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nyc.gov/consumers

CABARET DIGITAL VIDEO SURVEILLANCE CAMERAS CERTIFICATION

Please complete the form and affirm that your business will comply with the law on digital video surveillance cameras for cabarets (§ 20-360.2 of the New York City Administrative Code).

Legal Name of Business:	
Business's Trade or Doing-Business-As (DBA) Name, if applicable:	
Business Address:	

Please select the statement that applies to your business:

- My business is exempt from the digital video surveillance cameras requirements of Title 20 of the New York City Administrative Code, Section 20-360.2 because my business will operate primarily as a restaurant within the definition of section three of the New York Alcoholic Beverage Control Law included on page 2 of this form.
- My business will comply with the digital video surveillance cameras requirements of Title 20 of the New York City Administrative Code, Section 20-360.2, the provisions of which are provided on page 2 of this form, including equipping all entrances and exits used by patrons with digital video surveillance cameras. In addition, I am authorized to obtain access to video recordings made by the cameras installed at the cabaret. I have been informed of the appropriate use and retention of the recordings and of the legal issues associated with video surveillance and the use and retention of recordings.

I understand that falsification of any statement made herein is an offense punishable by a fine or imprisonment or both.

Signature

Date

Print Name

Title

“Restaurant” definition in subsection 27 of section three of the New York Alcoholic Beverage Control Law:

“Restaurant” shall mean a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods, which may be required for ordinary meals, the kitchen of which must, at all times, be in charge of a chef with the necessary help, and kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health. “Meals” shall mean the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement. “Guests” shall mean persons who, during the hours when meals are regularly served therein, come to a restaurant for the purpose of obtaining, and actually order and obtain at such time, in good faith, a meal therein. Nothing in this subdivision contained, however, shall be construed to require that any food be sold or purchased with any beverage.

Title 20 of the New York City Administrative Code, Section 20-360.2 b

Digital video surveillance systems shall comply with the following provisions and with the rules of the commissioner:

1. The video surveillance cameras shall be digital in nature and shall be of sufficient number, type, placement and location to view and record all activity in front of and within 15 feet of either side of each entrance or exit;
2. The video surveillance cameras shall be sufficiently light sensitive and provide sufficient image resolution (supported by additional lighting if necessary) to produce easily discernible images recorded at all times;
3. The video surveillance cameras shall record at a minimum speed of fifteen frames per second;
4. The video surveillance camera images shall be capable of being viewed through use of appropriate technology, including but not limited to a computer screen or closed circuit television monitor;
5. The video surveillance camera system shall be capable of transferring the recorded images to a portable form of media, including but not limited to compact disc or digital video disc;
6. The video surveillance cameras shall not have an audio capability;
7. The video surveillance cameras shall be maintained in good working condition;
8. Except as otherwise provided by rule, the video surveillance cameras shall be in operation and recording continuously during all hours of operation of the cabaret or public dance hall and for two hours after the cabaret or public dance hall closes;
9. The recordings made by video surveillance cameras installed and maintained pursuant to this section shall be indexed by dates and times and preserved for a minimum of thirty days so that they may be made available to the department, the police department and other government agencies acting in furtherance of a criminal investigation or a civil or administrative law enforcement purpose;
10. All recordings made by video surveillance cameras installed and maintained pursuant to this section while in the possession of the cabaret or public dance hall shall be stored in a locked receptacle located in a controlled access area, to which only authorized personnel have access, or shall otherwise be secured so that only authorized personnel may access such video recordings. All personnel authorized to access such video recordings must certify in writing that they have been informed on the appropriate use and retention of recordings as set forth in this section, and on the legal issues associated with video surveillance and the use and retention of recordings. The cabaret or public dance hall shall keep a log of all instances of requests for, access to, dissemination and use of, recorded materials made by video surveillance cameras installed and maintained pursuant to this section. Copies of the certifications by authorized employees and of the access log shall be provided to the department in accordance with its rules;
11. The use or dissemination of recordings made by video surveillance cameras installed and maintained pursuant to this section in violation of the penal law or section 50 of the civil rights law shall result in suspension or revocation of a license and a fine of not less than \$5,000 nor more than \$50,000; and
12. The cabaret or public dance hall shall post signage at appropriate locations, as determined by rule of the commissioner, to notify the public of its use of video surveillance equipment and the locations of video surveillance equipment so that the public has sufficient warning that surveillance is in operation.