

NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on Proposed Rule regarding changes to Ballfields Rules.

Date / Time: Thursday, January 26, 2012 at 11a.m.

Location: Chelsea Recreation Center
430 West 25th Street
New York, NY 10001

Contact: General Counsel
Alessandro G. Olivieri
Department of Parks & Recreation
The Arsenal, Central Park
830 Fifth Avenue
New York, NY 10065

Proposed Rule Amendment

Pursuant to the authority invested in the Commissioner of the Department of Parks & Recreation ("Parks") by Sections 389 and 533(a)(9) of the New York City Charter and in accordance with the requirement of Section 1043 of the New York City Charter, Parks proposes to revise § 2-12 and to delete § 2-13 of Chapter 2 to Title 56 of the Official Compilation of Rules of the City of New York.

These amendments were not included in the Parks regulatory agenda because Parks was not aware of the necessity for the amendments at the time the regulatory agenda was prepared.

Instructions

Prior to the close of the hearing, you may submit written comments about the proposed amendment by mail to the Department of Parks and Recreation at:

General Counsel
Alessandro G. Olivieri
Department of Parks & Recreation
The Arsenal, Central Park
830 Fifth Avenue
New York, NY 10065

or electronically through NYC RULES at www.nyc.gov/nycrules by January 26, 2012.

To request a sign language interpreter or other form of reasonable accommodation at the hearing, please notify Shanay M. Smith at (212) 360-1383 or email shanay.smith@parks.nyc.gov, on or before January 12, 2012.

To notify the Department of Parks and Recreation of your intention to testify at the hearing and have your name included on an advance list of those expected to testify and who will be called in order of sign up, please contact:

Assistant Counsel
Shanay M. Smith
Department of Parks & Recreation
The Arsenal, Central Park
830 Fifth Avenue
New York, NY 10065
(212) 360-1383
shanay.smith@parks.nyc.gov

Summarized copies of the written and oral comments received at the hearing will be available as soon as practicable after the hearing between the hours of 9:00 A.M. and 5:00 P.M. at:

Department of Parks & Recreation
The Arsenal, Central Park
830 Fifth Avenue
New York, NY 10065
Room 313
(212) 360-1313

Statement of Basis and Purpose

The proposed rules:

- Clarify and codify practices utilized by Parks when accepting, processing, and issuing ballfield permit applications in order to fairly allocate ballfields and courts amongst a wide range of applicants.
- Better explain how permit requests are processed;
- Continue the long-standing practice of Parks to promote and accommodate youth athletic opportunities, while still providing adults with reasonable access to ballfields and courts; and
- Reflect Parks' efforts to fairly accommodate as many requests as possible for ballfield or court permits.

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

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department.

Section 2 Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§2-12 Ballfield Permits [Basketball, Baseball, Softball, Cricket, Roller Hockey and Volleyball

(a) Permit applications. (1) Those who wish to reserve a court, rink or ballfield ("sports facility") under the jurisdiction or management of the Department for the sports of basketball, baseball, softball, cricket, roller hockey, and volleyball must obtain a written permit from the Department. If an individual is applying for a permit on behalf of a group or athletic league, he or she must so designate on the permit. Only one individual may apply for a permit per group or athletic league.

(2) The completed application must be received by the Department no later than March 1 of each year. Later applications will be filled on a space available basis.

(3) The completed application must include a list of all sports facilities requested.

(4) The Department reserves the right to require a cleanup bond and/or personal liability insurance for the event/game, naming the City of New York as co-insured. The factors to be considered in requiring a bond and/or insurance are: (i) estimated number of spectators to attend sessions, (ii) involvement of vendors (where permitted by the Department), (iii) past history of league/event.

(5) Admission tickets, refreshments or any other articles may not be sold or offered for sale within or adjacent to any park area without the prior written authorization of the Department.

(b) Permits. (1) The permittee must confine sports activities to the locations and times specified on the permit.

(2) The permittee shall remain subject to the Rules of the Department, the specific terms of the permit, and to all rules, regulations and laws of all City, State and Federal departments insofar as applicable.

(3) The permittee must clean and restore the premises after each session.

(4) Pamphlets, handbills, or advertising material of any kind may not be posted, placed or distributed at the courts or ballfields, unless written permission is granted by the Department.

(5) The permittee must have in his/her possession at the time and site of the reserved session the permit for the use of the sports facility and any other Permits or documents required by the Department or any other City agency for proposed activities at the session.

(6) The permittee is liable for all damage or injury to property or persons that may occur or be caused by the use of the permit, and by accepting the permit the permittee agrees to save the City of New York and the Department harmless from any claim whatsoever which may result from such use.

(7) Any transfer of permits requires the approval of the athletic permit coordinator of the borough in which the sports facilities are located. Such transfer, if approved, must take place in the office of the athletic permit coordinator of the relevant borough with both transferor and transferee present. The permit is not otherwise transferable.

(8) The permit is revocable at any time at the discretion of the Commissioner, or his or her representative. The reasons for revocation include, but are not limited to, (i) providing incorrect information on an application form, (ii) failure to adhere to the rules of the Department or the conditions of the permit, and (iii) the use of a permit issued to a youth organization by adults. If a reserved session is cancelled by the Department for administrative reasons, the session may be rescheduled where feasible. The permittee has the right to appeal the revocation of a permit to the Chairperson of the Department's Ballfield Task

Force within 10 days immediately following the mailing of notice of revocation by the Department. Such appeal must be in writing. The decisions of the Chairperson of the Ballfield Task Force shall be final.

(9) The maximum number of reserved sessions that any adult single-permit holder or league may control is limited to sixteen sessions per week, per park. The maximum length of any permit is six months. Exceptions may be made by the Commissioner or his or her representative. Youth leagues shall not be subject to the 16 session per week, per park limit.

(10) The Department may review the practices of all leagues and tournaments to determine whether the permittee should receive the requested number of reserved sessions. If the Department determines that sports facility space is in high demand and that the permittee does not reasonably need all of the session time requested, the Department may approve the permit in part, granting to the permittee some fraction of the field or court time applied for.

(11) The Department may inspect the site to determine if the permittee is utilizing all of the reserved time requested. In the event that the Department determines that the permittee is not using all of the time requested, the Department may reduce the number of permitted sessions.

(12) Due to space limitations, the Department will not allow the reservation of sports facility space for practice sessions.]

(a) The following terms (as they are used in this section) will have the meanings listed below:

“Adult League.” Adult Leagues are Adult Recreation sports leagues, including, but not limited to community based organization leagues, independent leagues, college leagues and corporate leagues.

“Adult Recreation.” Adult Recreation refers to a category of applicants for and holders of permits for the use of ballfields or courts for athletic activity that are not within the category of Youth Recreation.

“New Applicant.” New Applicant(s) are:

- (1) those applicant(s) that received permits for the previous year or season, and wish to apply for a different number of hours, or a different number of ballfields or courts at the same location for which a permit was held in the previous year or season;
- (2) applicant(s) who have never sought permits for the use of a particular ballfield or court before; or
- (3) Returning Applicant(s) who include new or additional requests in their permit application(s) are treated as New Applicant(s) for such new or additional permit requests.

“Returning Applicant.” Returning Applicant(s) are those applicant(s) requesting the same number of hours, and number of ballfields or courts at a location as they received under permit(s) for the previous year or season.

“Seasonal Applicant.” Seasonal Applicant(s) are all applicants who are not within the category of Short Term Permit Applicants.

“Short Term Permit Applicant.” Short Term Applicant(s) are applicants that request permits to use ballfield(s) or court(s) for no more than four (4) days of athletic activity within a seven (7) day period. The request must not be connected with any other request for a ballfield or court permit during the same season.

“Youth League.” Youth Leagues are Youth Recreation sports leagues, including, but not limited to high school leagues, little leagues, community based organization leagues, and unaffiliated leagues.

“Youth Recreation.” Youth Recreation refers to a category of applicants for and holders of permits for athletic activity with participants who are all 17 years old or younger. Youth Recreation shall also include school recreation programs (grade school through high school athletic programs) regardless of the age of the participants.

(b) (1) Permit Application Process. Any person who wishes to reserve a ballfield or court under the jurisdiction or management of the Department for basketball, handball, baseball, softball, cricket, roller hockey, volleyball, football, lacrosse, rugby, ultimate frisbee, soccer, or any other ballfield or court sport must obtain a written permit from the Department. Any person applying for a permit on behalf of a group or athletic league must indicate that they are doing so on the permit application. Only one individual per group or athletic league may apply for a permit. Tennis permit regulations are separately addressed in section 2-01.

(2) The permit applicant must submit all applications to the Department’s borough permit office in the borough where the requested ballfield or court is located. Applications may be submitted via postal mail, through the Department’s website, or in-person or via facsimile (fax). Permit applications received by the borough permit office will be date and time stamped to acknowledge receipt. Applicants must apply separately to each borough permit office where they are seeking a ballfield or court.

(3) In order to process applications in advance of the start date for each season, the Department has established seasonal application periods. Applications (for each of the respective periods) will not be accepted prior to the start date for a given application period. For the purpose of this section the seasonal application periods for the following seasons are:

<u>Season</u>	<u>Spring and Summer Season</u>	<u>Fall Season</u>	<u>Winter Season</u>
<u>Application Period</u>	<u>November 15 through January 15</u>	<u>April 15 through June 15</u>	<u>September 15 through November 1</u>

(4) For purposes of this section, the seasonal recreational periods are as follows:

<u>Season</u>	<u>Spring and Summer Season</u>	<u>Fall Season</u>	<u>Winter Season</u>
<u>Seasonal Recreational Period</u>	<u>March 17 through August 31</u>	<u>September 1st through November 31</u>	<u>December 1 through March 16</u>

(5) The Department reserves the right to determine appropriate recreational usage for each ballfield or court. Permits shall be issued for the use of individual ballfields or courts designed for a specific sport, (e.g., baseball or soccer) at any time during the year. Ballfields that are designed to host a variety of sports will be allocated as follows: during the spring/summer season priority will be given to applications for bat and ball sports such as baseball and softball and including but not limited to cricket, and during the fall/winter seasons priority will be given to sports played on rectangular ballfields, such as football and

soccer. The Department may consider an out-of-season permit application for ballfields that are designed to host a variety of sports (e.g., baseball in the fall, soccer in the spring) provided there are not qualified applicants for the priority seasonal uses set forth above. Permit holders granted permits for out-of-season use will not be treated as a Returning Applicant should they apply the year following the issuance of an out-of-season permit. No grass ballfields will be available during the winter season.

(6) Applications received (during the relevant application period) will be categorized by the following factors:

(i) Youth or Adult Recreation

(ii) Returning or New Applicants

(iii) Short Term or Seasonal Applicants

(7) For Applications received during the relevant application period, the Department will first consider Youth Recreation permit requests before any Adult Recreation permit requests. Youth Recreation applicants that are also Returning Applicant(s) and have fully complied with a) the terms and conditions of the previous season's permits and b) all other Department rules and regulations, will be given preference to use the same dates and times allotted to them in the previous season. The Department will also consider the following factors when allocating Youth Recreation permits:

(i) whether the applicant is part of a Youth League.

(ii) whether the Youth League is part of an official school league.

(iii) whether the Short Term Permit Applicant(s) can be accommodated before allocating permits for Seasonal Applicants.

(iv) whether the Department can accommodate newly established Youth Leagues in order to equitably allocate ballfield and court usage as between newly established and Returning Applicant Youth Leagues.

(v) Due to space limitations, the Department may reject permit requests from applicants that seek the reservation of ballfields or courts for practice sessions. Permits issued for practice sessions will not be treated as part of a Returning Applicant's previous season's permits for purposes of determining whether an applicant is a New Applicant or a Returning Applicant.

(8) For applications received during the relevant application period, after the Department has accommodated the Youth Recreation applications, the Department will process Adult Recreation permit requests. Adult Recreation applicants that are also Returning Applicants and have 1) fully complied with the terms and conditions of the previous season's permits and 2) all other Department rules and regulations, will be given preference to use to use the same dates and times allotted in the previous season. The Department will also consider the following factors:

(i) whether the applicant is part of an Adult League.

(ii) whether Short Term Permit Application(s) can be accommodated before allocating permits for Seasonal Applications.

(iii) whether the Department can accommodate newly established Adult Leagues in order to equitably allocate ballfield usage as between newly established and Returning Applicant Adult Leagues.

(iv) Due to space limitations, the Department may reject permit applications that seek the reservation of ballfields or courts for practice sessions. Permits issued for practice sessions will

not be treated as part of a Returning Applicant's previous season's permits for purposes of determining whether an applicant is a New Applicant or a Returning Applicant.

(9) Applications received after the relevant application period will be processed on a first come, first served basis, after all Applications received during the relevant application period are processed.

(c) Permit requirements and limitations.

(1) The Department reserves the right to leave ballfield or court time unpermitted at various locations for other authorized uses, to accommodate Departmental use, for maintenance purposes, or to allow other unpermitted activity.

(2) The Department reserves the right to move permit holders to another location if necessary as determined by the Department, or assign a permit applicant to a location other than the location(s) the applicant requested.

(3) The Department reserves the right to cancel permitted ballfield or court activity due to inclement weather and/or conditions that can result in long-term damage to the ballfield or court.

(4) This section does not apply to use of a ballfield or court that is subject to a license agreement to maintain and operate specified ballfields or courts during the times the licensee is authorized to use the ballfield or court.

(5) The Department reserves the right to require a clean-up bond and/or liability insurance for the use of a ballfield or court, in which case the City shall be named as an additional insured. The factors considered by the Department to determine whether a bond or insurance are required for such event or game are: (i) estimated number of spectators expected to attend, (ii) involvement of vendors (where permitted by the Department), (iii) past history of the league or event, or (iv) such other factors as the Department may reasonably consider.

(6) All permit holders must have their permit(s), and any other documents required by the Department or any other City agency, in their possession at the time and site of the proposed activity.

(7) Any transfer of permit(s) requires the approval of the athletic permit coordinator of the borough in which the ballfields or courts are located. Once approved, the transfer must take place in the office of the Department staff responsible for issuing ballfield permits in the relevant borough with both transferor and transferee present. A permit may not be transferred in any other way.

(8) All permits are revocable at any time and at the discretion of the Commissioner, or at the discretion of the Commissioner's designated representative. Reasons for revocation include, but are not limited to: (i) providing incorrect or false information on an application form, (ii) failure to adhere to Department rules or the conditions of the permit, and (iii) the use, by adults, of a permit issued for a Youth League. The permit holder has the right to appeal the revocation of a permit to the Department's General Counsel, within ten (10) days immediately following the mailing of notice of revocation by the Department. Said appeal must be in writing. The decision of the Department's General Counsel shall be final.

(9) The maximum number of reserved hours that any person or entity (other than a Youth League) holding a permit may have is 32 per week, per park. If the Department determines that ballfields or courts are in high demand, the Department may approve a permit application in part

and reject it in part, granting the permit holder some fraction of the requested ballfield or court time and/or granting permits for alternate locations.

(10) The Department may inspect any ballfield or court to determine if the permit holder is utilizing all of its permitted time. In the event that the Department determines the permit holder is not using all of the permitted time, the Department may reduce the amount of permitted time.

(11) If the use of ballfields or courts constitutes a special event as outlined in § 2-08 of the Department's rules, a special event permit shall be required in addition to the relevant ballfield permits. If the use of ballfields or courts involves vending as outlined in Section 1-05(b) of the Department's rules, vending permits shall be required in addition to the relevant ballfield permits.

[§2-13 Football, Lacrosse, Rugby, Ultimate Frisbee and Soccer

(a) Permit applications. (1) Those who wish to reserve a court, rink or ballfield ("sports facility") under the jurisdiction or management of the Department for the sports of football, rugby, ultimate Frisbee and soccer must obtain a written permit from the Department. If an individual is applying for a permit on behalf of a group or athletic league, he or she must so designate on the permit. Only one individual may apply for a permit per group or athletic league.

(2) The completed application must be received by the Department no later than March 1 of each year for spring and summer reservations, and no later than July 1 for fall reservations. Later applications will be filled on a space available basis.

(3) The completed application must include a list of all sports facilities requested.

(4) The Department reserves the right to require a cleanup bond and/or personal liability insurance for the event/game, naming the City of New York as co-insured. The factors to be considered in requiring a bond and/or insurance are: (i) estimated number of spectators to attend sessions, (ii) involvement of vendors (where permitted by the Department), (iii) past history of league/event.

(5) Admission tickets, refreshments or any other articles may not be sold or offered for sale within or adjacent to any park area without the prior written authorization of the Department.

(b) Permits. (1) The permittee must confine sports activities to the locations and times specified on the permit.

(2) The permittee shall remain subject to the Rules of the Department, the specific terms of the permit, and to all rules, regulations and laws of all City, State and Federal departments insofar as applicable.

(3) The permittee must clean and restore the premises after each session.

(4) Pamphlets, handbills, or advertising material of any kind may not be posted, placed or distributed at the courts or ballfields, unless written permission is granted by the Department.

(5) The permittee must have in his/her possession at the time and site of the reserved session the permit for the use of the sports facility and any other Permits or documents required by the Department or any other City agency for proposed activities at the session.

(6) The permittee is liable for all damage or injury to property or persons that may occur or be caused by the use of the permit, and by accepting the permit the permittee agrees to save the City of New York and the Department harmless from any claim whatsoever which may result from such use.

(7) Any transfer of permits requires the approval of the athletic permit coordinator of the borough in which the sports facilities are located. Such transfer, if approved, must take place in the office of the athletic permit coordinator of the relevant borough with both transferor and transferee present. The permit is not otherwise transferable.

(8) The permit is revocable at any time at the discretion of the Commissioner, or his or her representative. The reasons for revocation include, but are not limited to, (i) providing incorrect information on an application form, (ii) failure to adhere to the rules of the Department or the conditions of the permit, and (iii) the use of a permit issued to a youth organization by adults. If a reserved session is cancelled by the Department for administrative reasons, the session may be rescheduled where feasible. The permittee has the right to appeal the revocation of a permit to the Chairperson of the Department's Ballfield Task Force within 10 days immediately following the mailing of notice of revocation by the Department. Such appeal must be in writing. The decisions of the Chairperson of the Ballfield Task Force shall be final.

(9) The maximum number of reserved sessions that any adult single-permit holder or league may control is limited to sixteen sessions per week, per park. The maximum length of any permit is six months. Exceptions may be made by the Commissioner or his or her representative. Youth leagues shall not be subject to the 16 session per week, per park limit.

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