



Legislation Text

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By Council Members King, Gentile, Koo, Cohen, Lancman, Koslowitz, Maisel, Deutsch, Vallone, Espinal, Mealy, Crowley, Constantinides, Palma, Eugene, Miller, Ulrich and the Public Advocate (Ms. James)

A Local Law to amend the administrative code of the city of New York, in relation to the registration of costumed individuals engaged in solicitation

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 34 to read as follows:

Subchapter 34

Registration of Costumed Individuals Engaged in Solicitation

§ 20-546 Definitions. For purposes of this subchapter, the following terms have the following meanings:

Costume. The term “costume” means an article of clothing, accessory, makeup, mask, or other object that obscures or shrouds the face of a person beyond recognition.

Costumed individual. The term “costumed individual” means any person wearing a costume.

Entertainment. The term “entertainment” includes, but is not limited to, posing for photographs or videos or engaging in performance or activity designed to entertain others.

Public space. The term “public space” means all publicly owned property between the property lines on a street as such property lines are shown on the City Record, including, but not limited to, a park, plaza, pedestrian plaza, roadway, shoulder, tree space, sidewalk, or parking space between such property lines. It shall also include, but not be limited to, publicly owned or leased land, buildings, piers, wharfs, stadiums, and terminals .

Solicit. The term “solicit” means to accept, or request by spoken word, signs, gestures or any other means, a fee, donation, tip, payment, or any other form of compensation.

§ 20-547 Requirement to register. It shall be unlawful for any costumed individual to solicit immediately before, during, or after providing entertainment in a public space without having first registered in accordance with the provisions of this subchapter.

§ 20-548 Registration fee. a. The fee for a registration and renewal of registration shall be \$30.

b. The fee for issuing a duplicate proof of registration when the original has been lost, destroyed or mutilated shall be \$10.

§ 20-549 Registration. a. Each person registering under this subchapter or renewing a registration shall pay the fee required by this subchapter and submit the following information to the commissioner:

1. The name and home address of the registrant, and at least one piece of current valid photo identification issued by a government agency of any jurisdiction identification that may be used to establish proof of identity; and

2. One print of a full-face photograph of the registrant taken not more than 30 days prior to the date of the application.

b. Upon the submission of such information, the commissioner shall provide non-transferable proof of registration to the applicant. Such proof of registration shall contain the registrant's name, registration number, and a non-removable photograph of the registrant.

c. Registrations shall be valid for two years from the date of issuance.

§ 20-550 Display of registration. a. Each registrant shall wear proof of registration conspicuously at all times while wearing a costume and engaged in solicitation in a public space. Such proof of registration shall be exhibited upon demand to any police officer, peace officer, authorized officer, or employee of the department or other city agency.

b. The registrant may be required by a police officer, peace officer, authorized officer, or employee of the department or other city agency to remove portions of a costume that obscure the registrant's face in order for the officer to verify that the person wearing the costume is the authorized registrant whose photograph appears on the displayed proof of registration.

§ 20-551 Notice of change. Whenever any information provided to the commissioner while registering has changed, the registrant shall notify the commissioner within 10 days of such change.

§ 20-552 Penalties. a. Any person who violates a provision of this subchapter shall be guilty of an offense punishable as follows:

1. For the first violation, a civil penalty of not less than \$25 nor more than \$100;

2. For any subsequent violation within one year of the date of the first violation, a civil penalty of not less than \$100 nor more than \$250.

b. A proceeding to recover any civil penalty pursuant to this section shall be commenced by the service of a civil summons which shall be returnable to the office of administrative trials and hearings.

§ 20-553 Enforcement. Authorized officers and employees of the department, the parks department and any department designated by the commissioner, and any police or peace officer shall have the power to enforce any provision of this subchapter.

This provision shall in no way restrict any other power granted by law to an officer or employee of any city agency.

§ 2. Effect of invalidity; severability. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§ 3. This local law takes effect 90 days after it becomes law, except that the commissioner of consumer affairs shall take all actions necessary, including promulgation of rules, if necessary, to implement this local law on or before the date upon which it shall take effect.

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