S T A T E O F N E W Y O R K

4411

2013-2014 Regular Sessions

I N S E N A T E

March 26, 2013

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to receptacles for the removal of waste material

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision c of section 16-120 of the administrative code of the city of New York, as amended by local law number 6 of the city of New York for the year 2006, is amended to read as follows:

c. Incinerator, residue, ashes, refuse and liquid waste shall be stored in the building or dwelling or at the rear of the building or dwelling as may be required by the department of health and mental hygiene or the department of housing preservation and development until [time for removal] 5:00 P.M. THE DAY BEFORE THE SCHEDULED COLLECTION, OR UNTIL 4:00 P.M. THE DAY BEFORE THE SCHEDULED COLLECTION FROM OCTOBER THROUGH APRIL and kept in tightly covered metal receptacles or containers made of other materials of a type and grade acceptable to the department, department of health and mental hygiene, and the department of housing preservation and development. After the contents have been removed by the department or other collection agency any receptacles remaining shall be removed from the front of the building or dwelling before 9:00 p.m. on the day of collection, or if such collection occurs after 4:00 p.m., then before 9:00 a.m. on the day following collection. The receptacles shall at all times be kept covered or closed and kept in a manner satisfactory to the department, the department of health and mental hygiene, and in the case of residential premises, the department of housing preservation and development. No receptacles, refuse, incinerator residue or ashes, or liquid waste shall be kept so as to create a nuisance. Yard sweepings, hedge cuttings, grass, leaves, earth, stone or bricks shall not be mixed with household wastes.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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S 2. Subdivision f of section 16-120 of the administrative code of the city of New York, as amended by local law number 42 of the city of New York for the year 2007, is amended to read as follows:

f. Any person violating the provisions of this section, except subdivision e, SHALL BE GIVEN A WARNING LETTER FOR THE FIRST VIOLATION, AND shall be liable for a civil penalty of not less than twenty-five nor more than one hundred dollars for the [first] SECOND violation, not less than one hundred dollars nor more than two hundred dollars for a [second] THIRD violation within any twelve-month period, and not less than two hundred dollars nor more than three hundred dollars for a [third] FOURTH or subsequent violation [with] WITHIN any twelve-month period. Any person violating the provisions of subdivision e of this section shall be liable for a civil penalty of not less than one hundred dollars nor more than three hundred dollars for the first violation, not less than two hundred fifty dollars nor more than three hundred fifty dollars for a second violation within any twelve-month period, and not less than three hundred fifty dollars nor more than four hundred dollars for a third or subsequent violation within any twelve month period.

S 3. Section 16-120 of the administrative code of the city of New York is amended by adding three new subdivisions j, k and l to read as follows:

J. THE DEPARTMENT MAY GRANT A WAVIER TO ALLOW EARLY PLACEMENT OF GARBAGE RECEPTACLES TO RESIDENTIAL PROPERTY OWNERS WHO ARE SENIOR CITIZENS OF SIXTY-FIVE YEARS OF AGE OR OLDER, OR HAVE A DISABILITY, OR SIGNIFICANT SCHEDULING CONFLICTS THAT PREVENT SUCH INDIVIDUALS FROM PLACING THE REFUSE RECEPTACLE BEFORE THE TIME REQUIRED IN SUBDIVISION C OF THIS SECTION. IN ORDER TO QUALIFY FOR THE WAIVER, SUCH ELIGIBLE PROPERTY OWNERS MUST PROVIDE THE DEPARTMENT WITH WRITTEN NOTIFICATION SHOWING PROOF OF AGE, DISABILITY OR SCHEDULING CONFLICTS AND WRITTEN STATEMENT THAT NO ONE LIVING IN THE HOME IS CAPABLE OF PLACING THE RECEPTACLE BEFORE THE TIME REQUIRED IN SUBDIVISION C OF THIS SECTION. THE DEPARTMENT MUST INVESTIGATE THE VALIDITY OF THE REQUEST AND NOTIFY THE RESIDENT AS TO THEIR DECISION WITHIN THIRTY DAYS. IF THE DEPARTMENT GRANTS THE WAIVER, SUCH PROPERTY OWNER WILL BE ALLOWED TO PLACE THE RECEPTACLE FOR PICK-UP NO EARLIER THAN TWELVE HOURS PRIOR TO THE TIME ALLOWED IN SUBDIVISION C OF THIS SECTION.

K. PRIOR TO THE EFFECTIVE DATE OF THIS SUBDIVISION, THE DEPARTMENT SHALL PROVIDE ALL PROPERTY OWNERS OF THE CITY WITH A WRITTEN NOTIFICATION ABOUT ANY AMENDMENTS TO THE PROVISIONS OF THIS SECTION.

L. IT SHALL BE AN AFFIRMATIVE DEFENSE TO VIOLATIONS OF SUBDIVISION F OF THIS SECTION IF THE PERSON WAS GRANTED EARLY PLACEMENT WAIVER BY THE DEPARTMENT PURSUANT TO SUBDIVISION J OF THIS SECTION.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law.