

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 August 23, 2006. A public hearing shall be held on Wednesday, August 23, 2006, in the 1st Floor Auditorium, at 1 Police Plaza, New York, New York at 6 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 August 16, 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 two 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 in a manner that does not comply with all applicable traffic laws, rules and regulations; 2) any procession or race which consists of a group of 20 or more vehicles, bicycles or other devices moved by human power, or ridden or herded animals proceeding together upon any public street or roadway; or 3) any procession which consists of 35 or more pedestrians proceeding together along a sidewalk on foot or in any other manner authorized by law.

§ 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 114th Street and north of 15th Street.

(f) "Applicant" shall mean a person or entity responsible for organizing a parade, or a person or entity that publicizes a parade through advertisements or other means of mass communication.

§ 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 or sidewalks 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 sidewalks 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 2 or more pedestrians, vehicles, bicycles or other devices that use public streets in a manner that does not comply with all applicable traffic laws, rules and regulations; groups of 20 or more vehicles, bicycles or other devices moved by human power on public streets that operate in compliance with traffic rules and regulations and processions consisting of 35 or more pedestrians proceeding together along a sidewalk on foot or in any other manner authorized by law.

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.