

NOTICE OF ADOPTION

Notice of Adoption of a Rule Amendment Regarding Display of Sign and Display of License

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Consumer Affairs (the “Commissioner”) by Section 2203 of the New York City Charter and Sections 20-104(b) and 20-114(b) of the Administrative Code of the City of New York and in accordance with the requirements of Section 1043 of the New York City Charter, the Department of Consumer Affairs (the “Department”) intends to combine the complaint sign and license into a single consolidated document to be displayed by licensees, rather than two separate documents.

This rule was proposed and published on July 26, 2013. The required public hearing was held on August 26, 2013.

Statement of Basis and Purpose of Rule

Section 2203(e) of the New York City Charter and Section 20-104(b) of the Administrative Code give the Commissioner the power to promulgate, amend and modify rules and regulations necessary to carry out the powers and duties of the Department. Section 20-114(b) of the Administrative Code requires all licensees to conspicuously post licenses at their premises. Section 20-224(b) of the Administrative Code gives the Commissioner authority to establish rules and regulations regarding sidewalk cafes.

Sections 1-03 and 1-04 of Title 6 of the Rules of the City of New York require that licensees conspicuously post at their place of business both a general complaint sign with key information about the business and the Department, and their actual license. The Department intends to streamline this requirement by merging the required sign and the printed license into a single consolidated document, which will be provided to licensees by the Department. This will make information clearer to consumers, will make compliance easier for businesses, and will make it more efficient for the City by eliminating the need to print multiple signs. Section 1-103(a) the proposed rule maintains an exception to the requirement to post license and complaint information for licenses for activities carried out at-large, which was formerly contained in section 1-03(c), but adds that licensees without a fixed place of business must show the license upon request. The rule also provides that sidewalk cafes only need to post a single sign, provided by the Department, that will list the maximum number of tables and chairs the sidewalk cafe is permitted to have, license information, contact information for the Department, and other information as deemed appropriate.

The Department intends to gradually phase in the new signs over a period of not more than three years. Once the Department has issued a licensee the new consolidated license and complaint sign, it must be displayed by that licensee. The Department intends to begin issuing the new consolidated signs to new licensees and to current licensees upon renewal of their licenses. Until the consolidated document is issued to a current licensee, both the current complaint sign and the license document must continue to be displayed.

“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.

New text is underlined; deleted material is in [brackets].

RULE

Section 1. Section 1-03 of Title 6 of the Rules of the City of New York is amended to read as follows:

§ 1-03. Display of Sign and License Information.

(a) Every licensee, except for those licensed to operate a sidewalk cafe as described in subdivision (b) of this section, must post conspicuously at his or her place of business a sign[, at least 11 inches by 17 inches with letters at least 1-inch high, reading as follows:

If you have a complaint about this business, contact:

The NYC Department of Consumer Affairs

(Insert the Department's current address.)

(Insert current phone number in box in bold face type—insert current web address.)

Licensee: (Insert name appearing on license(s)).

Type(s) of License(s): (Identify license(s) held).

License #s: (Insert corresponding license number(s))] provided by the Department that includes the license information, instructions on contacting the Department to file a complaint, and other pertinent information for consumers as the Department deems appropriate. A licensee may post a copy of such sign at the licensee's place of business only if the original is available at such place of business for inspection by any person. A licensee having no fixed place of business must exhibit his or her license upon the request of any person.

(b) Every licensee licensed to operate a sidewalk cafe pursuant to § 20-224 of subchapter 6 of Chapter 2 of Title 20 of the Administrative Code of the City of New York is [also] required to[

(1) include in the sign required by subdivision a of this section, in letters and in numerals at least 1 inch high stating the maximum number of tables authorized by such license and the maximum number of chairs authorized pursuant to subdivision d of § 20-224 of the Administrative Code of the City of New York; and

(2) post the sign required by subdivision a of this section at a location from which it shall be visible to persons on that portion of the sidewalk that is adjacent to such licensee's sidewalk cafe.

(c) The sign required by subdivision a of this section need not be posted on horse drawn cabs or for licenses issued for activities which are only carried out at large and not at a fixed place of business] post a sign provided by the Department that includes the license information, instructions on contacting the Department to file a complaint, the maximum number of tables and chairs permitted for the sidewalk cafe, and any other pertinent information for consumers as the Department deems appropriate, at a location from which it must be visible to persons on that portion of the sidewalk adjacent to such licensee's sidewalk cafe. A licensee may post a copy of such sign at a location as described in this subdivision only if the original is available at the licensee's place of business for inspection by any person.

§ 2. Section 1-04 of Title 6 of the Rules of the City of New York is amended to read as follows:

§1-04 [**Display of License.**

Every licensee must post conspicuously his or her license (or permit) at the licensee's place of business. This requirement does not apply to licenses issued for activities which are only carried out at large and not at a fixed place of business. A licensee having no fixed place of business must exhibit his or her license (or permit) upon the request of any person. A licensee may post a copy of the license (or permit) at the licensee's place of business only if the original is available at such place of business for inspection by any person.] **Reserved.**

§ 3. Effective Date. Licensees must commence complying with this rule upon receiving the sign described in section 1 of this rule from the Department in connection with the granting of a new license or the renewal of an expiring license, provided that, however, in no case will this rule take effect later than three years from the date of this publication.