

TITLE 66  
CHAPTER 1  
SUBCHAPTER D

## MARKET BUSINESSES

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**§1-61 Scope.** This subchapter shall govern the registration of and other requirements relating to (a) Market businesses located and operating within the fulton fish market distribution area or other seafood distribution areas, (b) labor unions and labor organizations representing or seeking to represent employees directly involved in the movement, handling or sale of goods sold in the fulton fish market distribution area or other seafood distribution areas, and (c) wholesale trade associations representing wholesalers located and operating within the fulton fish market distribution area or other seafood distribution areas.

**§1-62 Definitions.** For the purposes of this subchapter, the following terms shall have the following, meanings:

**Market business.** The term “market business” shall mean any business located or operating within the fulton fish market distribution area or other seafood distribution areas that is engaged in providing goods or services to wholesalers or retail purchasers in such distribution area that are related to the conduct of a wholesale business or the

purchase of seafood products by retailers or others, or that receives such goods within such distribution area for delivery, forwarding, transfer or further distribution outside such distribution area. "Market business" shall include, but not be limited to, the supply of ice or refrigeration services, security, and transfer or distribution of seafood, and shall exclude suppliers of seafood.

**Labor union.** The terms "labor union" or "labor organization" refers to a union or other organization that represents or seeks represent, employees directly involved in the movement, handling or sale of goods in the Market Area. Notwithstanding the foregoing, such terms shall not include: (i) a labor union that represents or seeks to represent fewer than two hundred employees in the Market Area any other seafood distribution areas, or any other public wholesale market, or any combination thereof; (ii) a labor union representing or seeking to represent clerical or other office workers, construction or electrical workers, or any other workers temporarily or permanently employed in a public wholesale market for a purpose not directly related to the movement, handling or sale of goods in such market; (iii) affiliated national or international labor unions of local labor unions required to register pursuant to this provision.

**Code.** The term "Code" shall mean the Administrative Code of the City of New York.

**Officer.** The term "officer" shall mean any person holding an elected position or any other position involving participation in the management or control of a wholesale trade association or of a labor union 'or labor organization required to register pursuant to section 1-72 or section 1-74 of this subchapter.

**Wholesale trade association.** The term "wholesale trade association" shall mean an entity, the majority of whose members are wholesale businesses and/or market businesses, having as a primary purpose the promotion, management or self-regulation of the fulton fish market distribution area or other seafood distribution areas or the facilities utilized by such businesses, and shall include, but not be limited to a corporation, cooperative, unincorporated association, partnership, trust or limited liability partnership or company, whether or not such entity is organized for profit, not-for-profit, business or non-business purposes.

Unless otherwise provided in this subchapter, all other terms used herein shall have the meanings provided for such terms in section 1-22 of subchapter B of this chapter.

### **§1-63 Market Business Registration Required.**

(a) As of fifteen days following the effective date of this subchapter, no Market business shall operate in the Market Area unless such business has been registered with the Commissioner and received a registration number from the Market Manager.

(b) Notwithstanding subdivision a of this section, a Market business that has been operating in the Market area on or before the effective date of Local Law 28 of 1997, and which has filed a registration application with the Commissioner within fifteen days of the effective date of this subchapter, may continue to operate in the Market Area beyond fifteen days following the effective date of this subchapter unless and until (1) the Commissioner has denied the application for registration of such business, or (2) in cases where the Commissioner has required any or all of the principals of such Market business to be fingerprinted, submit background information and appear for an interview pursuant to sections 22-253(b) and 22-259(a) of the Code, such principal has failed, within the time period prescribed by the Commissioner, to submit to such fingerprinting, or to submit the required information, or to appear for an interview, or to submit the fees for a background investigation in accordance with section 1-25 of subchapter B of this chapter. For the purposes of this subdivision, the term "Market business" shall mean the Market business entity, and all the principals thereof.

**§1-64 Issuance of Registration.**

(a) A person wishing to register a Market business shall provide the information requested in the registration application form provided by the Department, which form shall be signed by all principals of such business, and accompanied by the certification form provided by the Department, fully executed by all principals of such business.

(b) A Market business is required to notify the Commissioner of any change in the ownership composition of the business, any changes regarding persons employed by the business, the arrest or criminal conviction of any principal of the business, or any other material change in the information submitted pursuant to subdivision a of this section during the term of its registration, and shall notify the Commissioner, in writing, of any such change within ten calendar days thereof.

(c) In the event that a registrant notifies the Commissioner of the proposed addition of a new principal (other than a person or entity that becomes a principal through the acquisition of outstanding shares of a business whose equity securities are registered under Federal and State securities laws and publicly traded on a national or regional stock or security exchange) as required by subdivision b of this section, the registrant shall simultaneously submit the registration application form provided by the Department completed, signed and certified by such prospective principal. Except where the Commissioner determines within 15 days, based upon information available to him or her, that, the addition of such new principal may have a result inimical to the purposes of Chapter 1-B of Title 22 of the Code, the registrant may add such new principal pending the completion of review by the Commissioner. The Commissioner may waive or shorten such 15 day period upon a showing that there exists a *bona fide* business requirement therefor. The registrant shall be afforded an opportunity to demonstrate to the Commissioner that the addition of such new principal pending completion of such review would not have a result inimical to the purposes of Chapter 1-B of Title 22 of the

Code. If upon the completion of such review, the Commissioner determines that such principal lacks good character, honesty and integrity, the registration shall cease to be valid unless such principal divests his or her interest, or discontinues his or her involvement in the business of such licensee, as the case may be, within the time period prescribed by the Commissioner.

(d) Notification pursuant to this section shall be signed and sworn to before a notary public.

(e) Notwithstanding any provision of this subchapter: (1) the Commissioner may, when the Commissioner determines that there is reasonable cause to believe that any or all of the principals of an applicant for registration, or a registrant, lack[s] good character, honesty or integrity, require that such principal[s] (i) be fingerprinted in accordance with section 22-259(a)(i) of the Code; (ii) provide to the Commissioner the information requested in the background investigation form provided by the Department within 15 days of such request; (iii) appear to be interviewed by the department of investigation or the Department; and (iv) pay the fee for a background investigation in accordance with section 1-25 of subchapter B of this chapter.

(2) The Commissioner may refuse to register a Market business for the reasons set forth in subparagraphs b, c, d and e of section 22-259 of the Code, or may defer a decision whether to register such Market business when an indictment or a criminal or civil action is pending as provided in subparagraph (b)(ii) of such section.

(f) A Market business denied registration for lack of good character, honesty or integrity pursuant to section 22-259(b) of the Code shall be given notice of the reasons for such denial, and may respond in writing to the Commissioner within ten days of the mailing of such notice. The Commissioner shall review such response and make a final determination.

#### **§1-65 Photo Identification Cards Required.**

(a) On or after the fifteenth day following the effective date of this subchapter, no person who is an officer, principal, employee or agent of any Market business operating in the fulton fish market distribution area!! or other seafood distribution area who performs any function directly related to the provision of goods or services to wholesalers or retail purchasers in such area shall perform such function without having been issued a photo identification card issued by the Commissioner pursuant to the provisions of this section and section 22-252 of the Code. Notwithstanding the foregoing, officers, principals, employees or agents of any Market business required to have photo identification cards, and who have filed applications therefor within fifteen days of the effective date of this subchapter and obtained temporary photo identification cards, may continue to perform such functions fifteen days after the effective date of this subchapter unless and until (1) the application of such person for a photo identification card has been denied, or (2) the

temporary photo identification card of such person has been revoked, or (3) in cases where the Commissioner has required such person to be fingerprinted, submit background information and appear for an interview pursuant to section 22-259(a) of the Code, such person has failed, within the time period prescribed by the Commissioner, to submit to such fingerprinting or to submit the required information, or to appear for an interview.

(b) Photo identification cards shall be in the possession of principals and employees of Market businesses at all times when such persons are in the Market Area, and shall be produced upon demand by an authorized employee or agent of the Department, the department of investigation or the police department.

**§1-66 Temporary Photo Identification Cards.** The Market Manager may issue temporary photo identification cards to all officers, principals, employees and agents of Market businesses, and to seasonal employees of Market businesses, who have made timely applications and tendered the requisite fee payments in accordance with this subchapter. Such temporary identification cards shall be valid unless and until the Commissioner has (a) issued or denied a permanent identification card, or (b) such temporary card has previously been revoked in accordance with the procedures set forth in section 1-70 of this subchapter.

**§1-67 Issuance of Photo Identification Cards.**

(a) A person wishing to apply for a photo identification card shall provide the information required in the application form provided by the Department, which form shall be signed and certified under penalty of perjury by the applicant.

(b) Persons required to have photo identification cards shall notify the Commissioner of any material change in the information submitted pursuant to subdivision a of this section, including without limitation, any change in employment, as well as any arrests or criminal convictions, and shall notify the Commissioner, in a signed and notarized writing, of any such change within ten calendar days thereof.

(c) Notwithstanding any provision of this subchapter: (1) the Commissioner may, when he or she has reasonable cause to believe that an applicant for or the holder of a photo identification card lacks good character, honesty or integrity, require that such person: (i) be fingerprinted, (ii) provide, within the time required by the Commissioner, the background information required in paragraph (ii) of subdivision a of section 22-259 of the Code, and as requested in the background investigation form provided by the Department, (iii) appear to be interviewed by the department of investigation or the Department, and (iv) tender the requisite fees therefore in accordance with section 1-25 of subchapter B of this chapter.

(2) The Commissioner may refuse to issue a photo identification card for the reasons set forth in subparagraphs b, d and e of section 22-259 of the Code, or may defer a decision whether to issue such card when there is an indictment or a criminal or civil action pending against or involving the applicant as provided in subparagraph (b)(ii) of such section.

(d) A person whose application for a photo identification card has been denied by the Commissioner for lack of good character, honesty or integrity pursuant to section 22-259(b) of the Code, shall be given notice of the reasons for such denial and may respond in writing to the Commissioner within ten days of the mailing of such notice. The Commissioner shall review such response and make a final determination.

**§1-68 Terms and Fees.**

(a) A registration issued pursuant to this subchapter shall be valid for three years, and may be renewed for three-year periods thereafter.

(b) The fee for registration of a Market business shall be three hundred dollars (\$300), and the fee for renewal of such registration shall be two hundred and fifty dollars (\$250).

(c) The fee for photo identification cards and temporary photo identification cards shall be twenty dollars (\$20).

(d) The fee for the replacement of any photo identification card that has been lost or stolen shall be fifteen dollars (\$15).

(e) A Market Business shall be responsible for the payment of any fee imposed by this section with respect to an employee of such business or any person seeking to become an employee of such business.

**§1-69 Market Business Operations.**

(a) (1) A Market business shall not transfer its registration number as part of the sale of such Market business.

(2) A Market business shall not allow the use by any other person of the registration number or the name of the business to which such registration number has been issued. In the event that a Market business seeks to sublease or otherwise allow the use of its premises, or any portion thereof, for the operation of a Market business by another person, where such sublease is permitted under the terms of the lease, the Commissioner may, upon application and payment of the required fee by the prospective sublessee pursuant to the provisions of these rules, issue a registration number to such

sublessee. Absent such registration number no Market business may permit a sublessee to operate a Market business on such premises.

(b) ***Furnishing and display of registration numbers.*** The name and registration number of a Market business shall be affixed and prominently displayed on all premises and vehicles from which such Market business is conducted.

(c) ***Record keeping.*** Market businesses shall retain copies of all invoices and other documents reflecting deliveries or payments from or to suppliers and customers. Such books and records shall accurately reflect the amount of goods or services involved in each transaction, and shall, along with all other records produced or received in the normal course of business, be retained for a minimum of thirty-six months, and shall be made available for immediate inspection and/or copying upon request by the Market Manager or a designee of the Market Manager.

(d) ***Workers' Compensation Insurance.*** A Market business shall submit proof that it has obtained the required workers' compensation and disability benefits coverage, or that it is exempt from section 57 of the Worker's Compensation Law, and section 220(8) of the Disability Benefits Law. Proof of coverage can be established by submitting the following Workers' Compensation Board forms:

C-105.2 Application for Certificate of Workers' Compensation Insurance;

DB-120.1 Employer's Application for Certificate of Compliance with  
Disability Benefits Law;

S1-12 Affidavit certifying that compensation has been secured

Proof that no coverage is required can be provided by submitting the following Worker's Compensation Board form:

C-105.21 Statement that applicant does not require Workers' Compensation  
or Disability Benefits Coverage.

(e) ***Liability insurance.*** A Market business shall procure and shall maintain throughout the term of the registration the following types of insurance against claims for injuries to persons or damage to property which may arise from or in connection with the Market business:

(1) Commercial General Liability Insurance with liability limits of no less than one million dollars (\$1,000,000.00) combined single limit per occurrence for bodily injury, personal and property damage. The maximum deductible for such insurance shall be no more than twenty-five thousand dollars (\$25,000.00).

(2) Business Automobile Liability Insurance covering every vehicle operated by the Market business, whether or not owned by the Market business, and every vehicle hired by the applicant with liability limits of no less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.

(3) Employers' Liability Insurance with limits of one million dollars (\$1,000,000) per accident.

(f) The policy or policies of insurance required by this rule shall name the City of New York and the Department of Business Services and any other agency or entity of the City as may be required as parties insured thereunder, and shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except upon sixty days prior written notice to the Commissioner. Failure to maintain continuous insurance coverage meeting the requirements of these rules may result in revocation or suspension of registration. Such policy or policies of insurance shall be obtained from a company, or companies, duly authorized to do business in the State of New York with a Best's rating of no less than A:X unless specific approval has been granted by the Mayor's Office of Operations to accept a company with a lower rating. Two certificates of insurance effecting the required coverage and signed by a person authorized by the insurer to bind coverage on its behalf, must be delivered to the Commissioner prior to the effective date of the registration.

(g) A Market business shall be jointly and severally liable for any violation of this subchapter by any of its employees or agents.

**§1-70 Revocation or Suspension of Registration or Photo Identification Cards.**

(a) The Commissioner may revoke a temporary photo identification card, and after notice and hearing, revoke or suspend (1) the registration of a Market business or (2) a photo identification card for any of the reasons set forth in section 22-260' of the Code, or for violation of any rule promulgated pursuant to 22-266 of the Code, including without limitation section 1-69(f) and section 1-77 of this subchapter. Notice shall be provided in accordance with the provisions of section 1-39 of subchapter 1-B of this chapter. Hearings shall be afforded in accordance with the provisions of section 1-38 of subchapter 1-B of this chapter.

(b) Revocation or suspension of registration shall require the immediate surrender to the Market Manager of all photo identification cards issued to the principals, employees and/or agents of the registrant. If a registration has been suspended, violation of the provisions of this subdivision may result in immediate revocation of a registration and/or the imposition of penalties as provided in section 22-258 of the Code.

(c) Revocation or suspension of photo identification cards (including temporary photo identification cards) shall require the immediate surrender of such cards to the Market Manager.

**§1-71 Emergency Suspension of Registration or Photo Identification Cards.**

Notwithstanding the foregoing provisions, the Market Manager may, if he or she determines that the operation of a Market business or the presence of any person in the Market Area creates an imminent danger to life or property, immediately suspend the registration of such business or the photo identification card of such person, as applicable, without a prior hearing, provided that, such suspension may be appealed to a Deputy Commissioner of the Department, and if the Deputy Commissioner upholds the suspension imposed by the Market Manager, an opportunity for a hearing pursuant to the provisions of section 1-38 of subchapter B of this chapter shall be provided on an expedited basis within a period not to exceed four business days, and the Commissioner shall issue a final determination no later than four business days following the conclusion of such hearing; and provided further that the Commissioner may, upon application by a Market business whose registration has been suspended without a prior hearing, permit such Market business to remain in the Market Area for such time as is necessary to allow for the expeditious sale, consignment or removal of a perishable product if, in the Commissioner's judgment, such permission is consistent with the safety of the public and the Market Area.

**§1-72 Labor Union and Labor Organization Registration Required.**

(a) Labor unions and labor organizations and officers of labor unions and labor organizations shall register with the Commissioner within fifteen days following the effective date of this subchapter.

(b) A registration issued pursuant to this chapter shall be valid for three years, and may be renewed for three-year periods thereafter.

(c) The fee for registration of a labor union or labor organization and officers of trade associations shall be three hundred dollars (\$300) and the fee for renewal of such registration shall be two hundred and fifty dollars (\$250).

**§1-73 Registration Procedure.**

(a) A labor union or labor organization shall provide the information requested in the registration application form provided by the Department, which form shall be signed by an officer and certified under penalty of perjury, including (i) the information required by section 22-264(a) of the Code, (ii) all criminal convictions, in any jurisdiction, of such labor union or labor organization, (iii) any criminal or civil investigation of such labor union or labor organization by a federal, state or local prosecutorial agency, investigative agency or regulatory agency, in the five year period preceding the date of registration pursuant to §1-20.2 of this subchapter, (iv) all civil or administrative proceedings to which such labor union or labor organization has been a party involving allegations of racketeering, including but not limited to offenses listed in subdivision nineteen hundred

sixty-one of the Racketeer Influenced and Corrupt Organization statute (18 U.S.C. §1961 *et seq.*) or of an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time, (v) all judicial or administrative consent decrees entered into by such labor union or labor organization in the five-year period preceding the date of registration pursuant to §1-20.2 of this subchapter, and (vi) the appointment of an independent auditor or monitor or receiver or trustee over such labor union or labor organization in the five-year period preceding the date of registration pursuant to §1-20.2 of this subchapter. Notwithstanding the foregoing, no labor union or labor organization shall be required to furnish information pursuant to this subdivision which is already included in a report filed by the labor union or labor organization headed by such officer with the Secretary of Labor pursuant to 29 U.S.C. §431 *et seq.* or §1001 *et seq.* if a copy of such report, or of the portion thereof containing such information, is furnished to the Commissioner.

(b) An officer of a labor union or labor organization required to be registered with the Commissioner pursuant to section 22-264(b) of the Code shall provide the information requested in the registration application form provided by the Department, which form shall be signed by such officer under penalty of perjury.

(c) Any material change in the information submitted pursuant to subdivision a or b of this section shall be reported to the Commissioner by such union or officer, in a signed and notarized writing, within ten calendar days thereof.

(d) Notwithstanding any provision of this subchapter the Commissioner may, if he or she has reasonable cause to believe that any of such officers lack good character, honesty or integrity, require that such officer[s] be fingerprinted on ten days' written notice in accordance with section 22-264 of the Code, and pay the requisite fees therefor in accordance with section 1-25 of subchapter B.

#### **§1-74 Wholesale Trade Association Registration Required.**

(a) Wholesale trade associations and officers of wholesale trade associations shall register with the Commissioner within fifteen days following the effective date of this subchapter.

(b) A registration issued pursuant to this chapter shall be valid for three years, and may be renewed for three-year periods thereafter.

(c) The fee for registration of a wholesale trade association and officers of wholesale trade associations shall be three hundred dollars (\$300), and the fee for renewal of such registration shall be two hundred and fifty dollars (\$250).

**§1-75 Registration Procedure.**

(a) Wholesale trade associations shall provide the information requested in the registration application form provided by the Department, including the names of all members of such association and of all persons holding office in such association, together with such identifying information as the Commissioner shall request, which form shall be signed by an officer, and certified under penalty of perjury.

(b) Officers of wholesale trade associations required to be registered pursuant to section 22-265(b) of the Code shall provide the information requested in the registration application form provided by the Department, which form shall be signed by such officers, and certified under penalty of perjury .

(c) Any material change in the information submitted pursuant to subdivision a or b of this section shall be reported to the Commissioner, in a notarized writing, within ten calendar days thereof.

(d) Notwithstanding any provision of this subchapter the Commissioner may, if he or she has reasonable cause to believe that any or all of such officers lack good character, honesty or integrity, require that such officer[s] be fingerprinted on ten days' written notice in accordance with section 22-264 of the Code, and pay the requisite fees therefor in accordance with section 1-25 of subchapter B.

**§1-76 Record Keeping.**

(a) Wholesale trade associations shall retain copies of all invoices and records of payment to and from wholesalers and Market businesses, leases, subleases, union contracts, as well as all other records produced or maintained in the normal course of business for a period of three years.

(b) Such books and records shall be made available promptly for immediate inspection and/or copying upon request by the Market Manager or his or her designee.

**§1-77 Prohibited Acts.**

(a) No person shall (1) interfere, or attempt to interfere, with the Market Manager, his staff or the employees of the department of investigation or New York Police Department or any other person authorized to enforce the provisions of Chapters I-A and 1-B of title 22 of the Code in the discharge of their functions or interfere with or otherwise obstruct the orderly functioning of the Market Area; and (2) interfere, or attempt to interfere with, or otherwise obstruct any operations or property of any licensees or registrants in the Market Area.

**TITLE 66**

**RULES OF THE CITY OF NEW YORK  
MARKET BUSINESSES**

(b) In addition to the foregoing, the following rules also apply to principals, employees and agents of Market businesses, officers of labor unions and labor organizations, and officers of wholesale trade associations. Such persons shall not:

(1) interfere, or attempt to interfere, with the Market Manager, his staff or the employees of the department of investigation in the discharge of their functions or interfere with or otherwise obstruct the orderly functioning of the Market;

(2) authorize another person to use the name of the business to which a registration number has been issued for such market business;

(3) authorize another person to conduct a market business with the registration number that has been issued to such market business;

(4) conduct a market business under any name other than the name under which such business has been registered with the Market Manager;

(5) violate applicable federal, state or city laws and regulations;

(6) in the case of a Market business, fail to notify the Market Manager and the Commissioner of any change in the information provided pursuant to section 1-64 of this subchapter with respect to the composition or ownership of the Market business, and any changes in personnel;

(7) associate with a person whom such person knows or should know is a member or associate of an organized crime group (a person who has been identified by a federal, state, or local law enforcement agency as a member or associate of an organized crime group shall be presumed to be a member or associate of an organized crime group);

(8) make a false or misleading statement to the Department or the department of investigation, or make, file or submit a false statement to a government agency or employee;

(9) threaten or attempt to intimidate a customer or prospective customer;

(10) retaliate against a customer or prospective customer, or a principal, employee or agent of any Market business, wholesaler, loader or unloader that has made a complaint to the Department, the department of investigation or the police department, or any other governmental entity;

(11) falsify any business record;

(12) in the case of a market business, continue to employ a person who has not received a valid photo identification card in accordance with the provisions of this subchapter, or whose photo identification card has been revoked, or whose photo identification card has been suspended during the period of suspension;

(13) utilize any motor vehicle in connection with the operation of such business which is not properly registered with the New York State Department of Motor Vehicles and insured in accordance with section 1-69 of this subchapter;

(14) engage in any unfair labor practice under federal or state labor laws as applicable.

**§1-78 Fines and Penalties.**

(a) The Market Manager may issue a notice of violation to a Market business, labor union or labor organization, or wholesale trade association, or any of their principals, employees, agents or officers for the violation of any provision of Chapter I-B of Title 22 of the Code, this subchapter, or subchapter A of this chapter. Any person who violates any provision of this chapter shall be liable for a civil penalty not to exceed ten thousand dollars for each such violation which may be recovered in a civil action or in a proceeding before the Environmental Control Board.

(b) A Market Business shall be jointly and severally liable for any violation of Chapter I-B of Title 22 of the Code and of this subchapter committed by any of its officers, employees and/or agents acting within the scope of their employment.