

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2013**

No. 2

Introduced by Council Members Dickens, Comrie, Fidler, Koo, Mealy, Rose, Williams, Rodriguez and Crowley (in conjunction with the Mayor)

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the place of assembly certificate of operation and the place of assembly permit.

Be it enacted by the Council as follows:

Section 1. Table 28-112.8 of chapter 1 of title 28 of the administrative code of the city of New York, as amended by local law number 45 for the year 2011, is amended to read as follows:

Table 28-112.8

Item Description	Fee	Comments
Place of assembly certificate of operation.	\$200.	\$100 [renewal] <i>amendment.</i>

§2. Section 28-117.1.1 of chapter 1 of title 28 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§28-117.1.1 Contents of *the place of assembly certificate of operation.* The place of assembly certificate of operation shall contain the place of assembly certificate number, the number of persons who may legally occupy the space and any other information that the commissioner may determine. Such place of assembly certificate of operation shall be framed and mounted in a location that is conspicuously visible to a person entering the space. For the purposes of this article a *department issued* place of assembly permit [issued prior to the effective date of this code] *or*

place of assembly certificate of operation shall be valid until its expiration, at which time a new place of assembly certificate of operation shall be required in accordance with the provisions of this article and with the filing requirements of the department. [Prior to the expiration of the term of such place of assembly permit, the party responsible for renewal shall apply to the department for a certificate of operation in accordance with this article, except that the issuance of such certificate shall be subject to the same inspection requirement as a renewal of a certificate of operation pursuant to this code.]

§3. Section 28-117.1 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding new sections 28-117.1.2 and 28-117.1.3 to read as follows:

§28-117.1.2 *New certificate required.* *The following changes to a place of assembly shall require a new place of assembly certificate of operation instead of an amendment filed in accordance with section 28-117.1.3:*

- 1. For a department issued place of assembly permit or place of assembly certificate of operation that does not have a nine-digit job number, any change of zoning use group, assembly occupancy group A-1 through A-5, or any of the changes set forth in section 28-117.1.3.*
- 2. For all other department issued place of assembly permits or place of assembly certificates of operation, any change of zoning use group or assembly occupancy group A-1 through A-5.*

§28-117.1.3 *Amendments.* *No change shall be made to a place of assembly that is inconsistent with the most recently issued place of assembly certificate of operation or renewal unless an amendment to such certificate is filed with and approved or accepted by the department. Changes that require an amendment include any of the following:*

1. *Any physical change requiring an alteration permit to be issued by the department.*
2. *Any amendment to the plan for seating and other moveable furnishings, in accordance with section 28-117.1.*
3. *Any change to the name of the establishment.*

§4. Section 28-117.3 of chapter 1 of title 28 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§28-117.3 Duration [and renewal] of certificate. A place of assembly certificate of operation shall be issued [for a term of 1 year and may be renewed annually upon payment of proper fees and proof of satisfactory inspection by the fire department] *by the department and shall be effective for one year after its issuance. Thereafter, such certificate shall be effective only for periods of time during which there is in effect an annual place of assembly permit issued by the fire department pursuant to section 105.6 of the New York city fire code.*

§5. Section 3110.7 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

3110.7 Assembly seating. Unless separated from seating inside the building by fire partitions complying with Section 708, the seating for enclosed sidewalk cafés shall be added to that inside the building in order to determine whether a place of assembly [permit] *certificate of operation* is required.

§6. Section FC 105.3.1 of the New York city fire code, chapter 2 of title 29 of the administrative code of the city of New York, as added by local law number 26 for the year 2008, is amended to read as follows:

105.3.1 Permit issuance and renewal. Every permit or renewal thereof granted by the commissioner shall be for a period specified therein, not to exceed two years, *or as set forth in*

Section 105.6, and shall expire at the end of such period unless the commissioner approves its renewal. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

§7. The “places of assembly” subdivision of section FC 105.6 of the New York city fire code, chapter 2 of title 29 of the administrative code of the city of New York, as added by local law number 26 for the year 2008, is amended to read as follows:

Places of assembly. A permit is required to maintain or operate a place of assembly. *The term of such permit shall be for a period not to exceed 1 year.*

§8. This local law shall take effect 120 days after its enactment; provided, however, that the commissioner of buildings and the fire commissioner may, in advance of such effective date, promulgate rules and take any other actions necessary to implement this local law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council onDecember 18, 2012..... and approved by the Mayor onJanuary 7, 2013.....

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 2 of 2013, Council Int. No. 943-A of 2012) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.