

## POLICE DEPARTMENT

### Notice of Opportunity to Comment on Proposed Rule

*Revision of Chapter 19 of Title 38 of the Official Compilation of Rules of the City of New York*

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN** the Police Commissioner (the "Commissioner") by Section 434(b) of the New York City Charter and in accordance with the requirement of Section 1043 of the New York City Charter, that the Police Department proposes to amend Chapter 19 of Title 38 of the Official Compilation of Rules of the City of New York.

Written comments regarding the proposed rules may be sent to Assistant Deputy Commissioner Thomas P. Doepfner, New York City Police Department, 1 Police Plaza, Room 1406, New York, New York 10038, by November 27, 2006. A public hearing shall be held on Monday, November 27, 2006, in the 1<sup>st</sup> Floor Auditorium at Police Headquarters at 1 Police Plaza New York, New York 10038 between 11 a.m. and 2 p.m. Persons seeking to testify are requested to notify Assistant Deputy Commissioner Thomas P. Doepfner at the address stated above. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify Assistant Deputy Commissioner Thomas P. Doepfner at the foregoing address by November 20, 2006. Written comments and a tape recording of oral comments received at the hearing will be available for public inspections, within a reasonable time after receipt, between the hours of 9:00 a.m. and 5:00 p.m. in Room 1406, 1 Police Plaza, New York, New York 10038.

New material is indicated by underlining. Deletions are indicated by brackets.

Section 1. Subdivision (a) of section 19-02 of Title 38 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

(a) A "parade [or procession]" is: 1) any [march, motorcade, caravan, promenade, foot or bicycle race, or similar event of any kind,] procession or race which consists of a group of ten or more pedestrians, vehicles, bicycles or other devices moved by human power, or ridden or herded animals proceeding together upon any public street or roadway for more than two city blocks in a manner that does not comply with all applicable traffic laws, rules and regulations; or 2) any procession or race which consists of a recognizable group of 30 or more vehicles, bicycles or other devices moved by human power, or ridden or herded animals proceeding together upon any public street or roadway.

§ 2. Section 19-02 of Title 38 of the Official Compilation of the Rules of the City of New York is amended to add new subdivisions (e) and (f) to read as follows:

(e) "Fifth Avenue" shall mean Fifth Avenue in the borough of Manhattan south of 114<sup>th</sup> Street and north of 15<sup>th</sup> Street.

(f) "Applicant" shall mean the person or entity that applies for a permit authorizing a parade. Any person or entity responsible for organizing a parade, or any person or entity that publicizes a parade through advertisements or other means of mass communication, is authorized to act as the applicant.

§ 3. Subparagraph (ii) of paragraph (2) of subdivision (b) of section 19-03 of Title 38 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

(ii) If the application is made on behalf of a corporation, organization or association, it must be signed by a representative of the corporation, organization or association giving the full name and relationship to the corporation, organization or association, if any, and a statement as to the source of the representative's authority to sign the application, if any:

#### STATEMENT OF BASIS AND PURPOSE

The Police Department is charged with preserving the public peace and preserving order at assemblies that obstruct the free passage of public streets and sidewalks. In that connection, the Department is authorized to promulgate rules and regulations governing permits for processions, parades and races that occur on City streets and sidewalks. These amendments are intended to clarify the circumstances under which groups using City streets for purposes of assembly are required to obtain a permit. By clarifying the type of activity that constitutes a parade and is thus required to obtain a permit, these rules are designed to protect the health and safety of participants in group events on the public streets and members of the public who find themselves in the vicinity of these events.

Accordingly, the definition of parade is amended to include groups of 10 or more pedestrians, vehicles, bicycles or other devices that proceed together for more than two city blocks on public streets in a manner that does not comply with all applicable traffic laws, rules and regulations; and groups of 30 or more vehicles, bicycles or other devices moved by human power that proceed together on public streets in compliance with traffic rules and regulations.

Each of these types of activities has the likelihood to significantly disrupt vehicular and pedestrian traffic and adversely affect public health and safety, unless subject to regulatory control via the permitting process. The amendments to the rules will permit the Police Department to adequately preserve the public peace and prevent obstructions of public streets and sidewalks. In addition, these amendments have the added benefit of making it clear to all members of the public the circumstances under which parade permits must be sought.

These rules are also amended to clarify who may apply for a parade permit. So as to make it possible for someone who promotes, but does not organize, a parade to apply for a permit, these rules clarify that any person or entity that publicizes a parade through advertisements or other means of mass communication may apply for a parade permit.