

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Parks and Recreation (“Parks Department”) is amending its rules to incorporate amendments made by the New York City Council in the Criminal Justice Reform Act, specifically, in Local Law Number 70 of 2016.

When and where is the Hearing? The Parks Department will hold a public hearing on the proposed rules. The public hearing will take place at 10:00 on May 22, 2017. The hearing will be in the Parks Department’s hearing room in the Chelsea Recreation Center at 430 West 25th Street, New York, NY 10001.

This location has the following accessibility option(s) available: wheelchair accessible, blind or low vision accessible.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the Department of Parks and Recreation through the NYC rules Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to rules@parks.nyc.gov.
- **Mail.** You can mail written comments to:

Darci Frinquelli, Assistant Counsel
The New York City Department of Parks & Recreation
The Arsenal, Central Park
830 Fifth Avenue
New York, NY 10065
- **Fax.** You can fax written comments to Darci Frinquelli, Assistant Counsel, at 917-849-6742.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling Darci Frinquelli 212-360-1383. You can also sign up in the hearing room before the hearing begins on May 22, 2017. You can speak for up to three minutes.

Is there a deadline to submit written comments? You must submit written comments by May 22, 2017.

Do you need assistance to participate in the Hearing? You must tell the Office of General Counsel if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-360-1383. You must tell us by May 12, 2017.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a recording of the hearing and copies of the written comments will be available to the public at the Office of the General Counsel. Please call 212-360-1383 for more information.

What authorizes the Parks Department to make this rule? Sections 389, 533(a)(9), and 1043 of the City Charter authorize the Parks Department to make this proposed rule. This proposed rule was not included in the Parks Department's regulatory agenda for this Fiscal Year because it was not contemplated when agencies needed to submit an agenda.

Where can I find the Parks Department's rules? The Parks Department's rules are in title 56 of the Rules of the City of New York.

What rules govern the rulemaking process? The Parks Department must meet the requirements of Section 1043 of the New York City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the Charter.

Statement of Basis and Purpose

The Parks Department proposes to amend Sections 1-02, 1-03, 1-04, 1-05, and 1-07 of Chapter 1 of Title 56 of the Rules of the City of New York. The amended rules will reflect changes made by Local Law Number 70 to the New York City Charter and the Administrative Code. Local Law Number 70 was enacted as part of the Criminal Justice Reform Act on June 13, 2016.

Currently, pursuant to New York City Charter § 533(a)(9), the violation of a Parks rule constitutes a misdemeanor. As of June 13, 2017, Local Law Number 70 will provide that, with some exceptions, a violation of a Parks rule will constitute an offense, which is classified as a violation under the Penal Law. These violations will be punishable by up to one day in jail or a fine of up to \$200. The local law also provides that people who commit these violations will be subject to civil penalties of up to \$300 for each violation. However, Local Law Number 70 also classified particular violations as misdemeanors in the Administrative Code and provided that the civil penalties for those misdemeanors could be higher than \$300.

The proposed amendments strive to simplify Parks rules and bring them into compliance with Local Law Number 70 by making the following changes:

- Revise Parks’ list of prohibited and regulated activities to comply with the descriptions and definitions set forth in Local Law Number 70.
- Add the Parks penalty schedule to Parks’ rules. The penalty schedule is currently found in the rules of the Office of Administrative Trials and Hearings.
- Reduce the Parks’ penalties that are currently out of compliance with the maximum penalties established by Local Law Number 70.
- Adjust the Parks default penalties so they are no more than 150% of the penalty for a first violation.

The Parks Department’s authority for these rules is found in Sections 389, 533(a)(9), and 1043 of the New York City Charter.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this Department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Section 1-02 of Title 56 of the Rules of the City of New York shall be amended to read as follows:

§ 1-02 Definitions.

Authorized bathing beaches. “Authorized bathing beaches” are those beaches designated as such by the Department after approval by the New York State Department of Health [authorities] or the New York City Department of Health and Mental Hygiene.

Bathing area. “Bathing area” means any area maintained for the use of bathers, including the water area and lands under water adjacent to and within one thousand feet of the authorized

bathing beaches on the ocean, bays or rivers along the shores of New York City under the jurisdiction of the Commissioner.

Bicycle. “Bicycle” means every two- or three-wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children.

Boardwalk. “Boardwalk” means any waterfront promenade maintained for pedestrians.

Body board. “Body board” means (1) a semi-curved rectangular object made of closed-cell foam designed to be used lying down on the stomach (not for standing on); (2) that is no longer than 46" in length and 24" in width; and (3) that does not have rigid or semi-rigid attachments or protrusions that serve as rudders and are used to aid in steering. Such rudders may be commonly referred to as “skegs.”

City. “City” means the City of New York.

Commissioner. “Commissioner” means the Commissioner of the Department of Parks and Recreation or the chief executive officer of any successor agency.

Demonstration. “Demonstration” means a group activity including but not limited to, a meeting, assembly, protest, rally, march or vigil which involves the expression of views or grievances, involving more than 20 people or a group activity involving less than 20 people for which specific space is requested to be reserved.

Department. “Department” refers to the Department of Parks and Recreation of the City of New York or all successor agencies.

[**Dumping.** “Dumping” refers to the unauthorized disposal of refuse in an amount totaling one cubic yard or more.]

Event. “Event” refers to both Demonstrations and Special Events.

Expressive Matter. “Expressive matter” means materials or objects with expressive content, such as newspapers, books, or writings, or visual art such as paintings, prints, photography, sculpture, or entertainment.

Littering. “Littering” refers to the unauthorized disposal of refuse in an amount totaling less than one cubic yard.

Motor vehicle. “Motor vehicle” refers to any automobile, motorcycle, moped, or other vehicle propelled by a motor.

Owner. “Owner” refers to any person owning, operating, or having the use or control of an animal, a vehicle, or any other personal property.

Park. “Park” signifies public parks, beaches, waters and land under water, pools, boardwalks, playgrounds, recreation centers and all other property, equipment, buildings and facilities now or hereafter under the jurisdiction, charge, or control of the Department.

Park path. “Park path” means any road, path or trail through or within a park that is not used for vehicular traffic, except for possible use by emergency motor vehicles or Department motor vehicles, provided that it shall not include a path designated by the Commissioner as a bikepath.

Park road. “Park road” means any road through or within a park, and is used for vehicular traffic.

Park sign. “Park sign” means any placard, notice or sign duly posted or authorized by the Department.

Park-street. “Park-street” means the full width of all streets abutting any park.

Parks waters. “Parks waters” means waters in any park, pool, bathing area, tributary, brook, stream, ocean, or sewer or drain flowing into said waters that is under the Department’s jurisdiction.

Pedicab. “Pedicab” means a bicycle as defined in this section or other device designed and constructed to transport or carry passengers, that is solely propelled by human power, and that is operated to transport passengers for hire.

Permit. “Permit” unless otherwise specified, means any written authorization issued by or under the authority of the Commissioner for a specified privilege, permitting the performance of a specified act or acts in any park or on any park-street.

Person. “Person” means any natural person, corporation, society, organization, company, association, firm, partnership, or other entity.

Police officer. “Police officer” refers to any member of the Police Department of the City of New York and any other city employee who is a Special Patrolman appointed and sworn in by the Police Commissioner and assigned to the Commissioner.

Rules. “Rules” unless otherwise specified, refers to any Rule established pursuant to § 533(a) of Chapter 21 of the New York City Charter and promulgated in compliance with the notice, publication and filing requirements of Chapter 45 of the New York City Charter.

Sexual activity. “Sexual activity” means any activity by a person that reasonably appears to be intended to sexually arouse that person or another person, and in which such person exposes his or her buttock or genitalia, or the area of the female breast below the top of the areola.

Sound reproduction device. “Sound reproduction device” includes, but is not limited to, any radio receiver, phonograph, television receiver, amplified musical instrument, portable speaker, tape recorder, cassette or disc player, speaker device or system, and any sound amplifier.

Special Event. “Special Event” means a group activity including, but not limited to, a performance, meeting, assembly, contest, exhibit, ceremony, parade, athletic competition, reading, or picnic involving more than 20 people or a group activity involving less than 20 people for which specific space is requested to be reserved. [Special Event shall not include casual park use by visitors or tourists.]

Unlawful dumping. “Unlawful dumping” means suffering or permitting any dirt, sand, gravel, clay, loam, stone, rocks, rubble, building rubbish, sawdust, shavings or trade or household waste, refuse, ashes, manure, garbage, rubbish or debris of any sort or any other organic or inorganic material or thing or other offensive matter being transported in a dump truck or other vehicle or conveyance to be dumped, deposited or otherwise disposed of.

Section 2. Section 1-03 of Title 56 of the Rules of the City of New York shall be amended to read as follows:

§ 1-03 General Provisions.

(a) Hours of operation.

(1) Persons may enter and use the parks from 6:00 a.m. until 1:00 a.m. unless other open hours are posted at any park.

(2) Whenever a threat to public health or safety exists in any park resulting from any natural cause, explosion, accident or any other cause, or by riot or unlawful assembly or activity, the Commissioner may close the park or any part thereof to the public for such duration as he deems necessary to ensure the safety and well-being of the public.

(3) No person shall enter or remain in any park without the permission of the Commissioner when such park is closed to the public.

(b) Permits.

(1) When any provision of these [Rules] rules requires a permit as a condition to the performance of an act or activity, no such act or activity shall be implemented or commenced prior to the receipt of written authorization from the Commissioner or from his authorized representative.

(2) A permit may be granted upon such terms and conditions as the Commissioner shall reasonably impose, and shall authorize the permitted acts or activities only insofar as they are performed in strict accordance with the terms and conditions thereof.

(3) Permits shall be applied for on forms prepared and provided by the Department, which forms shall require such information as the Department may deem appropriate for the review and evaluation of the permit application. Procedures for issuance of special event and demonstration permits are governed by § 2-08 of the Department's rules. The Commissioner may require a fee for the issuance of a permit.

(4) The Commissioner may require the permittee to post a bond in an amount sufficient to ensure full compliance with the terms and conditions of the permit. The decision of whether to require a bond will be based on the following factors: *(a)* The location of the event and such location's vulnerability to damage; *(b)* Whether the event or any activities associated with the event present a high risk of property damage; *(c)* The number of people expected to be in attendance; *(d)* The type of equipment to be brought onto the site; *(e)* The number of days the permittee will occupy the site; *(f)* The season in which the event will take place.

(5) The Commissioner may require the permittee to obtain personal liability insurance for the event, naming [the Department and]the City of New York as an additional [insureds] insured. The decision on whether to require insurance will be based on the following factors: *(a)* Whether the special event or any activities included as part of the special event present a risk of personal injury or property damage[.]; *(b)* Whether the special event involves the sale of food[.]; *(c)* Whether the special event involves over 2,000 participants, or a large number of participants relative to the size of the site[.]; *(d)* Whether the special event involves transportation and installation of heavy equipment, or the installation of a stage or other temporary structure.

(6) No person shall conduct any activity for which a permit is required unless [(a)](a) such permit has been issued; [(b)](b) all terms and conditions of such permit have been or are being

complied with; and [(c)](c) the permit is kept on hand at the event, so as to be available for inspection by Police or Department employees.

(7) Failure to comply with the terms and conditions of any permit shall be a violation of these rules. If, upon expiration or termination of the permit, it is determined that a permittee has not complied with the terms and conditions of the permit, or has violated any law, ordinance, statute or rule, then the following rules shall apply:

(i) any bond provided as security for a permittee's performance with the Department shall be forfeited and retained by the City to the extent necessary to remedy, or compensate the City for, the damages caused by such acts, omissions, or violations;

(ii) the permittee, together with his or her agents and employees who violated such terms and conditions or provisions of law, ordinance, statute or rule, shall be jointly and severally liable for any additional sum necessary to correct or compensate the City for such damages; and

(iii) neither forfeiture of any security nor payment nor recovery for such damages shall in any way relieve the permittee of civil or criminal liability arising from the violation of any law, ordinance or rule.

(c) Failure to Comply with Directions of Police Officers, Urban Park Rangers, Parks Enforcement Patrol Officers, or Other Department Employees, or Park Signs.

Violation of any paragraph of this subdivision shall subject the violator to a civil penalty, as specified in the Department's penalty schedule. See 56 RCNY §1-07. In addition, except as otherwise provided below, such violation shall also constitute an offense (classified as a "violation" under the Penal Law), which can be punished by imprisonment of up to one day or a fine of not more than \$200. As specified in this subdivision, certain violations of specified paragraphs of this subdivision are classified by the Administrative Code as misdemeanors. Except as otherwise provided in this subdivision, a misdemeanor can be punished by imprisonment of up to 20 days or a fine of not more than \$1,000. Note that other laws, including but not limited to the Penal Law, may also apply to the conduct described below.

(1) No person shall fail, neglect or refuse to comply with the lawful direction or command of any [Police Officer, Urban Park Ranger, Parks Enforcement Patrol Officer or other Department employee, indicated verbally, by gesture or otherwise]member of the Police Department, peace officer, park supervisor or such person's superior, lifeguard, or Department employee under the command of the Parks Enforcement Patrol Division. Violation of this paragraph constitutes a misdemeanor.

(2) No person shall fail, neglect or refuse to comply with the lawful direction or command of any Department employee other than those listed in paragraph 1 of this subdivision.

(3) No person shall fail to comply with or obey any instruction, direction, regulation, warning, or prohibition, written or printed, displayed or appearing on any park sign, except such sign may be disregarded upon order by a Police Officer or designated Department employee.

Section 3. Section 1-04 of Title 56 of the Rules of the City of New York shall be amended to read as follows:

§ 1-04 Prohibited Uses.

Violation of any paragraph or subparagraph of this section shall subject the violator to a civil penalty, as specified in the Department’s penalty schedule. See 56 RCNY §1-07. In addition, except as otherwise provided below, such violation shall also constitute an offense (classified as a “violation” under the Penal Law), which can be punished by imprisonment of up to one day or a fine of not more than \$200. As specified in this section, certain violations of specified paragraphs or subparagraphs of this section are classified by the Administrative Code as misdemeanors. Except as otherwise provided in this section, a misdemeanor can be punished by imprisonment of up to 20 days or a fine of not more than \$1,000. Note that other laws, including but not limited to the Penal Law, may also apply to the conduct described below.

(a) Destruction or abuse of property and equipment.

(1) No person shall destroy or abuse any public property under the charge and control of the Department in a manner that causes significant damage or expense. Significant damage or expense includes, but is not limited to, damage that will require the replacement of a Department attachment, fixture, piece of equipment, or structure; major landscaping or planting; construction; or excavation. Violation of this paragraph constitutes a misdemeanor punishable by not more than six months imprisonment or by a fine of not more than \$15,000, or by both.

(2) No person shall injure, deface, alter, write upon, destroy, remove or tamper with in any way, any real or personal property or equipment owned by or under the jurisdiction or control of the Department.

(b) Destruction or abuse of trees, plants, flowers, shrubs and grass.

(1) (i) No person shall [deface, write upon, injure, sever, mutilate, kill or remove from the ground] cut, remove, or destroy any trees under the jurisdiction of the Department without permission of the Commissioner. Violation of this subparagraph constitutes a misdemeanor punishable by not more than six months imprisonment or by a fine of not more than \$15,000, or by both. For purposes of this subparagraph, “destroy” shall include, but not be limited to, kill, carve, prune, and inflict other physical damage to the tree.

(ii) No person shall deface or write upon any trees under the jurisdiction of the Department.

(iii) No person shall deface, write upon, sever, mutilate, kill or remove from the ground any plants, flowers, shrubs or other vegetation under the jurisdiction of the Department without permission of the Commissioner.

(2) No person shall go upon or allow any animal or child in his custody to go upon any newly-seeded lawn or grass plot.

(3) No person shall go upon or allow any animal or child in his custody to go upon any area enclosed by fencing, temporary or permanent, where such fencing or signs posted thereon reasonably indicate that entry into such area is forbidden.

(4) No person shall possess any tools commonly used for gardening, or any plant, tree, shrub or other vegetation, in any park except where such possession is specifically designated to be permissible by the Commissioner.

(5) No person shall use a metal detector in any park, except in unvegetated beach areas. Use of metal detectors in other park areas will be permitted if the prior written consent of the Commissioner is obtained.

(c) *Littering, polluting, dumping, and unattended property.*

(1) No person shall litter in any park. All persons shall use receptacles provided for the disposal of refuse. No person shall deposit household or commercial refuse in any park receptacle.

(2) No person shall throw, drop, allow to fall, [or] discharge into or leave in [the waters within any park (including pools and bathing areas), or any tributary, brook, stream, sewer or drain flowing into said waters], or otherwise introduce into Parks waters any substance, liquid or solid, gas, or other item which may or will result in the pollution of said waters. Violation of this paragraph constitutes a misdemeanor.

(3) No person shall engage in unlawful dumping in any park. Violation of this paragraph constitutes a misdemeanor.

(4) No person shall, within or adjacent to any park, store or leave unattended personal belongings.

(d) [Restrictions] Prohibition on glass. Glass bottles or other glass containers are prohibited in parks. The Commissioner may, in his discretion, designate certain parks, or portions thereof, as [restricted] areas wherein [no] glass bottles or other glass containers will be permitted. Failure to comply with such [restrictions] prohibition on glass bottles or containers shall constitute a violation of these rules. This subdivision (d) shall not apply to glass bottles or containers used in the care and feeding of infant children.

(e) *Aviation.*

(1) No person shall voluntarily bring, land or cause to alight within or upon any park, any airplane, hot air balloon, parachute, hang glider, or other aerial craft or device that endangers any person or property, except that certain areas may be designated appropriate landing places for medical evacuation helicopters. Violation of this paragraph constitutes a misdemeanor.

(2) No person shall voluntarily bring, land or cause to alight within or upon any park, any airplane, hot air balloon, parachute, hang glider, or other aerial craft or device, except that certain areas may be designated appropriate landing places for medical evacuation helicopters.

(3) For the purposes of this subdivision (e), voluntarily shall mean anything other than a forced landing caused by mechanical or structural failure of the aircraft or other aerial device.

(f) *Explosives, firearms, and weapons.*

(1) No person[, except a police officer or peace officer while on duty,] shall bring into or have in his or her possession in any park, any firearms, slingshots, firecrackers, missile propelling instruments or explosives, including any substance, compound, or mixture having properties of such a character that alone or in combination with other substances, compounds or mixtures, propel missiles, explode or decompose to produce flames, combustion, noise, or noxious or dangerous odors. Violation of this paragraph constitutes a misdemeanor.

(2) Paragraph (1) of this subdivision shall not apply to: a sworn member of the uniformed force of the Police Department, whether on or off-duty; persons in the military or other service of the United States who are in pursuit of official duty or duly authorized by federal law, regulation, or order to possess the relevant firearm or other item; persons in the military service of the state of

New York when on duty and duly authorized by applicable regulations to possess the relevant firearm or other item; police officers as defined by subdivision 34 of section 1.20 of the criminal procedure law, if not otherwise specified by this subdivision, when on duty; or peace officers as defined by section 2.10 of the criminal procedure law, when on duty.

[Nothing in this subdivision (f)](3) Paragraph (1) of this subdivision shall not be construed to prohibit the proper use of cigarette lighters, matches or of charcoal lighter fluid in proper containers in picnic grills where permissible pursuant to the provisions of these [Rules] rules.

(g) *Abuse of park animals.*

(1) [No] Except pursuant to a permit for trapping issued by the Department, no person shall [within any park (including any zoo area)] molest, chase, harass, injure, wound, trap, hunt, shoot, throw missiles at, kill or remove any animal, any nest, or the eggs of any amphibian, reptile or bird[;], or otherwise harm or intentionally take actions that could reasonably harm any animal, nest, or such eggs. Further, no person shall knowingly buy, receive, have in his or her possession, sell or give away any such animal or egg taken from or killed within [any park (including any zoo area)] the jurisdiction of the Department, including any zoo area. Violation of this paragraph constitutes a misdemeanor.

(2) No person shall feed animals in any park (including any zoo area) except unconfined squirrels and birds, and where specifically authorized by the Commissioner. The Commissioner may also designate certain areas where all feeding of animals is prohibited. It shall be a violation of these rules to feed animals in any area where such feeding is prohibited.

(h) [*Marijuana; controlled substances.* No person shall bring, possess, distribute, sell, solicit or consume marijuana or any controlled substance, as defined in § 220.00 of the New York State Penal Law, in any park, playground, beach, swimming pool, or other park property or facility.] Reserved.

(i) *Failure to control animals.*

(1) Except as specified in § 1-05(s)(3) or in paragraph [two] three of this subdivision, no person owning, possessing or controlling any animal shall cause or allow such animal to be unleashed or unrestrained in any park unless permitted by the Commissioner [in accordance with these rules] or authorized by law. No person owning, possessing or controlling any animal shall cause or allow such animal to be out of control in any park under any circumstances. Animals that are [unleashed or unrestrained, except as permitted by these rules, or] out of control may be seized and impounded. Violation of this paragraph constitutes a misdemeanor.

(2) Properly licensed dogs, wearing a license tag and vaccinated against rabies pursuant to the laws of the State of New York and City of New York and restrained by a leash or other restraint not exceeding six feet in length, may be brought into a park, except in no event shall dogs or other animals be allowed to enter any playground, zoo, swimming pool and swimming pool facility, bathing area and adjacent bathing beach (unless otherwise permitted by the Commissioner[and not during the designated bathing season]), bridle path (unless [leashed dogs are]permitted therein by the Commissioner), fountain, ballfield, basketball court, handball court, tennis court, or other area prohibited by the Commissioner. Nothing in this [subdivision (i)] paragraph shall be construed to prohibit persons with disabilities from bringing [seeing eye dogs, or other service dogs trained to assist such persons] service animals into [these] areas under the

Department's jurisdiction as authorized by federal, state, or city law. Nothing herein shall prohibit horses from entering or being within a park as provided in § 1-05(q).

[(2)](3) Unless specifically prohibited herein or by the Department of Health and Mental Hygiene ("DOHMH"), properly licensed dogs wearing a license tag and vaccinated against rabies pursuant to the laws of the State of New York and City of New York may be unleashed within a designated park or designated portions of a park [between the hours of 9:00 p.m. and 9:00 a.m.] from the park's opening until 9:00 a.m. and from 9:00 p.m. until the park closes under the following conditions: (i) such dogs shall, except for being unleashed, be kept under the control of their owner and shall not at any time harass or injure any park patron and/or, harass, injure, damage, sever, mutilate, or kill any animal, tree, planting, flower, shrub or other vegetation; (ii) such dogs shall not at any time enter any playground, zoo, swimming pool and swimming pool facility, bathing area and adjacent bathing beach (unless otherwise permitted by the Commissioner [and not during the designated bathing season]), bridle path (unless [leashed dogs are]permitted therein by the Commissioner), fountain, ballfield, basketball court, handball court, tennis court, or other area prohibited by the Commissioner; (iii) such dogs shall be immediately leashed by their owners upon any direction or command of any Police Officer, Urban Park Ranger, Parks Enforcement Patrol Officer or other Department employee or employee of the DOHMH, the refusal of which direction or command shall constitute a violation of § 1-03(c); and (iv) owners of such dogs shall provide proof of current vaccination against rabies and proof of current licensing upon the request of any Police Officer, Urban Park Ranger, Parks Enforcement Patrol Officer or other Department employee or employee of the DOHMH, the refusal of which shall constitute a violation of § 1-03(c), § 1-05(s)(3) and of this subdivision.

(j) *Control and removal of animal waste.*

(1) No person shall allow any dog in his custody or control to discharge any fecal matter in any park unless he promptly removes and disposes of same. [This provision shall not apply to a guide dog accompanying a person with a disability.]

(2) Anyone who drives a horse-drawn carriage into or within a park is required to equip it with horse hampers, horse diapers or some other similar manure catching device which is effective in preventing manure from being deposited on any park street, road or way.

(k) *Urination and defecation in parks.* No person shall urinate or defecate in any Park, or in or upon any park building, monument or structure, except in a facility which is specifically designed for such purpose.

(l) *Disorderly behavior.* [It shall be a violation of these rules to engage in disorderly behavior in a park. A person in any park shall be guilty of disorderly behavior who] No person shall engage in disorderly behavior in a park. Disorderly behavior includes violating the following rules:

(1) [enters or leaves any park except by designated entrance ways or exits, or enters or attempts to enter any facility, area or building sealed, locked or otherwise restricted from public access; or] No person, unless authorized to do so, shall knowingly enter or remain in a building or other structure, or upon real property, which is fenced, barricaded or otherwise enclosed in a manner designed to exclude or otherwise discourage entrance by any unauthorized individual, or shall enter or leave the jurisdiction of the Department except by designated entrance ways or exits. Violation of this paragraph constitutes a misdemeanor.

(2) [climbs] (i) No person shall climb upon any wall, fence, shelter, tree, shrub, fountain or other vegetation, or any structure or statue not specifically intended for climbing purposes[; or].

(ii) No person shall climb upon any statue or artwork not specifically intended for climbing purposes in a manner that damages or could reasonably damage such statue or artwork. Violation of this subparagraph constitutes a misdemeanor.

(3)[gains or attempts to] No person shall gain admittance to [the] Department facilities or structures [in any park]for the use of which charge is made without paying such charge[; or]. Violation of this paragraph constitutes a misdemeanor.

(4) [engages] No person shall engage in any form of gambling or game of chance for money[, or tells fortunes for money; or].

(5) [interferes with, encumbers, obstructs or renders] (i) No person shall render dangerous any part of a [park or] park road[; obstructs]. Violation of this paragraph constitutes a misdemeanor.

(ii) No person shall render dangerous any part of a park.

(iii) No person shall obstruct vehicular or pedestrian traffic[; or].

(6) [engages] No person shall engage in fighting or [assaults] shall assault any person[; or].

(7) [engages in a course of conduct or commits acts that unreasonably alarm or seriously annoy another person; or (8) engages] No person shall engage in any form [or] of sexual activity[; or].

(9) engages] (8) No person shall engage in a course of conduct or [commits] commit acts that endanger the safety of others.

(9) No person shall operate a bicycle, motor vehicle, or similar vehicle in a manner that endangers any other person or property. Violation of this paragraph constitutes a misdemeanor.

[(m) *Loitering for illegal purposes.* It shall be a violation of these rules to engage in loitering for illegal purposes in a park. Any person in any park shall be guilty of loitering for illegal purposes who:

(1) loiters or remains in a park for the purpose of engaging, or soliciting another person to engage, in sexual activity for money; or

(2) loiters or remains in any park with one or more persons for the purpose of unlawfully using, possessing, purchasing, distributing, selling or soliciting marijuana, alcohol or any controlled substance, as defined in § 220.00 of the New York State Penal Law.] Reserved.

(n) *Unlawful exposure.* [It shall be a violation of these rules to appear in public on property under the jurisdiction of the Department] No person shall appear in public in such a manner that one's genitalia are unclothed or exposed. Violation of this subdivision constitutes a misdemeanor.

(o) *Obstruction of sitting areas.* No person shall use a bench or other sitting area so as to interfere with its use by other persons, including storing any materials thereon.

(p) *Unlawful camping.* No person shall engage in camping, or erect or maintain a tent, shelter, or camp in any park without a permit.

(q) *Unlawful spitting.* It shall be unlawful for any person to spit or expectorate in or upon any park building, monument or structure.

(r) *Unhygienic use of fountains, pools, and water.* No person shall use, or permit any animal under his or her control to use, any [water] fountain, drinking fountain, pool, sprinklers,

reservoir, lake or any other water contained in the park for the purpose of washing or cleaning himself or herself, his or her clothing or other personal belongings. This subdivision shall not apply to those areas within the parks which are specifically designated for personal hygiene purposes (i.e., bathroom, shower room, etc.), provided, however, that no person shall wash his or her clothes or personal belongings in such areas.

(s) *Unlawful solicitation.*

(1) No person shall engage in any commercial activity or commercial speech in any park, except pursuant to a permit issued under § 1-03(b) and/or § 2-08 of these [Rules] rules. Violation of this paragraph constitutes a misdemeanor.

(2) No person shall solicit money or other property from persons not known to such person in any park, unless such person possesses a permit for noncommercial solicitation issued by the Commissioner.

Section 4. Section 1-05 of Title 56 of the Rules of the City of New York shall be amended to read as follows:

§ 1-05 Regulated Uses.

Violation of any paragraph or subparagraph of this section shall subject the violator to a civil penalty, as specified in the Department's penalty schedule. See 56 RCNY § 1-07. In addition, except as otherwise provided below, such violation shall also constitute an offense (classified as a "violation" under the Penal Law), which can be punished by imprisonment of up to one day or a fine of not more than \$200. As specified in this section, certain violations of specified paragraphs or subparagraphs of this section are classified by the Administrative Code as misdemeanors. Except as otherwise provided in this section, a misdemeanor can be punished by imprisonment of up to 20 days or a fine of not more than \$1,000. Note that other laws, including but not limited to the Penal Law, may also apply to the conduct described below.

(a) *Assemblies, meetings, exhibitions.*

(1) No person shall hold or sponsor any [special event or demonstration] event that significantly interferes with ordinary park use without a permit issued by the Department. Significant interference with ordinary park use includes but is not limited to: harming landscaping, planting, or structures in the park; preventing operations in a specialized area such as a zoo, swimming pool, or skating rink; precluding other events that have a valid permit; unreasonably interfering with enjoyment of the park by other uses. Violation of this paragraph constitutes a misdemeanor.

(2) [Reserved.] No person shall hold or sponsor any special event or demonstration without a permit issued by the Department.

(3) No person shall erect any structure, stand, booth, platform, or exhibit in connection with any [assembly, meeting, exhibition or other] event without [approval of the Commissioner or his designated representative] a permit issued by the Department. Violation of this paragraph constitutes a misdemeanor.

(b) *Unlawful vending.*

(1) No person in or on any property under the jurisdiction of the Department shall sell, offer for sale, hire, lease, or let anything whatsoever, including, but not limited to goods, services, or

entertainment, or provide or offer to provide services, [or] items, or entertainment in exchange for a donation (hereinafter “vend”), except under and within the terms of a permit, or except as otherwise provided by law. For the purposes of this entire section, persons who vend as defined herein may be referred to as “vendor” or “vendors.”

(2) Persons may vend expressive matter, as defined in section 1-02 of this title, on property under jurisdiction of the Department without a permit, but must comply with all applicable provisions of these rules. However, in the specific locations enumerated in paragraph (3) expressive matter vendors may only vend expressive matter at the specifically designated spots identified by the Commissioner in the accompanying maps and as marked by a Department decal, medallion, or other form of marking, on the specific location of the approved vending spot, unless they are only vending expressive matter without using a cart, display stand, or other device and without occupying a specific location for longer than necessary to conduct a transaction and are otherwise in compliance with Department rules. These spots shall be allocated upon a first come, first [serve] served basis except as otherwise provided by law and any expressive matter vendor may only vend expressive matter centered directly behind the Department decal, medallion, or other form of marking. Only one expressive matter vendor is authorized to vend directly behind the Department decal, medallion, or other form of marking [as indicated by the Department decal, medallion, or other form of marking and if]. If multiple expressive matter vendors attempt to vend expressive matter at any one Department decal, medallion, or other form of marking and [if] it cannot be [otherwise] determined which expressive matter vendor arrived first, then all such expressive matter vendors at such spot will be in violation of this section and may be directed to leave the area of that Department decal, medallion, or other form of marking immediately. Any such expressive matter vendor failing to leave the area of the Department decal, medallion, or other form of marking immediately upon direction [as required under the preceding sentence] will be in violation of these rules. Expressive matter vendors can only occupy the designated spots for the purpose of vending expressive matter and only during posted times, which will be consistent with the hours of operation for the park where such designated spots are located in or adjacent to. The designated spots may deviate from the restrictions enumerated in [subsection 5] subparagraphs (i), (iv), (v), or (vi) of paragraph 5, if such spots are determined to be appropriate by the Commissioner given the specific features of the park.

(3) Expressive matter vendors may not vend in the following general areas unless they vend at the specifically designated spots for such vending on the accompanying maps and in compliance with all other applicable Department rules:

(i) Central Park at the following locations: (A) the perimeter of the park between East 85th Street and East 60th Street, including all sidewalks and plazas (B) the perimeter of the park between West 86th Street and West 60th Street, including all sidewalks and plazas (C) all of Central Park South, including all sidewalks and plazas (D) Wien Walk and Wallach Walk, (E) pedestrian pathways parallel to East Drive between Grand Army Plaza and the Center Drive, (F) Grand Army Plaza, (G) Pulitzer Plaza, and (H) Columbus Circle.

(ii) Battery Park, including all perimeter sidewalks.

(iii) Union Square Park, including all perimeter sidewalks.

(iv) Elevated portions of High Line Park.

(4) (i) No vendor in or on any property under the jurisdiction of the Department shall allow any item or items used or offered in conjunction with vending to touch, lean against, or be affixed permanently or temporarily to any street or park furniture installed on public property or any rock formation, tree, shrub or other planting.

- (ii) No vendor shall block any person from using any street or park furniture installed on public property by way of the vending activity.
- (iii) No vendor shall vend anything in such a manner that would damage or otherwise injure Department property, including, but not limited to lawns, plants, animals or buildings.
- (iv) No vendor shall vend anything that is placed immediately on a sidewalk or park path, or on a blanket or board placed immediately upon such surface or on the top of a trash receptacle or cardboard box.
- (v) No vendor shall vend anything over any ventilation grill, cellar door, manhole, transformer vault or subway access grating.
- (vi) No vendor shall vend anything directly from any parked or double parked motor vehicle except for food vendors with appropriate Department and New York City Department of Health and Mental Hygiene permits.
- (vii) No vendor shall vend anything in an unsuitable location because the location is a specialized area including, but not limited to, a zoo, swimming pool, playground, athletic field or court, or skating rink;
- (5) No vendor shall vend anything whatsoever using a display stand that:
 - (i) provides less than a twelve (12) foot wide clear pedestrian path measured from the display on the sidewalk or park path to the opposite edge of the sidewalk or park path, except that when there is street or park furniture on the pedestrian path the measurement must be taken from the display to two feet from the street or park furniture in order to determine whether there is less [then] than a twelve (12) foot wide clear pedestrian path;
 - (ii) is placed on any other part of a sidewalk under the Department's jurisdiction other than that which abuts the curb, unless otherwise authorized;
 - (iii) is within any bus stop, carriage horse stand, pedicab stand, or taxi stand, or is within ten (10) feet of any subway entrance or exit;
 - (iv) is within five (5) feet from any street or park furniture, public telephone, disabled access ramp, tree, or from individuals or entities authorized by permit or license by the Commissioner to operate at a specific location;
 - (v) is within ten (10) feet from any crosswalk on any path or on any sidewalk under the jurisdiction of the Department;
 - (vi) is placed within fifty (50) feet from any monument or other public art installation, including, but not limited to ornamental fountains;
 - (vii) occupies more than eight (8) linear feet of public space parallel to the curb or park path;
 - (viii) occupies more than three (3) linear feet in depth;
 - (ix) is more than five (5) feet high or less than twenty-four (24) inches above the sidewalk or park path where the display surface is parallel to the sidewalk or park path, and may not be less than twelve (12) inches above the sidewalk or park path where the display surface is vertical;
 - (x) where a rack or other display structure is placed on the top or above a table or other base, the size of the base is not less than the size of any rack or display structure placed thereon. Nothing shall be placed on the base so as to exceed the size limitations contained in this section;
 - (xi) uses any areas other than that area immediately beneath the surface of the display stand for the storage of items for sale, unless permitted by Department license or permit for the use of a fixed location to store items for sale; or
 - (xii) fails to use an opaque covering to shield any items stored beneath the surface of the display stand.

(6) For the purposes of this section a display stand shall mean a movable, portable or collapsible structure, framework, device, container or other contrivance used by a vendor in any property under the jurisdiction of the Department for the purpose of displaying, keeping or storing any goods, wares, merchandise, foodstuffs or expressive matter.

(7) For the purposes of this section, street or park furniture shall mean any City-installed, maintained or approved structure, including but not limited to, benches, newspaper boxes, tree guards, fire hydrants, trash receptacles, telephone kiosks, newsstands, bus shelters, barricades, bollards, traffic signs, traffic lights, walls, water fountains, or fences located in any property under the jurisdiction of the Department.

(8) Where exigent circumstances exist and a Department employee or police officer gives notice to a vendor to move temporarily from any location such vendor shall not vend from such location. For the purposes of this section, exigent circumstances shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic, the existence of any obstruction in the park, an accident, fire, or other emergency situation, a parade, special event, demonstration, construction project, maintenance operations, or other such event at or near such location, including periods of set up and take down for such exigent circumstances.

(9) Violation of any paragraph of this subdivision constitutes a misdemeanor.

(c) Unlawful posting of notices or signs.

(1) No person shall post, display, affix, construct or carry any placard, flag, banner, sign or model or display any such item by means of aircraft, kite, balloon or other aerial device, in, on, or above the surface of any park for any purpose whatsoever without a permit issued by the Commissioner. Each separate item placed in violation of this section shall constitute a separate violation.

(2) Notwithstanding paragraph (1) of this subdivision (c), any person may carry any item described in paragraph (1) of this subdivision (c), without the aid of any aircraft, kite, balloon or other aerial device, where the space on which the message of such item is contained has a height no greater than two feet and a length no longer than three feet, and that such item takes up a total area of no more than six square feet.

(3) Any person who posts or displays a sign upon park property, including the perimeters of any park, whether or not pursuant to a permit issued under this subdivision (c), shall be responsible for removal of such sign pursuant to the conditions in such permit, or immediately if no such permit has been issued. Failure to remove any sign that is posted or displayed on such property, or that remains on such property, other than in compliance with such permit, shall constitute a violation of these [Rules] rules and [Regulations] regulations.

(4) In the event that a notice or sign is, in violation of this subdivision (c), posted or displayed on any property, including the perimeters of any park, there shall be a rebuttable presumption that any person whose name, telephone number, or other identifying information appears on such notice or sign has violated this subdivision by either (i) pasting, posting, painting, printing or nailing such notice or sign, or (ii) directing, suffering or permitting a servant, agent, employee or other individual under such person's control to engage in such activity; provided, however, that such rebuttable presumption shall not apply with respect to criminal prosecutions brought pursuant to this paragraph (4).

(d) Noise; [musical instruments;] sound reproduction devices; musical instruments.

(1) No person shall make, or cause or allow to be made, unreasonable noise in any park so as to cause public inconvenience, annoyance or harm. Unreasonable noise means any excessive or unusually loud sound that disturbs the peace, comfort or repose of a reasonable person of normal sensitivity or injures or endangers the health or safety of a reasonable person of normal sensitivity, or which causes injury to plant or animal life, or damage to property or business.

(2) No person shall play or operate any sound reproduction device, as defined in § 1-02 of these [Rules] rules, in any park without a permit from the Department [of Parks and Recreation] and any other City agency or agencies with pertinent jurisdiction. This paragraph (2) shall not apply to the regular and customary use of portable [radios, record players, compact disc players, or television receivers, or tape recorders played or] sound reproduction devices operated in full accordance with these [Rules] rules so as not unreasonably to disturb other persons in their permitted uses of the park[, except that in]. In areas designated by the Commissioner as “quiet zones,” such regular and customary use of sound reproduction devices shall be prohibited. Signs shall be posted in all quiet zones advising the public of such prohibition. Use of radios and other sound reproduction devices listened to solely by headphones or earphones, and inaudible to others, is permitted in all areas of the parks. Violation of this paragraph constitutes a misdemeanor.

(3) No person shall play or operate any musical instrument or drum, radio, tape recorder or other device for producing sound in any park between the hours of 10:00 p.m. and 8:00 a.m. except under the express terms of a permit issued by the Department. [The Commissioner may, in his or her discretion, further restrict such hours in specific parks where such operation would disturb or damage the comfort, peace, health or safety of persons or businesses.] The Department may vary the hours specified in this paragraph in a particular park or area by posting signs advising the public of the restricted hours applicable to such park or area. Violation of this paragraph constitutes a misdemeanor.

(4) No person shall play or operate any musical instrument or drum or cause any noise for advertising or commercial purposes except as authorized by paragraph 1-05(b)(2) or under the express terms of a permit issued by the Department. Violation of this paragraph constitutes a misdemeanor.

(e) (1) [*Filming or photography requiring a permit.*] Unauthorized commercial cinematic production.[Any person or entity engaged in filming or photography in a park, where such activity is subject to the permit requirements of the Mayor's Office of Film, Theatre & Broadcasting (“MOFTB”) (Chapter 9 of Title 43 of the Rules of the City of New York) may engage in such activity only upon obtaining such a permit from that Office. Such permittee shall comply with the requirements of § 9-02(c) of such rules (“Responsibility of Holders of Required and Optional permits”) including, but not limited to, the obligation to clean and restore any Department property altered in connection with the exercise of such permit.] No person shall engage in filming or photography subject to the permit requirements of the Mayor's Office of Media and Entertainment (“MOME”) or any successor agency except under the express terms of a permit issued by that office. Violation of this paragraph constitutes a misdemeanor.

(2) *Filming or photography not requiring a permit.* Any person or entity engaging in filming or photography in a park, where such activity does not require a permit under the permit requirement rules of [MOFTB] MOME, may engage in such activity without obtaining a permit from [that Office]MOME. In addition, any person or entity engaging in filming or photography involving only the use of handheld devices (as defined in paragraph (3) of subdivision (a) of § 9-

02 of [the MOFTB permit rules] Title 43 of the Rules of the City of New York) that takes place in an area under the Department's jurisdiction that is not a sidewalk, pathway, street, or walkway of a bridge need not obtain a [MOFTB] MOME permit. Nothing herein shall be deemed to relieve such person or entity of the obligation to obtain a permit from the Department if such activity involves conduct otherwise requiring a permit pursuant to any other rule of the Department.

(f) *Alcoholic beverages.*

(1) Except where specifically permitted by the Commissioner, no person shall consume any alcoholic beverage in any park, playground, beach, swimming pool or other park property or facility, nor shall any person possess any alcoholic beverage with intent to consume or facilitate consumption by others of same in any park, playground, beach, swimming pool, or other park property or facility.

(2) It shall be a violation of these rules for any person to appear in any park under the influence of alcohol, to the degree that he may endanger himself or herself, other persons or property, or unreasonably annoy persons in his or her vicinity.

(g) *Beaches, boardwalks and pools.*

(1) Bathing in waters adjacent to property under the jurisdiction of the Department shall be permitted only at authorized bathing beaches and only during the bathing season designated by the Commissioner. The Commissioner may limit or expand the extent of bathing beaches or shorten or extend the bathing season with due regard for weather conditions and the safety of the public. It shall be a violation of these rules to bathe at any time in unauthorized areas.

(2) Except where permitted by the Commissioner, no person shall bring into or use in any pool under the jurisdiction of the Department, artificial floats, masks, spears, fins, snorkels, air or gas tanks, or other apparatus used for skin or scuba diving. No person shall bring into or use in any other [water under the jurisdiction of the Department] Parks waters, artificial floats, spears, fins, snorkels, air or gas tanks, or other apparatus used for scuba diving. [However, body] Body boards, as defined in section 1-02 of this title, are permitted at authorized bathing beaches at times when bathing is permitted. However, Department personnel may restrict the use of body boards based on site conditions, including but not limited to, rough water, overcrowding, and the nature of the location.

(3) Except in locations designated for such purpose, no person shall engage in any athletic game or conduct himself in such a way upon a bathing beach or in the water as to jeopardize the safety of himself or others. Surfboards are allowed only at areas expressly designated for such use.

(4) No person having, or apparently having any infectious disease shall be admitted to a bathing beach or bath house, or shall be permitted in the water.

(5) No person shall change clothes except in bath houses or other authorized places. No person shall be nude at any bathing area, beach or pool under the jurisdiction of the Department.

(6) No person shall disobey the reasonable direction of a lifeguard, nor shall any person carry on unnecessary conversation with a lifeguard, or falsely call for help or assistance, or stand, sit upon, or cling to lifeguard perches, or cling to or go into a lifeguard boat except in an emergency.

(7) Persons using swimming pools under the jurisdiction of the Department may only do so if dressed in bathing suits, and only after showering at the park immediately prior to entering such pools.

(8) Bathing and swimming in park swimming pools shall be allowed only when a lifeguard is on duty and on such days and at such times as are designated by the Commissioner and posted at each facility.

(9) No person shall dive into water under the jurisdiction of the Department except where specifically authorized by posted signs.

(h) *Fishing.*

(1) Fishing shall be permitted from locations under the jurisdiction of the Department, except in open swimming areas or where specifically prohibited. Any person who engages in fishing shall obey all posted guidelines, and comply with all applicable City, State and Federal laws and regulations, including Title 6 of the New York State Environmental Conservation Law.

(2) The use of lead fishing weights in waters under the jurisdiction of the Department shall be a violation of these rules.

(3) Failure to remove fishing line fragments and hooks from land and waters under the jurisdiction of the Department shall be a violation of these rules.

(4) All fish caught in fresh water areas shall be immediately released. The use of barbed hooks in such areas shall be a violation of these rules.

(5) The use of traps to catch fish and/or crustaceans in areas under the jurisdiction of the Department shall be prohibited.

(i) *Bicycling and operating [Pedicabs] pedicabs.*

(1) Any person bringing a bicycle or a pedicab into any park shall obey all park signs pertaining to the use of such bicycles or pedicabs. Only pedicabs that carry a registration plate as required by § 20-255 of the New York City Administrative Code and are operated by, or are authorized to be operated by, a pedicab business that possesses a valid pedicab business license, as defined by § 20-249 of the New York City Administrative Code, may be operated within property under the jurisdiction of the Department. Only a pedicab driver as defined by § 20-249 of the New York City Administrative Code who has a valid pedicab driver's license as defined by § 20-249 of the New York City Administrative Code may operate a pedicab within property under the jurisdiction of the Department.

(2) No bicycle or pedicab shall be ridden or otherwise operated in vegetated areas or on any bridle path, pedestrian way, park path, sitting or play area, playground, or in any other area so designated. Bicycles may be ridden and operated on park roads, bikepaths, and other areas specifically designated by the Commissioner. Pedicabs may only be operated on park roads designated by the Commissioner and may not be operated or stopped in (i) any recreation lane designated by the Commissioner for use by pedestrians or bicyclists; or (ii) any bikepath designated by the Commissioner.

(3) No person shall operate a bicycle or a pedicab in a reckless manner. Any person operating a bicycle or pedicab shall [ride]operate it in the direction of traffic and obey all traffic lights and road signs. Persons operating pedicabs may not ride adjacent to another pedicab, bicycle or vehicle, except when using the left lane to pass another pedicab, bicycle or motor vehicle.

(4) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, except children may be carried in seats securely attached to a bicycle. No person riding a bicycle shall attach himself or herself or his/her bicycle to the outside of any vehicle being operated upon a roadway.

(5) Any person operating a bicycle shall yield the right of way to pedestrians, in-line skaters, and horse drawn carriages. Any person operating a pedicab shall yield the right of way to pedestrians, bicyclists, in-line skaters, and horse drawn carriages.

(6) On the park roads in Central Park, all pedicabs shall remain in the far right lane, except when passing another pedicab, bicycle, or vehicle, in which case the pedicab may use the next lane to the left to pass.

(7) No person shall operate a pedicab adorned with commercial advertising in any park, or at any other location under the jurisdiction of the Department, unless the pedicab is on a park road during a time when private motor vehicles are allowed to operate on such park road.

(8) No person operating a pedicab in any park, or at any other location under the jurisdiction of the Department, shall solicit, pick up or release passengers except at areas specifically designated by the Commissioner, subject to any limitation imposed by the Commissioner as to the number of pedicabs that may solicit, pick up or release passengers in such designated areas at any given time. Signs shall be posted informing the public of the designation of such areas for solicitation, pick up or release of pedicab passengers.

(9) No person operating a pedicab shall occupy an area reserved solely for buses, taxicabs, horse drawn carriages or other vehicles or motor vehicles.

(10) In addition to complying with the provisions of this subdivision (i) of § 1-05, pedicab drivers shall operate pedicabs in compliance with the provisions of § 20-259 of the New York City Administrative Code.

(11) If there are exceptional circumstances, the Commissioner, in consultation with the Commissioners of the Police, Transportation and Consumer Affairs Departments, shall be authorized, upon notice, to restrict or prohibit any pedicab driver, as defined by § 20-249 of the New York City Administrative Code, from operating his or her pedicab on any park road otherwise designated for pedicab use, for a consecutive period of time, not to exceed fourteen days, or on one or more particular days. For purposes of this paragraph, exceptional circumstances shall include, but not be limited to, unusually heavy pedestrian or bicycle traffic, existence of any obstructions on Department property, a parade, demonstration, special event, or other such similar event or occurrence at or near such location. Notwithstanding the preceding provisions of this paragraph, the Commissioner may restrict or prohibit the operation of pedicabs within property under the jurisdiction of the Department for periods of time in excess of fourteen days when such restrictions apply to bicycles or other types of vehicles.

(j) *Boating.*

(1) No owner or operator of a boat, vessel or dinghy shall violate rules of the Department regulating the operation, docking, storage, maintenance or removal of such boat, vessel or dinghy, or the use or alteration of facilities connected with such activities, including, but not limited to, the provisions of chapters 3 and 4 of these rules. Violation of this paragraph constitutes a misdemeanor.

(2) No person shall land a boat of any kind other than a human-powered boat, such as a kayak, canoe, rowboat or pedal boat, on any park shore except at designated landing areas or in case of an emergency. No person shall operate a boat of any kind, including jet-skis, upon any Parks waters [under the jurisdiction of the Commissioner] in a reckless manner so as to endanger the life, limb or reasonable comfort of his or her passengers or other persons. Boating in any authorized bathing area is prohibited. Violation of this paragraph constitutes a misdemeanor.

(k) *Unlawful ice activity.*

(1) Ice skating is permitted at rinks maintained by the Department for such use, at such times, and subject to the [Rules] rules and [Regulations] regulations prescribed and posted at each facility.

(2) No person shall go upon the ice of any lake or pond in any park except at such places and at such times as may be designated by the Commissioner. Violation of this paragraph constitutes a misdemeanor.

(l) *Planting.* No tree, plant, flower, shrubbery or other vegetation shall be planted in any area under the jurisdiction of the Department without [a permit] the Department's written approval and any necessary approval from the Department of Transportation. [No such planting shall be undertaken on any street or avenue without a permit for the necessary excavation from the Department of Transportation.] Trees planted pursuant to [permits] the Department's approval shall become the property of the City after a guarantee period of one year has been satisfactorily completed.

(m) *Unlawful fires.*

(1) No person shall kindle, build, maintain, or use a fire in any place, portable receptacle, or grill except in places provided by the Department and so designated by sign or by special permit. In no event shall open or ground camp fires be allowed in any park. Any fire authorized by this subdivision (m) shall be contained in a portable receptacle grill or other similar device, and continuously under the care and direction of a competent person over 18 years of age, from the time it is kindled until it is extinguished. No fire shall be within ten feet of any building, tree, or underbrush or beneath the branches of any tree. Violation of this paragraph constitutes a misdemeanor.

(2) No person shall leave, throw away, drop, or toss any lighted match, cigar, or cigarette, hot coals, or other flammable material within, on, near, or against any tree, building, structure, boat, vehicle or enclosure, or in any open area. This paragraph shall not apply to extinguishing a cigar or cigarette on a paved surface. Violation of this paragraph constitutes a misdemeanor.

(n) *Unlawful operation and parking of motor vehicles.*

(1) Motor vehicles may not be brought into or operated in any area of a park except on park roads or designated parking areas. Park roads may be closed to motor vehicles at such times and in such places designated by the Commissioner.

(2) A person shall not park any motor vehicle in any park except in areas designated by the Commissioner for parking, and only during the hours of operation of such park.

(3) No person shall use any area of a park, including designated parking areas, for the purpose of performing non-emergency automotive work, including, but not limited to, vehicle maintenance, repairs, or cleaning.

(o) *Unauthorized construction on park property.* No person shall perform or cause to be performed construction work of any kind or any work incidental thereto, including, [storage of materials, in any park] but not limited to, construction staging, except pursuant to a permit issued by the [Construction Division of the] Department. Violation of this subdivision constitutes a misdemeanor.

(p) *Unauthorized [dumping,] excavations.* No person shall perform, cause, suffer, or allow to be performed any excavations or similar activity that significantly disrupts park property within or adjacent to any park property without a permit issued by the Department. Violation of this subdivision constitutes a misdemeanor.

(q) *Horse riding.*

(1) No person may ride a horse in any park, except on bridle paths designated by the Department.
(2) It shall be a violation of these [Rules] rules to ride a horse into or within a park in a reckless manner; to allow the horse to be left unbridled or unattended; or to allow the horse to cause any damage to any tree, plant, flower, shrubbery or other vegetation under the jurisdiction of the Department.

(r) *[Failure to comply with area] Area use restrictions.*

(1) No person shall throw, catch, kick or strike any baseball, football, basketball, soccer, golf or tennis ball, or similar object, nor shall any person engage in any sport[, game] or other athletic competition except in areas designated and maintained therefore. No such use will be allowed without a permit [at any time] if the desired area has [previously] been allotted by permit issued pursuant to the provisions of these [Rules] rules.

(2) No person shall engage in any toy or model aviation, [kite-flying,] model boating [or], model automobiling, or activity involving other similar devices except at such times and at such places designated or maintained [therefore] for such purposes. Violation of this paragraph constitutes a misdemeanor.

(3) (i) No person shall roller skate, ski, skateboard, sled or coast, or ride on any similar device outside areas designated and maintained for such use in a manner that endangers any other person or property. Violation of this subparagraph constitutes a misdemeanor.

(ii) No person shall roller skate, ski, skateboard, sled or coast [on any kind of vehicle except in] or ride on any similar device outside areas designated and maintained for such use.

(s) *Exclusive areas.* Areas within the parks designated by the Commissioner for exclusive use by means of posting signs shall include:

(1) Exclusive children playgrounds: Adults allowed in playground areas only when accompanied by a child under the age of twelve (12). Violation of this paragraph constitutes a misdemeanor.

(2) Exclusive senior citizens areas: Certain areas of any park may be set aside for citizens aged 65 and older, for their quiet enjoyment and safety.

(3) Dog Runs: Certain fenced park areas may be designated by the Commissioner as dog runs, and persons owning or possessing dogs that are wearing a license tag and vaccinated against rabies pursuant to the laws of the State of New York and City of New York are permitted to allow such animals to remain unleashed in these areas. Users of dog runs shall obey posted rules. Users of such dog runs shall provide proof of current vaccination against rabies and proof of current licensing upon the request of any Police Officer, Urban Park Ranger, Parks Enforcement Patrol Officer or other Department employee or employee of the DOHMH, the refusal of which shall constitute a violation of § 1-03(c)[, § 1-04(i)] and of this paragraph. [All exclusive areas will be specifically designated as such and signs will be posted informing the public of this designation.]

(t) *Unlawful distribution of products and materials.* No person shall engage in the non-commercial distribution of products and/or material (other than printed or similarly expressive material) without a permit issued by the Commissioner. A permit shall be issued only upon the Commissioner's determination that said distribution will be conducted in a manner consistent with the public's use and enjoyment of the park or facility in question. In making this determination, the Commissioner will consider the nature of the product or material, whether the product or material is compatible with customary park uses, whether the product or material is intended to be used in the park or facility, the age of the targeted audience for the product or material, and whether the area in the park or facility where the distribution will take place is appropriate for such distribution, considering, e.g., its proximity to areas designed for children, quiet zones or other areas designed for activities not compatible with such distribution. In connection with the foregoing, the Commissioner may consult with parental groups which are involved with the park or facility where a permit for distribution is requested. The Commissioner may also impose conditions upon the distribution of products and materials consistent with the concerns reflected by the factors listed above. Products and/or materials may be distributed only upon an indication of interest by the recipient, and only from a fixed location specified in the permit.

(u) [*Rollerblades.* Any person using rollerblades or roller skates in any park shall obey all park signs pertaining to the use of same.] *In-line skates.* No person shall use [rollerblades] in-line skates in any park except for park drives or areas designated for such use by the Department, and at times designated for such use. No person shall use [rollerblades] in-line skates in a reckless manner, or so as to endanger persons or property.

Section 5. Section 1-07 of Title 56 of the Rules of the City of New York shall be repealed and a new section 1-07 shall be added to read as follows:

§ 1-07 Civil Penalties.

(a) Any violation of these rules shall subject the respondent to a civil penalty which may be recovered in a proceeding before the Office of Administrative Trials and Hearings pursuant to section 1049-a of the Charter. Such proceedings will be commenced by the service of a civil summons returnable to the Office of Administrative Trials and Hearings in accordance with such section. The Office of Administrative Trials and Hearings may impose the penalties in the following table below for violations of the Department's rules.

(b) In addition, except as otherwise provided below, violation of the rules of this chapter shall also constitute an offense (classified as a "violation" under the Penal Law), which may be punished in a separate court proceeding by imprisonment of up to one day or a fine of not more than \$200. Violations marked with an asterisk are also misdemeanors prohibited by Section 18-146 or Section 18-147 of the New York City Administrative Code and are subject to additional penalties.

(c) "Default penalty" shall mean the penalty imposed by the Office of Administrative Tribunals and Hearings acting pursuant to section 1049-a of the Charter of the City of New York in accordance with subparagraph (d) of paragraph one of subdivision d of section 1049-1 of such Charter.

<u>Section/Rule</u>	<u>Description</u>	<u>Penalty</u>	<u>Default Penalty</u>
<u>56 RCNY 1-03(a)(3)</u>	<u>Unauthorized presence in park when closed to public</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-03(b)(6)</u>	<u>Failure to have/display/comply with required permit</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-03(c)(1)*</u>	<u>Failure to comply with directives of police, park supervisor, lifeguard, peace officer</u>	<u>\$250</u>	<u>\$375</u>
<u>56 RCNY 1-03(c)(2)</u>	<u>Failure to comply with directives of other Department employee</u>	<u>\$150</u>	<u>\$225</u>
<u>56 RCNY 1-03(c)(3)</u>	<u>Failure to comply with directions/prohibitions on signs</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-04(a)(1)*</u>	<u>Destruction or abuse of Department property that causes significant damage or expense</u>	<u>\$1,000</u>	<u>\$1,500</u>
<u>56 RCNY 1-04(a)(2)</u>	<u>Injury, defacement, abuse, etc. of Department property</u>	<u>\$100</u>	<u>\$150</u>
<u>56 RCNY 1-04(b)(1)(i)*</u>	<u>Cutting, removal, or destruction of a tree</u>	<u>\$750</u>	<u>\$1,125</u>
<u>56 RCNY 1-04(b)(1)(ii)</u>	<u>Defacement or writing upon a tree</u>	<u>\$200</u>	<u>\$300</u>
<u>56 RCNY 1-04(b)(1)(iii)</u>	<u>Defacement, killing, etc. of vegetation</u>	<u>\$200</u>	<u>\$300</u>
<u>56 RCNY 1-04(b)(2)</u>	<u>Walking on/permitting animal or child to walk on newly seeded grass</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-04(b)(3)</u>	<u>Walking/permitting animal or child to walk in fenced area</u>	<u>\$50</u>	<u>\$ 75</u>
<u>56 RCNY 1-04(b)(4)</u>	<u>Unauthorized possession of gardening tool/plant</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-04(b)(5)</u>	<u>Unauthorized use of metal detector</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-04(c)(1)</u>	<u>Littering or unlawful use of park waste receptacle</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-04(c)(2)*</u>	<u>Polluting waters within park</u>	<u>\$250</u>	<u>\$375</u>
<u>56 RCNY 1-04(c)(3)*</u>	<u>Unlawful dumping</u>	<u>\$1,000</u>	<u>\$1,500</u>

<u>56 RCNY 1-04(c)(4)</u>	<u>Storing/leaving unattended personal belongings</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-04(d)</u>	<u>Possession of glass container</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-04(e)(1)*</u>	<u>Aviation—bringing/landing aerial device in park, endangering person or property</u>	<u>\$500</u>	<u>\$725</u>
<u>56 RCNY 1-04(f)(1)*</u>	<u>Possession of a firearm/propellant/explosive etc.</u>	<u>\$500</u>	<u>\$725</u>
<u>56 RCNY 1-04(g)(1)*</u>	<u>Harming animals, nests, or eggs; Possessing or distributing animals or eggs.</u>	<u>\$1,000</u>	<u>\$1,500</u>
<u>56 RCNY 1-04(g)(2)</u>	<u>Unauthorized feeding of animals</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-04(i)*</u>	<u>Unleashed/uncontrolled animals in park</u>	<u>\$100</u>	<u>\$150</u>
<u>56 RCNY 1-04(i)*</u>	<u>Unleashed/uncontrolled animals in park—second or subsequent violation within one year</u>	<u>\$250</u>	<u>\$375</u>
<u>56 RCNY 1-04(j)(1), 3-18(b)</u>	<u>Failure to remove canine waste</u>	<u>\$100</u>	<u>\$200</u>
<u>56 RCNY 1-04(j)(2)</u>	<u>Horse-carriage without horse hamper/control for horse waste</u>	<u>\$100</u>	<u>\$150</u>
<u>56 RCNY 1-04(k)</u>	<u>Unlawful urination/defecation in park</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-04(l)(1)*</u>	<u>Disorderly behavior—unauthorized access/trespass</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-04(l)(2)(i)</u>	<u>Disorderly behavior—climbing</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-04(l)(2)(ii)*</u>	<u>Disorderly behavior—climbing statue or artwork in manner that could damage it</u>	<u>\$200</u>	<u>\$300</u>
<u>56 RCNY 1-04(l)(3)*</u>	<u>Disorderly behavior—fee evasion</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-04(l)(4)</u>	<u>Disorderly behavior—gambling</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-04(l)(5)(i)*</u>	<u>Disorderly behavior—render road dangerous</u>	<u>\$100</u>	<u>\$150</u>
<u>56 RCNY 1-04(l)(5)(ii)</u>	<u>Disorderly behavior—render park dangerous</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-04(l)(6)</u>	<u>Disorderly behavior—fighting/assault</u>	<u>\$150</u>	<u>\$225</u>

<u>56 RCNY 1-04(l)(7)</u>	<u>Disorderly behavior—sexual activity</u>	<u>\$100</u>	<u>\$150</u>
<u>56 RCNY 1-04(l)(8)</u>	<u>Disorderly behavior—endanger safety of others</u>	<u>\$250</u>	<u>\$375</u>
<u>56 RCNY 1-04(l)(9)*</u>	<u>Disorderly behavior—operation of bike, motor vehicle, etc. that endangers safety of other person or property</u>	<u>\$500</u>	<u>\$750</u>
<u>56 RCNY 1-04(n)*</u>	<u>Unlawful exposure</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-04(o)</u>	<u>Obstruction of benches, sitting areas</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-04(p)</u>	<u>Unauthorized camping</u>	<u>\$250</u>	<u>\$375</u>
<u>56 RCNY 1-04(q)</u>	<u>Spitting on park building/monument/structure</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-04(r)</u>	<u>Unauthorized use of fountain/pool/water for personal/animal hygiene</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-04(s)(1)*</u>	<u>Unlawful commercial activity or speech</u>	<u>\$100</u>	<u>\$150</u>
<u>56 RCNY 1-04(s)(2)</u>	<u>Soliciting money or property without permit</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-05(a)(1)*</u>	<u>Unpermitted event that significantly interferes with ordinary park use</u>	<u>\$ 500</u>	<u>\$ 750</u>
<u>56 RCNY 1-05(a)(2)</u>	<u>Unpermitted special event/demonstration</u>	<u>\$250</u>	<u>\$375</u>
<u>56 RCNY 1-05(a)(3)*</u>	<u>Structure/stand/booth etc. without permit</u>	<u>\$250</u>	<u>\$375</u>
<u>56 RCNY 1-05(b)*</u>	<u>Unlawful vending</u>	<u>\$250</u>	<u>\$375</u>
<u>56 RCNY 1-05(b)(1)*</u>	<u>Unlawful vending—second or subsequent violation within one year</u>	<u>\$500</u>	<u>\$750</u>
<u>56 RCNY 1-05(b)(2)*</u>	<u>Unlawful vending of expressive matter in violation of Department rules</u>	<u>\$500</u>	<u>\$750</u>
<u>56 RCNY 1-05(c)</u>	<u>Unlawful display of signs</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-05(d)(1)</u>	<u>Unreasonable noise</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-05(d)(2)*</u>	<u>Operating sound reproduction device without required permit</u>	<u>\$140</u>	<u>\$210</u>

<u>56 RCNY 1-05(d)(3)*</u>	<u>Playing instrument/radio etc. during unauthorized hours</u>	<u>\$140</u>	<u>\$210</u>
<u>56 RCNY 1-05(d)(4)*</u>	<u>Unauthorized music or noise for advertising/commercial purposes</u>	<u>\$500</u>	<u>\$750</u>
<u>56 RCNY 1-05(e)(1)*</u>	<u>Commercial cinematic production without required permit</u>	<u>\$250</u>	<u>\$375</u>
<u>56 RCNY 1-05(f)(1)</u>	<u>Unauthorized consumption/possession of alcoholic beverage</u>	<u>\$25</u>	<u>\$25</u>
<u>56 RCNY 1-05(f)(2)</u>	<u>Appearing in park under the influence of alcohol, endangering self or others</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-05(g)</u>	<u>Failure to comply with beach/boardwalk/pool restrictions</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-05(h)</u>	<u>Failure to comply with fishing restrictions</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-05(i)</u>	<u>Failure to comply with bicycle riding and/or pedicab restrictions</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-05(i)(1)</u>	<u>Failure of pedicab or bike operator to comply with sign</u>	<u>\$150</u>	<u>\$225</u>
<u>56 RCNY 1-05(i)(1)</u>	<u>Pedicabs operating without valid registration plate, valid pedicab business license, or valid pedicab driver's license</u>	<u>\$250</u>	<u>\$375</u>
<u>56 RCNY 1-05(i)(8)</u>	<u>Pedicab soliciting/picking up/releasing passenger outside designated areas</u>	<u>\$150</u>	<u>\$225</u>
<u>56 RCNY 1-05(j)*</u>	<u>Failure to comply with boating restrictions</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-05(k)(1)</u>	<u>Failure to comply with ice skating restrictions</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-05(k)(2)*</u>	<u>Going upon a frozen lake or pond without authorization</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-05(l)</u>	<u>Planting tree/flower/shrubbery/other vegetation without written approval</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-05(m)(1)*</u>	<u>Failure to comply with fire restrictions</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-05(m)(2)*</u>	<u>Unlawful disposal of flammable materials</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-05(n)</u>	<u>Unauthorized driving/parking/automotive work</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-05(o)*</u>	<u>Unauthorized construction/staging of materials</u>	<u>\$1,000</u>	<u>\$1,500</u>

<u>56 RCNY 1-05(p)*</u>	<u>Unauthorized excavation</u>	<u>\$1,000</u>	<u>\$1,500</u>
<u>56 RCNY 1-05(q)</u>	<u>Failure to comply with horse riding restrictions</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-05(r)(1)</u>	<u>Area use restrictions—sports in unauthorized area</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-05(r)(2)*</u>	<u>Area use restrictions—unauthorized toy or model aviation, boating, automobiling, etc.</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-05(r)(3)(i)*</u>	<u>Area use restrictions—unauthorized skating/skiing/skateboarding/ sledding, etc. endangering person or property</u>	<u>\$200</u>	<u>\$300</u>
<u>56 RCNY 1-05(r)(3)(ii)</u>	<u>Area use restrictions—unauthorized skating/skiing/skateboarding/ sledding, etc.</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-05(s)(1)*</u>	<u>Failure to comply with exclusive children playground restriction</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-05(s)(2)</u>	<u>Failure to comply with exclusive senior citizen area restrictions</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-05(s)(3)</u>	<u>Failure to comply with dog run restrictions</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 1-05(t)</u>	<u>Unauthorized distribution/demonstration of products</u>	<u>\$100</u>	<u>\$150</u>
<u>56 RCNY 1-05(u)</u>	<u>Failure to comply with in-line skating restrictions</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY chapter 3*</u>	<u>Miscellaneous violations of rules regarding 79th St. Boat Basin, Sheepshead Bay Piers, World’s Fair Marina and any other Department marina not covered by a concession agreement</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 3-05,4-03*</u>	<u>Interference with emergency vessel boarding</u>	<u>\$100</u>	<u>\$150</u>
<u>56 RCNY 3-06(a), 3-17, 4-04(a)*</u>	<u>Failure to have/display/comply with required vessel permit</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 3-08(a), 4-06(a)*</u>	<u>Unlawful discharge onto docks/water/walkways etc.</u>	<u>\$250</u>	<u>\$375</u>
<u>56 RCNY 3-08(b), 4-06(b)*</u>	<u>Unlawful use of composting toilet systems</u>	<u>\$250</u>	<u>\$375</u>
<u>56 RCNY 3-08(f), 4-06(f)*</u>	<u>Unreasonable noise at boat basin, marina, piers, mooring fields</u>	<u>\$150</u>	<u>\$225</u>

<u>56 RCNY 3-10(a)*</u>	<u>Improper maintenance of vessel or equipment</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 3-10(b)*</u>	<u>Unauthorized structural modification on vessel</u>	<u>\$500</u>	<u>\$750</u>
<u>56 RCNY 3-12, 4-10*</u>	<u>Failure to possess proper safety equipment on vessel</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 3-13(a)*</u>	<u>Unauthorized interference with electrical supply at marina and boat basin</u>	<u>\$250</u>	<u>\$375</u>
<u>56 RCNY 3-15, 4-11*</u>	<u>Failure to remove sunken vessel</u>	<u>\$500</u>	<u>\$750</u>
<u>56 RCNY 3-16(b)*</u>	<u>Unauthorized storage of kayak or canoe</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 3-20, 4-14*</u>	<u>Unlawful use of slip or vessel</u>	<u>\$500</u>	<u>\$750</u>
<u>56 RCNY chapter 4*</u>	<u>Miscellaneous violations of rules regarding mooring fields under the Department's jurisdiction</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 4-09*</u>	<u>Excessive speed in mooring fields</u>	<u>\$50</u>	<u>\$75</u>
<u>56 RCNY 4-07(a),(b)*</u>	<u>Mooring fails to meet requirements</u>	<u>\$50</u>	<u>\$75</u>
<u>Administrative Code 17-503(d)(3)</u>	<u>Smoking in a park or other property under the jurisdiction of the Department of Parks and Recreation</u>	<u>\$50</u>	<u>\$50</u>
<u>Administrative Code 18-146(i)(1)</u>	<u>Youth baseball league's second or subsequent failure to comply with automated external defibrillator requirements</u>	<u>\$500</u>	<u>\$500</u>
<u>Administrative Code 18-146(i)(2)</u>	<u>Youth baseball league's failure to return automated external defibrillator to the Department in satisfactory condition</u>	<u>\$2,500</u>	<u>\$2,500</u>

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Implementation of Criminal Justice Reform Act

REFERENCE NUMBER: 2017 RG 019

RULEMAKING AGENCY: The Department of Parks and Recreation

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: April 14, 2017

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Implementation of Criminal Justice Reform Act

REFERENCE NUMBER: DPR 12

RULEMAKING AGENCY: Department of Parks and Recreation

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) The proposed rules do not provide a cure period because the violations pose significant risks to public health and safety, environmental hazards, and/or arise from consequences of immediate events, which make a cure period impracticable under the circumstances.

/s/ Lauren M. Greenawalt
Mayor's Office of Operations

April 14, 2017
Date