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Title: A Local Law to amend the administrative code of the city of New York, in relation to licensing promoters.

Sponsors: Karen Koslowitz, (by request of the Manhattan Borough President), Wendell Foster, Helen M. Marshall, Stanley E. Michels

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Int. No. 960

By Council Member Koslowitz (at the request of the Manhattan Borough President); also Council Members Foster, Marshall and Michels

A Local Law to amend the administrative code of the city of New York, in relation to licensing promoters.

Be it enacted by the Council as follows:

Section 1. Title 20 of the administrative code of the city of New York is hereby amended by adding a new subchapter 33, to read as follows:

SUBCHAPTER 33

PROMOTER

§ 20-545 Definitions. Whenever used in this subchapter, the following terms shall be defined as follows:

a. "Promoter" any person who, at least three times per calendar year, derives or seeks to derive any income from contracting with one or more patron dancing establishments to promote an event for the general

public on its premises.

b. "Patron dancing establishment" means any place or premises or part thereof in the city where the general public is invited or admitted and in which dancing by such invited or admitted members of the public is permitted in connection with the restaurant business or the business of directly or indirectly selling to the public food or drink, or in connection with the direct or indirect charge of an admission fee.

c. "Promote" means to contract with a patron dancing establishment to hold, organize, sponsor or in any way be responsible for an event for the general public at which dancing by the public is permitted.

d. "Person" shall mean an individual, corporation, club, partnership, association, society or any other organized group of persons, and shall include officers, directors and trustees of a corporation, club, association or society.

§20-546 Licenses. a. It shall be unlawful for any person to promote an event in a patron dancing establishment unless that person is licensed as prescribed herein.

b. It shall be unlawful for any person to promote an event at a premises which is not licensed pursuant to section 20-360 of this code.

§20-547 Application; term; fee. a. An application for any license required under this subchapter or for any renewal thereof shall be made to the commissioner in such form or manner as he or she shall prescribe by rule.

b. All licenses issued pursuant to this subchapter shall be valid for two years unless sooner suspended or revoked. The commissioner shall establish by regulation the expiration date of such licenses.

c. The biennial fee for a license or renewal thereof shall be three hundred forty dollars.

§20-548 Issuance and renewal of license. a. The commissioner may refuse to issue or renew a license to an applicant or licensee only upon the occurrence of any one or more of the following conditions:

(1) the applicant or licensee, or any of its principals, officers or directors, or any of its stockholders owning more than ten percent of the outstanding stock of the corporation has made a

material false statement or concealed a material fact in connection with the filing of an application pursuant to the provisions of this subchapter; or

(2) the applicant or licensee, or any of its principals, officer or directors, or any of its stockholders owning more than ten percent of the outstanding stock of the corporation has been found by the commissioner to have violated any of the provisions of this subchapter or any rule promulgated hereunder; or

(3) the applicant or licensee, or any of its principals, officer or directors, or any of its stockholders owning more than ten percent of the outstanding stock of the corporation has not paid, within the time permitted by law, any fine, penalty or judgment duly imposed pursuant to the provisions of this subchapter; or

(4) the applicant or licensee, or any of its principals, officer or directors, or any of its stockholders owning more than ten percent of the outstanding stock of the corporation has been convicted of an offense which, in the judgment of the commissioner, has a direct relationship to such person's fitness or ability to perform any of the activities for which an event promoter license is required under this subchapter or has been convicted of any other offense which, in accordance with article twenty-three-a of the correction law, would provide a justification for the commissioner to refuse to issue or renew, or to suspend or revoke, such license.

§20-549 License Revocation. Notwithstanding any other provision of law, any person who holds a license issued pursuant to this subchapter which has been revoked by the commissioner pursuant to this subchapter shall not be permitted to apply for any new license under this subchapter for a period of two years from the date of such revocation. No license to engage in event promoting shall be issued pursuant to this subchapter to a corporation, partnership, or other association if an officer, principal, director, or stockholder owning more than ten percent of the outstanding stock of the applicant is or has been an officer, principal, director, or stockholder owning more than ten percent of the outstanding stock of the corporation of a licensee that has had a license revoked pursuant to this subchapter and such revocation is in effect at the time of the

license application.

§20-550 Exemptions. This chapter shall not apply to a promoter who promotes an event for a religious, charitable, eleemosynary or educational corporation or institution.

§20-551 Promoter obligations. Promoters licensed hereunder or who are required to be licensed hereunder shall be required to conduct their events in accordance with the conduct below:

a. The promoter or a person designated by the promoter as a contact person must be stationed at the event for its duration and at least one-hour after its completion. Notice of the name, location and phone number of the promoter or the contact person must be posted at the entrance to the patron dancing establishment at which the event is held.

b. At least one security guard must be posted within a 100-foot radius of the patron dancing establishment in which the event is being held. Any illegal activity, including but not limited to, the possession or sale of controlled substances which would constitute a violation pursuant to articles two hundred twenty and two hundred twenty-one of the penal law, public consumption of alcohol, or disturbances of the peace must be immediately reported to the police precinct in which the event is located.

c. The promoter must notify the police precinct in which the event is held of the time and date of the event, the expected attendance, the capacity of the patron dancing establishment at which the event is held, and whether liquor will be served five days prior to the event date. A promoter who promotes a regularly recurring event must provide the police precinct a schedule of the events, the expected attendance, the capacity of the patron dancing establishment at which the event is held, and whether liquor will be served five days prior to the first event. The promoter shall provide to the precinct, any changes in the dates or times of the events from the original schedule, or any other changes in information originally provided, at least five days prior to the first event which is the subject of any such change or changes. A promoter who contracts to promote an event less than five days before the event date must immediately notify the police precinct in which the event is held of the time and date of the event, the expected attendance, the capacity of the patron dancing establishment at

which the event is held, and whether liquor will be served.

d. The promoter must collect and dispose of any debris discarded by attendees of the event within 100 feet of the patron dancing establishment at which the event is held.

§20-552 Violations. a. Any promoter who is found to have violated any of the provisions of section 20-550 of this subchapter or any rules promulgated thereunder shall be subject to a fine of one thousand five hundred dollars for each violation arising from the first event at which a violation is found. Violations at subsequent events shall be subject to the following penalties:

(1) Three thousand dollars for each violation arising from the second event at which one or more violations are found;

(2) Ten thousand dollars for each violation arising from the third event at which one or more violations are found.

b. A promoter who is found to have committed a violation at the fourth event at which one or more violations are found will have his or her license revoked.

§20-553 **Enforcement.** Authorized officers and employees of the department and of the police department shall have the power to enforce any provision of this subchapter or any rule promulgated hereunder.

§ 2. This local law shall take effect ninety days after it shall have become a law, provided that the department of consumer affairs may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.