



**Lower
Manhattan
Cultural
Council**

EMPOWERING ARTISTS,
INVESTED IN COMMUNITY

PUBLIC ART AND PERFORMANCE

MAKING TEMPORARY PUBLIC ART & PERFORMANCE: What Artists Need to Know – March 2015

PERMITS & LEGAL MATTERS

WHERE TO OBTAIN PERMITS FOR YOUR PUBLIC ART PROJECT:

The type of permit needed, and the procedure for obtaining it, depends on the type of project and site. In general, it is most important to discover who owns the space, and consult with owners/managers of private spaces or the appropriate agency or agencies responsible for city-owned spaces.

LMCC has identified several categories of sites, as well as types of activities, for which permits must be obtained. The list below will help you get started in determining the correct procedures for your project. The best way to find the most up-to-date permit requirements for each agency is to visit its website. You may need to consult with several different agencies if your project encompasses multiple sites and/or involves elements like filming or sound. It is best to call and ask these agencies and resources directly for detailed questions about the specifics of your project. We intend for this to be a starting point rather than a comprehensive list of all public art permits and legal matters.

It is important to get started early on permitting, as the process can take many months. While city agencies may state a minimum lead-time for considering a request, this should not be taken as an indication of how long it takes to process the request. Keep in mind that projects may need to go through up to 5 layers of permissions once submitted. Plan for a long lead-time and be sure to follow up on your request. Note that even when not explicitly required by the agency issuing the permit, it is a good idea to gain the local community board's approval of your project. For the general New York City government information line, dial 311.

PROJECTS IN PRIVATELY-OWNED BUILDINGS (CORPORATE PLAZA OR ATRIUM):

In 2000, The Department of City Planning, the Municipal Art Society, and Harvard Professor Jerold S. Kayden joined forces to develop an electronic database with detailed information about every one of the public spaces created as a result of the city's incentive zoning program. The database findings led to the publication of "Privately Owned Public Space: The New York City Experience", and an inventory can be found online at:

http://www.nyc.gov/html/dcp/html/pops/pops_inventory.shtml

In the case of most buildings, permission should be secured through the building's owner or management team. It is important to consider who uses the section of the

building where the project will take place, and if the project will present any barriers to normal use.

Most lobbies and other public areas of buildings contain plaques with the name and contact information of their owners.

In the case of storefronts, restaurants and privately-owned institutions, it is necessary to work with the proper administrative departments on all stages of a project, and also to consider the public who uses the space.

**PROJECTS IN TRANSPORTATION STRUCTURES OR ON THE STREET:
Department of Transportation (DOT)**

Office of Permit Management 55 Water Street, Concourse level,
New York, New York 10041
www.nyc.gov/html/dot

DOT issues permits for the use of sidewalks, streets, and transportation-related public spaces. Permit applicants must visit the DOT office and bring a project budget and insurance information.

Some structures may be operated by other city agencies, such as the New York Waterway, Port Authority, or Metropolitan Transit Authority (MTA). It is necessary to identify and work with the appropriate agency for obtaining a permit.

Note that projects in Subway stations must be commissioned through the MTA's Arts for Transit Program, which is its own public art commissioning and funding body. For information about applying for an Arts for Transit project, visit the Arts for Transit website.

Also note that projects on the street or sidewalks may need a street activities permit from the local police precinct.

DOT Urban Arts Program

DOT Art also actively partners with community-based organizations and artists to present temporary public art in selected sites and neighborhoods across the City. Artists help transform the city's streets from ordinary to extraordinary with unexpected interventions - colorful murals, dynamic light projections and thought-provoking sculptures. Public plazas, fences, barriers, bridges, step streets, and sidewalks serve as canvases for art.

<http://www.nyc.gov/html/dot/html/pedestrians/dotart.shtml>

**PERFORMING OR HOSTING SPECIAL EVENTS IN PUBLIC PARKS:
New York City Parks Department Special Events Permit**

http://www.nycgovparks.org/sub_permits_and_applications/permits_and_applications.html

Permission for performing arts projects in parks must be obtained through the New York City Department of Parks & Recreation. There is a \$25 non-refundable administrative processing fee for all special events permits and applicants are required to apply at least 21 days in advance.

Parks Department regulations require street performers to apply for a sound amplification permit from the local police precinct, if the performance in question can be heard outside the immediate area.

More detailed guidelines can be found on the New York City Parks Department website. For many parks projects, depending on the scope, it may also be necessary to obtain the approval of the local community board.

TEMPORARY VISUAL ART INSTALLATIONS IN PUBLIC PARKS:

Temporary public art installations in parks are commissioned through the NYC Department of Parks & Recreation's Temporary Public Art Program. NYC Parks & Recreation fosters the creation and installation of temporary public art in parks throughout the five boroughs by artists and arts organizations.

Send proposals or direct questions to:

Public Art Coordinator

City of New York, Parks & Recreation

The Arsenal, Central Park, Rm. 20 New York, NY 10065

artandantiquities@parks.nyc.gov

(212) 360-8163

http://www.nycgovparks.org/sub_things_to_do/attractions/public_art/art_guidelines/pa_temporary_guidelines.html

For many parks projects, depending on the scope, it may be necessary to obtain the approval of the local community board.

AMPLIFIED SOUND:

Street performers and event producers who use amplification devices are required to apply for a permit from the local police precinct Community Affairs Office overseeing the area where they wish to perform. The permit costs ~\$45 a day, and musicians are expected to apply for it 7 days before they perform. The permit can be picked up the day of the event.

For parks: To get a Sound Permit from NYPD, you must first have your Parks permit, including permission from Parks to use amplified sound. When you have received your Parks permit, take it to your local precinct to receive a Sound Permit. NYPD Sound Permits cost \$45.00, and you must apply at least five days in advance of your event.

FILMING IN A PUBLIC LOCATION:

Mayor's Office of Film, Theater, & Broadcasting

<http://www.nyc.gov/html/film/html/home/home.shtml>

As the first film commission in the country, the Mayor's Office of Film, Theatre & Broadcasting is the one-stop shop for all production needs in New York City, including permits, free exterior locations and free police assistance.

Artists must obtain permits to film in public locations, including public parks. <http://www.nyc.gov/html/film/html/permits/permits.shtml>

INFORMATION ON PARADES:

Call the Parade Information Line, 311.

LEGAL RESOURCES FOR ARTISTS MAKING PUBLIC ARTS PROJECTS:

ACLU: Know Your Rights: What to Do If You're Stopped by the Police

<http://www.aclu.org/police/gen/14528res20040730.html>

Relevant topics include: some things you should do, some things you must do and some things you cannot do.

NYCLU: Know Your Rights: Demonstrating in New York City

www.nyclu.org/content/know-your-rights-demonstrating-new-york-city

Includes relevant topics addressing the right to distribute handbills or leaflets; demonstrations and rallies; and the right to march on public sidewalks and in public streets.

NYPD Anti-Graffiti Initiative

http://www.nyc.gov/html/nypd/html/crime_prevention/anti_graffiti_initiatives.shtml

The NYPD's program for addressing and tracking graffiti.

The Street Performers Advocacy Project and City Lore

<http://citylore.org/urban-culture/resources/street-performers/>

The Street Performers Advocacy Project recognizes that there are different points of view among performers on the best ways to negotiate subway and other public urban spaces