



Legislation Text

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By Council Members Rivera, Ossé, Cabán, Louis, Hanif, Joseph, Hudson, Nurse, Gutiérrez, Won, Sanchez, Narcisse, Stevens, Restler, Velázquez, Kagan, Schulman, Krishnan, Avilés, Williams, Riley, Hanks and Menin

A Local Law to amend the New York city charter, in relation to the open culture program for art and cultural institutions

Be it enacted by the Council as follows:

Section 1. Chapter 67 of the New York city charter is amended by adding a new section 2509 to read as follows:

§ 2509. a. Definitions. For the purposes of this section, 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.

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 or the New York city artist corps program 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 section.

Open space. The term “open space” means any portion of a roadway, or outdoor spaces on a sidewalk or curb lane adjacent to an eligible art and cultural institution, 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.

Open streets. The term “open streets” has the same meaning as such term is defined in section 19-107.1 of title 19 of the administrative code of the city of New York.

Program. The term “program” means the open culture program established pursuant to subdivision b of this section.

b. Open culture program. By August 1, 2022, 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 or open street 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:

1. 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 subdivision d of this section.

2. An eligible art and cultural institution or cultural venue utilizing an open space for an artistic or cultural event 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.

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

4. The program shall provide that permission for an eligible art and cultural institution or cultural venue to use an open space or open street 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.

c. 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. Such locations may include, but need not be limited to, open streets. The department of transportation shall post online a list of such open spaces by August 1, 2022.

d. Allowable fees. 1. In accordance with paragraph 1 of subdivision b of this section, 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.

2. 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.

§ 2. This local law takes effect immediately.

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