure, place or premises pursuant to this section, and any subsequent actions taken with respect thereto, as soon as practicable, to (i) the borough president of the borough within which the closing has occurred; (ii) the council member representing the district within which the closing has occurred; and (iii) the local community board. On January first of each year, the commissioner shall submit a report to the council, setting forth the number of closings made in the previous year, the locations of such closings, and the nature and use of the premises closed. The commissioner shall, in addition, as soon as practicable after a building, structure, enclosure, place or premises has been closed, make and publish a report of said closing in a manner calculated to quickly notify the local community in which such closing occurred. The commissioner shall also make and publish a report of any premises reopened pursuant to his or her permission under this section. Failure to comply with this subdivision shall not invalidate any

action taken by the commissioner pursuant to this section.

§6. Such code is amended by adding a new section 26-127.1 to read as follows:

§26-127.1 Penalties for violation of order to vacate and order to seal, secure and close; access to premises. a. Any person who violates the provisions of a vacate order issued pursuant to section 26-127 of this code shall be liable for a civil penalty of not more than twenty-five thousand dollars and an additional civil penalty of not more than one thousand dollars for each day the violation continues.

b. Except as authorized by the commissioner, any person who removes or causes to be removed the seal from any premises sealed in accordance with an order of the commissioner or his or her designee shall be guilty of a misdemeanor punishable by imprisonment for no more than one year or a fine not to exceed fifty thousand dollars, or both such fine and imprisonment. Such person shall also be subject to a civil penalty not to exceed fifty thousand dollars.

c. The commissioner shall allow access to the premises to an owner, or a lessor, lessee or mortgagee, in accordance with the terms of the parties' lease or mortgage agreement, upon the following conditions: (i) the submission of a written affirmation, satisfactory to the commissioner, that such person or persons will commence or cause to be commenced without delay all work necessary to correct the conditions stated in the vacate order or otherwise to make the premises meet all applicable laws, rules and regulations and will complete such work within a period of time and in a manner to be approved by the commissioner; (ii) the submission of an affirmation or other proof satisfactory to the commissioner describing the steps that have been taken and will be taken in the future to ensure that the premises will be used or operated in a lawful manner and specifying such lawful use; (iii) if a license, permit or certificate of occupancy is necessary for such lawful use, the submission of a written affirmation or other proof, satisfactory to the commissioner, describing the steps that have been taken and will be taken in the future to ensure that such premises will be used or operated in compliance with any law requiring such license, permit or certificate of occupancy; and (iv) if the premises are leased and the person making the affirmations described in items (i), (ii) and (iii) is not such lessee, the commissioner may also require any authorized person seeking access pursuant to this subdivision to submit an affirmation or other proof that proceedings to enable such person to take actions necessary to ensure compliance with the affirmations submitted by such authorized person pursuant to items (i), (ii) and (iii) have been commenced.

d. Any person who makes a material false statement in any document submitted pursuant to subdivision c of this section which statement he or she knows or has reason to know will be relied upon by the commissioner in determining whether he or she will allow access to the premises shall be liable for a civil penalty of not more than fifty thousand dollars.

e. Notwithstanding any other law, rule, or regulation, any person, corporation, partnership, association or any other legal entity who permits a building, structure, enclosure, place or premises, or any part thereof, to be unlawfully occupied or used in contravention of an order of the commissioner pursuant to section 26-127, or who negligently fails to prevent or prohibit such unlawful occupancy or use, shall be liable for a civil penalty of not more than one million dollars, if any other person suffers serious physical injury, as defined in section ten of the penal law, or death in the building, structure, place or premises or any part thereof subject to such order as a result of such unlawful occupancy or use. If more than one person suffers serious physical injury or death, such penalty shall be recoverable for each person suffering injury or death. Such penalty shall be recovered in a civil action brought by the corporation counsel in the name of the city in any court of competent jurisdiction. In determining the amount of the civil penalty to be imposed the court shall consider:

- (i) the extent and severity of injury to persons and property caused by the violation;
- (ii) the history of violations by the defendant at such premises, or any other premises, of laws, rules or regulations enforced by the department;
- (iii) the degree of willfulness, recklessness, or negligence displayed by the defendant in committing the subject violation;
- (iv) the defendant's financial resources; and
- (v) the defendant's good faith efforts to cure the subject violation, including efforts to obtain entry to or possession of the premises in order to do so.

In the event that any person seriously injured or the family of any person who has died as the result of any unlawful occupancy or use described in this subdivision is unable to collect a judgment recovered in a civil action for personal injury or wrongful death against a defendant who has violated this subdivision because of the insolvency of such defendant, the city may, in its discretion, pay to such injured person or the family of such deceased person an amount, as hereinafter provided, collected from such defendant in an action relating to the same injury or death commenced by the corporation counsel against such defendant pursuant to this subdivision. Payments pursuant to this subdivision shall be made as a matter of grace and shall be in such amounts and in accordance with such standards and procedures as shall be established by the mayor, provided, however, that any payment made pursuant to this subdivision shall be in an amount not exceeding out-of-pocket expenses, including indebtedness reasonably incurred for medical or other services necessary as a result of the injury upon which such action is based; loss of earnings or support resulting from such injury; burial expenses not exceeding two thousand five hundred dollars of a person who died as a result of such unlawful occupancy or use described in this subdivision; and the unreimbursed cost of repair or replacement of articles of essential personal property lost, damaged or destroyed as a direct result of such unlawful occupancy or use. In no event shall the payment made to any person exceed the amount of such person's uncollected judgment for personal injury or wrongful death and in no event shall the total amount paid to any number of persons with such uncollected judgments against a single defendant exceed the actual amount collected by the city from such defendant in an action under this subdivision.

§7. Section 26-249 of such code is amended to read as follows:

§26-249. **Violations of peremptory orders.** Any person who shall receive and fail to comply with any written peremptory order of the superintendent or commissioner issued when an immediate compliance with such order is essential to the public peace or safety, within the time specified in such order, in addition to any other punishment prescribed by law shall be punished by a fine of not more than five hundred dollars or by imprisonment not exceeding six months, or by both.

§8. The definition entitled PLACE OF ASSEMBLY in section 27-232 of such code is amended to read as follows:

PLACE OF ASSEMBLY. An enclosed room or space in which seventy-five or more persons gather for religious, recreational, educational, political or social purposes, or for the consumption of food or drink, or for similar group activities or which is designed for use by seventy-five or more persons gathered for any of the above reasons, but excluding such spaces in dwelling units; or an outdoor space in which two hundred or more persons gather for any of the above reasons or which is designed for use by two hundred or more persons gathered for any of the above reasons.

§9. Section 27-254 of such code is amended to read as follows:

§27-254. **Classification.** Buildings and spaces exclusive of dwelling units shall be classified in the assembly occupancy group when they are designed for use by any number of persons for religious, recreational, political or social purposes, or for the consumption of food or drink or

for similar group activities; or when occupied by seventy-five people or more for educational purposes. [a.] When such occupancies are enclosed and contain or are designed for use by seventy-five or more persons or are outdoor spaces and contain or are designed for use by two hundred or more persons, they shall comply with the requirements of subchapter eight of this chapter for places of assembly.

§10. Section 27-522 of such code is amended to read as follows:

§27-522. **Scope.** The provisions of this subchapter shall control the design and construction of places of assembly as defined in subchapter two of this chapter. For specific classification of assembly occupancies, see article eight of subchapter three of this chapter. *For place of assembly permit requirements, see section 27-525.1 of article two of this subchapter.*

§11. Such code is amended by adding a new section 27-525.1 to read as follows:

§27-525.1 **Place of assembly permit.** a. *It shall be unlawful to use or occupy any building or premises or part thereof as a place of assembly unless and until a permit therefor shall have been issued by the department. The permit shall be for a term of one year.*

b. *The application for such permit and such permit shall be in a form prescribed by the commissioner.*

c. *The annual fee for a permit issued pursuant to this section shall be the amount provided for in paragraph seven of subdivision a of section 26-214 of the code. An application for such permit or renewal thereof shall be accompanied by the annual fee, except as otherwise provided in section 26-210 of the code.*

d. *The permit issued pursuant to this section shall be posted in a conspicuous place in the place of assembly which is covered by such permit.*

§12. This local law shall take effect thirty days after it shall have been enacted into law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, S.S.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on May 22, 1990, and approved by the Mayor on June 7, 1990.

CARLOS CUEVAS, City Clerk, Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed local law (Local Law 23 of 1990, Council Int. No. 415-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on May 22, 1990:
32 for, 0 against

Was approved by the Mayor on June 7, 1990.

Was returned to the City Clerk on June 11, 1990.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel