

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2017**

No. 178

Introduced by Council Members Espinal, Reynoso, Koslowitz, Johnson, Torres, Gentile, Kallos, Rosenthal, Treyger and Garodnick.

A LOCAL LAW

To amend the New York city charter, in relation to establishing an office of nightlife and a nightlife advisory board

Be it enacted by the Council as follows:

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 20-d to read as follows:

§ 20-d. Office of nightlife. a. Definitions. For the purposes of this section the following terms have the following meanings:

Director. The term “director” means the director of the office of nightlife.

Nightlife establishment. The term “nightlife establishment” means an establishment that is open to the public for entertainment or leisure, serves alcohol or where alcohol is consumed on the premises, and conducts a large volume of business at night. Such term includes, but is not limited to, bars, entertainment venues, clubs and restaurants.

Office. The term “office” means the office of nightlife.

b. The mayor shall establish an office of nightlife. Such office may be established within any office of the mayor or as a separate office or within any agency that does not conduct

enforcement against nightlife establishments. Such office shall be headed by a director who shall be appointed by the mayor or by the head of such office or agency.

c. Powers and duties. The director shall have the power and duty to:

1. Serve as a liaison to nightlife establishments in relation to city policies and procedures affecting the nightlife industry and, in such capacity, shall:

(a) Conduct outreach to nightlife establishments and provide information and assistance to such establishments in relation to existing city policies and procedures for responding to complaints, violations and other enforcement actions, and assist in the resolution of conditions that lead to enforcement actions;

(b) Serve as a point of contact for nightlife establishments and ensure adequate access to the office that is responsive to the nature of the nightlife industry; and

(c) Work with other city agencies to refer such establishments to city services that exist to help them in seeking to obtain relevant licenses, permits or approvals from city agencies;

2. Advise and assist the mayor and the heads of city agencies that have powers and duties relating to nightlife establishments including, but not limited to, the department of consumer affairs, the police department, the fire department, the department of health and mental hygiene, the department of city planning, the department of buildings and the department of small business services, on issues relating to the nightlife industry;

3. Review information obtained from 311 or other city agencies on complaints regarding and violations issued to nightlife establishments and develop recommendations to address recurring problems or trends, in consultation with industry representatives, advocates, city agencies, community boards and residents;

4. *Serve as the intermediary between city agencies, including law enforcement agencies, residents and the nightlife industry to pursue, through policy recommendations, long-term solutions to issues related to the nightlife industry;*

5. *Review and convey to the office of labor standards information relating to nightlife industry workforce conditions and upon request, assist such office in developing recommendations to address common issues or trends related to such conditions;*

6. *Promote an economically and culturally vibrant nightlife industry, while accounting for the best interests of the city and its residents; and*

7. *Perform other relevant duties as the mayor may assign.*

d. *Notwithstanding subdivision c of this section, paragraph 1 of such subdivision shall not apply to any cultural organization that is identified by the department of cultural affairs as eligible to receive grant funding from such department, except as otherwise determined by the director and such department.*

e. *Report. Within 18 months of the effective date of the local law that added this section, and annually thereafter, the director shall prepare and submit a report to the mayor and the speaker of the council that shall include, but not be limited to, the activities of the office and any recommendations developed by the director pursuant to this section.*

f. *Nightlife advisory board. 1. There shall be a nightlife advisory board to advise the mayor and the council on issues relating to nightlife establishments. The advisory board shall identify and study common issues and trends relating to the nightlife industry and shall make recommendations, as appropriate, to the mayor and the council on ways to improve laws and policies that impact nightlife establishments. The nightlife advisory board shall examine the*

following: (i) the regulatory structure of the nightlife industry; (ii) common complaints regarding nightlife establishments; (iii) public safety concerns related to the nightlife industry; (iv) the enforcement of nightlife industry-related laws and rules; (v) zoning and other community development concerns related to the nightlife industry; (vi) integration of the nightlife industry into the city's various neighborhoods; (vii) nightlife workforce conditions, including but not limited to, wages and workforce safety; (viii) the availability and responsiveness of the office of nightlife to the concerns of nightlife establishments; and (ix) any other issues the nightlife advisory board finds are relevant.

2. The nightlife advisory board shall consist of 12 members, of whom eight members shall be appointed by the speaker of the council and four by the mayor. Such board shall provide reasonable notice of its meetings to the director, who may attend such meetings and may coordinate the attendance of relevant agency heads or their designees.

3. All members shall serve for a term of two years and may be removed by the appointing official for cause. Upon appointment of all the members, the nightlife advisory board shall elect a chair from its membership by a majority vote of such advisory board. Any vacancy on the nightlife advisory board shall be filled in the same manner as an original appointment.

4. The nightlife advisory board shall keep a record of its deliberations and determine its own rules of procedure, which shall include a procedure or mechanism by which members of the public may make submissions to the board. The first meeting of the nightlife advisory board shall be convened within 120 days after the effective date of the local law that added this section.

5. Within 18 months of the effective date of the local law that added this section, the nightlife advisory board shall submit recommendations to the mayor and the council. After such date, the

nightlife advisory board may submit recommendations to the mayor and the council as appropriate.

g. Nothing in this section shall be construed to limit the powers of any other agency pursuant to any other law or to limit, bind or affect the decision of any agency or officer pursuant to any process required pursuant to the charter or any other law.

§ 2. Within one year after the effective date of this local law, the director of the office of nightlife, established pursuant to section 20-d of the New York city charter, as added by section one of this local law, shall hold at least one public hearing in each borough and shall notify members of the nightlife advisory board of such hearing, at which public comments and testimony shall be received. A summary of such comments and testimony shall be included in such director's first report to the mayor and the speaker of the council pursuant to subdivision e of section 20-d of the New York city charter.

§ 3. This local law takes effect 60 days after it becomes law. The mayor may take any steps necessary for the implementation of this local law before such effective date.

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 on August 24, 2017 and approved by the Mayor on September 19, 2017.

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. 178 of 2017, Council Int. No. 1688 of 2017) 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.

STEPHEN LOUIS, Acting Corporation Counsel.