

5317

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 17, 2015

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Introduced by M. of A. BRAUNSTEIN -- read once and referred to the  
Committee on Consumer Affairs and Protection

AN ACT to amend the general business law and the administrative code of  
the city of New York, in relation to publicly accessible collection  
bins

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

- 1     Section 1. Section 399-bbb of the general business law, as added by  
2 chapter 264 of the laws of 2010, is amended to read as follows:  
3     S 399-bbb. Solicitations by container; disclosures. 1. As used in this  
4 section the term "PUBLICLY ACCESSIBLE collection [container] BIN" shall  
5 mean an unattended canister, box, receptacle, or similar device, used  
6 for the solicitation and collection of personal property, not including  
7 money or evidences of debt. Such term shall not include an unattended  
8 canister, box, receptacle, or similar device, used exclusively for the  
9 collection of used paper, cardboard, motor oil, bottles, cans or other  
10 receptacles or materials, not including textiles, for recycling or waste  
11 diversion purposes.  
12     2. A PUBLICLY ACCESSIBLE COLLECTION BIN SHALL NOT BE PLACED ON PUBLIC  
13 PROPERTY; IF PLACED ON PUBLIC PROPERTY, THE LOCAL MUNICIPALITY SHALL  
14 IMMEDIATELY REMOVE AND DISPOSE OF SUCH BIN.  
15     3. Any person, business, not-for-profit organization or other entity  
16 or entities, or an agent or agents, whether paid or not paid, of such  
17 person, business, not-for-profit organization or other entity, who plac-  
18 es a PUBLICLY ACCESSIBLE collection [container] BIN in a public place on  
19 [public or] private property shall affix to the PUBLICLY ACCESSIBLE  
20 collection [container] BIN a label that is designed to be incapable of  
21 being destroyed or removed and that clearly and conspicuously displays  
22 in at least twenty-four point type unless otherwise specified in this  
23 section and on the front of the PUBLICLY ACCESSIBLE collection [contain-  
24 er] BIN in a manner that is readily visible to an individual placing

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

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property in the PUBLICLY ACCESSIBLE collection [container] BIN the following:

(a) the name of the person, business, not-for-profit organization or other entity which owns the PUBLICLY ACCESSIBLE collection [container] BIN and any agent thereof; the legal address [and], telephone number, E-MAIL ADDRESS AND WEBSITE, IF APPLICABLE, of such person, business, not-for-profit organization or other entity and any agent thereof where the owner of the PUBLICLY ACCESSIBLE collection [container] BIN or its agent can be reached during ordinary business hours; any [registrations] PERMIT OR LICENSE required by [state or] local law of such person, business, not-for-profit organization or other entity and any agent thereof; A STATEMENT THAT NOTHING SHALL BE LEFT OUTSIDE OF SUCH BIN; and, IF REQUIRED BY LOCAL LAW, a statement that shall take the following form: For more information, contact the department of law at (insert the current telephone number established by the department of law for receiving inquiries from consumers) or (insert the current address of the website of the department of law). If more than one person, business, not-for-profit organization or other entity own the PUBLICLY ACCESSIBLE collection [container] BIN, all of the owners' names, legal addresses, telephone numbers and any [registrations] PERMITS OR LICENSES required by [state or] local law of such owners shall be included in the disclosure label. If more than one agent represents an owner of the PUBLICLY ACCESSIBLE collection [container] BIN, INCLUDING A FOR-PROFIT ENTITY, ON BEHALF OF, OR IN CONJUNCTION WITH A NOT-FOR-PROFIT ORGANIZATION, all of the agents' names, legal addresses, telephone numbers and any [registrations] PERMITS OR LICENSES required by [state or] local law of such owners shall be included in the disclosure label; and

(b) a statement about the purpose or purposes for the property collected in the [container] BIN using letters no less than two inches in height as follows:

(i) if all of the property placed in the PUBLICLY ACCESSIBLE collection [container] BIN is directed to a non-business purpose or purposes as described in paragraph (b) of section two hundred one of the not-for-profit corporation law or, if the property is sold and all proceeds of such sale are directed to a non-business purpose or purposes described in paragraph (b) of section two hundred one of the not-for-profit corporation law, the label affixed to the PUBLICLY ACCESSIBLE collection [container] BIN pursuant to this section shall state:

DONATED ITEMS WILL BE USED FOR CHARITABLE PURPOSES

The value of items placed in this [container] BIN is tax-deductible.

or

(ii) if [all] ANY of the property placed in the PUBLICLY ACCESSIBLE collection [container] BIN is not directed to a non-business purpose or purposes as described in paragraph (b) of section two hundred one of the not-for-profit corporation law, or if the property is sold, and [all] ANY proceeds of such sale are not directed to a non-business purpose or purposes described in paragraph (b) of section two hundred one of the not-for-profit corporation law, the label affixed to the PUBLICLY ACCESSIBLE collection [container] BIN pursuant to this section shall state:

DONATED ITEMS WILL BE USED FOR PROFIT

The value of items placed in this [container] BIN is NOT tax-deductible.

(C) FOR COLLECTION BINS OWNED BY A NOT-FOR-PROFIT ORGANIZATION, A STATEMENT DESCRIBING THE CHARITABLE CAUSES THAT WILL BENEFIT FROM DONATIONS; AND

(D) COLLECTION BINS OPERATED BY CORPORATE FUNDRAISERS OR ANY ENTITY PLACING AND OPERATING COLLECTION BINS FOR THE BENEFIT OF ANOTHER FOR-PROFIT ENTITY OR NOT-FOR-PROFIT ENTITY SHALL ABIDE BY THE REQUIREMENTS OF THE ABOVE AND ANY ADDITIONAL GUIDELINES AND LABELING REQUIREMENTS UNDER STATE LAW.

[3] 4. The owner of a PUBLICLY ACCESSIBLE collection [container] BIN shall obtain written consent from the owner or lessee of the property where the PUBLICLY ACCESSIBLE collection [container] BIN is located, or the owner or lessee's authorized agent, stating that the owner of the PUBLICLY ACCESSIBLE collection [container] BIN has received permission to place the [box] BIN on the property. Upon request of any local jurisdiction, documentation evidencing the written consent shall be made available by the owner of the PUBLICLY ACCESSIBLE collection [container] BIN. THE OWNER OR LESSEE OF THE PROPERTY WHERE THE PUBLICLY ACCESSIBLE COLLECTION BIN IS LOCATED, OR THE OWNER OR LESSEE'S AUTHORIZED AGENT MAY RESCIND SUCH CONSENT AT ANY TIME, PROVIDED, WRITTEN NOTICE OF SUCH RESCISSION IS PROVIDED TO THE BIN OWNER AT LEAST TEN DAYS PRIOR TO THE BIN'S REMOVAL.

[4] 5. THE OWNER OF A PUBLICLY ACCESSIBLE COLLECTION BIN SHALL ADHERE TO THE FOLLOWING MAINTENANCE REQUIREMENTS:

(A) BINS SHALL BE SERVICED AND EMPTIED AS NEEDED, OR WITHIN TWENTY-FOUR HOURS, DURING REGULAR BUSINESS HOURS, OF A REQUEST BY THE PROPERTY OWNER OR OWNER'S AGENT, INCLUDING REQUESTS FOR REMOVAL OF DEBRIS AND BULK ITEMS;

(B) REMOVE GRAFFITI ON THE OUTSIDE OF BINS WITHIN SEVENTY-TWO HOURS OF REQUESTS OR OTHERWISE BECOMING AWARE OF SUCH DAMAGE OR VANDALISM;

(C) REPAIR DAMAGED BINS WITHIN SEVENTY-TWO HOURS OF REQUESTS OR OTHERWISE BECOMING AWARE OF SUCH DAMAGE OR VANDALISM;

(D) SECURE EACH COLLECTION BIN WITH A TAMPER-RESISTANT LOCK; AND

(E) MAINTAIN THE AESTHETIC PRESENTATION OF SUCH BIN, INCLUDING FRESH PAINT AND READABLE SIGNAGE.

6. PROPERTY OWNERS OR AN OWNER'S AGENT ARE NOT SUBJECT TO CIVIL LIABILITY FROM A COLLECTION BIN OPERATOR FOR THE REMOVAL OF AN UNAUTHORIZED BIN OR WHERE REMOVAL IS NECESSARY TO COMPLY WITH LOCAL ZONING ORDINANCES. PROPERTY OWNERS MAY REMOVE A COLLECTION BIN IN ORDER TO COMPLY WITH A LOCAL ZONING ORDINANCE WITHOUT GIVING PRIOR NOTICE TO THE COLLECTION BIN OWNER. THE PROPERTY OWNER SHALL INFORM THE BIN OPERATOR OF THE LOCATION TO WHICH THE BIN WAS REMOVED, OR ANY OTHER DISPOSITION OF THE BIN.

7. (a) Any violation of the provisions of this section shall be deemed a deceptive practice within the meaning of section three hundred forty-nine of this chapter and any remedy provided therein shall be available for the enforcement of this section. In addition, the district attorney, county attorney, and the corporation counsel shall have concurrent authority to seek the relief in paragraph [b] (B) of this subdivision, and all civil penalties obtained in any such action shall be retained by the municipality or county IN WHICH SUCH BIN IS PLACED.

(b) In every case where the court shall determine that a violation of this section has occurred, it may impose a civil penalty of not more than five thousand dollars for each violation.

(I) ANY BIN THAT VIOLATES THE PROVISIONS RELATED TO UNPERMITTED PLACEMENT SHALL BE SUBJECT TO A CIVIL PENALTY OF TWO HUNDRED FIFTY DOLLARS FOR THE FIRST OFFENSE, AND A FIVE HUNDRED DOLLAR FINE FOR EACH SUBSEQUENT OFFENSE WITHIN AN EIGHTEEN MONTH PERIOD.

(II) ANY BIN THAT VIOLATES THE PROVISIONS RELATED TO THE DISPLAY OF INFORMATION OR MAINTENANCE PROVISIONS, SHALL BE SUBJECT TO A FIFTY

1 DOLLAR FINE FOR THE FIRST OFFENSE, AND A ONE HUNDRED DOLLAR FINE FOR  
2 EACH SUBSEQUENT OFFENSE WITHIN AN EIGHTEEN MONTH PERIOD.

3 (c) It shall be a defense to the imposition of any civil penalty or  
4 any other remedy in an action brought to enforce the provisions of this  
5 section if the person or entity affixed a label as required by this  
6 section and such label was removed or defaced by vandals, provided that  
7 such person or entity subsequently complies with the requirements of  
8 this section.

9 (d) Nothing in this section shall be construed to restrict any right  
10 which any person may have under any other statute or the common law.

11 S 2. Section 10-169 of the administrative code of the city of New  
12 York, as added by local law number 31 of the city of New York for the  
13 year 2007 and as renumbered by local law number 30 of the city of New  
14 York for the year 2013, is amended to read as follows:

15 S 10-169 Regulation of publicly accessible collection bins.

16 a. Definition. For purposes of this section,

17 "Publicly accessible collection bin" shall mean any outdoor container,  
18 other than any container placed by any government or governmental agen-  
19 cy, or its contractors or licensees, that allows for any member of the  
20 public to deposit items into the container for the purpose of collection  
21 by the provider of such container.

22 b. Requirements. All publicly accessible collection bins shall comply  
23 with the following provisions:

24 1. Each individual publicly accessible collection bin shall prominent-  
25 ly display on the front and on at least one other side of the bin, the  
26 name, address [and], telephone number, E-MAIL ADDRESS AND WEBSITE, IF  
27 APPLICABLE, of the provider of the bin AND ANY AGENT THEREOF WHERE THE  
28 OWNER OF THE PUBLICLY ACCESSIBLE COLLECTION BIN OR ITS AGENT CAN BE  
29 REACHED DURING ORDINARY BUSINESS HOURS. IF MORE THAN ONE AGENT REPRES-  
30 ENTS AN OWNER OF THE PUBLICLY ACCESSIBLE COLLECTION BIN, INCLUDING A  
31 FOR-PROFIT ENTITY, ON BEHALF OF, OR IN CONJUNCTION WITH A NOT-FOR-PROFIT  
32 ORGANIZATION, ALL OF THE AGENTS' NAMES, LEGAL ADDRESSES AND TELEPHONE  
33 NUMBERS MUST BE DISPLAYED. ADDITIONALLY, EACH COLLECTION BIN MUST  
34 DISPLAY ANY PERMIT OR LICENSE REQUIRED BY LOCAL LAW OF SUCH PERSON,  
35 BUSINESS, NOT-FOR-PROFIT ORGANIZATION OR ENTITY AND ANY AGENT THEREOF,  
36 IF APPLICABLE; AND A STATEMENT THAT SHALL TAKE THE FOLLOWING FORM: FOR  
37 MORE INFORMATION, CONTACT THE DEPARTMENT OF LAW AT (INSERT THE CURRENT  
38 TELEPHONE NUMBER ESTABLISHED BY THE DEPARTMENT OF LAW FOR RECEIVING  
39 INQUIRIES FROM CONSUMERS) OR (INSERT THE CURRENT ADDRESS OF THE WEBSITE  
40 OF THE DEPARTMENT OF LAW) SHALL BE INCLUDED IN THE DISCLOSURE LABEL.  
41 This information shall be printed in characters that are plainly visi-  
42 ble. In no event shall a post office box be considered an acceptable  
43 address for purposes of this paragraph.

44 2. No publicly accessible collection bin may be placed on any city  
45 property or property maintained by the city, or on any public sidewalk  
46 or roadway.

47 3. No publicly accessible collection bin shall be placed on any  
48 private property without the written permission of the property owner or  
49 the property owner's designated agent. THE OWNER OR LESSEE OF THE PROP-  
50 erty WHERE THE PUBLICLY ACCESSIBLE COLLECTION BIN IS LOCATED, OR THE  
51 OWNER OR LESSEE'S AUTHORIZED AGENT MAY RESCIND SUCH CONSENT AT ANY TIME,  
52 PROVIDED, WRITTEN NOTICE OF SUCH RESCISSION IS PROVIDED TO THE BIN OWNER  
53 AT LEAST TEN DAYS PRIOR TO THE BIN'S REMOVAL. PROPERTY OWNERS OR AN  
54 OWNER'S AGENT ARE NOT SUBJECT TO CIVIL LIABILITY FROM A COLLECTION BIN  
55 OPERATOR FOR THE REMOVAL OF AN UNAUTHORIZED BIN OR WHERE REMOVAL IS  
56 NECESSARY TO COMPLY WITH LOCAL ZONING ORDINANCES. PROPERTY OWNERS MAY

1 REMOVE A COLLECTION BIN IN ORDER TO COMPLY WITH A LOCAL ZONING ORDINANCE  
2 WITHOUT GIVING PRIOR NOTICE TO THE COLLECTION BIN OWNER. THE PROPERTY  
3 OWNER SHALL INFORM THE BIN OPERATOR OF THE LOCATION TO WHICH THE BIN WAS  
4 REMOVED, OR ANY OTHER DISPOSITION OF THE BIN.

5 4. A STATEMENT THAT NOTHING SHALL BE LEFT OUTSIDE OF SUCH BIN SHALL BE  
6 AFFIXED ON EACH BIN WITH AN ADDITIONAL STATEMENT REGARDING THE PURPOSE  
7 OR PURPOSES FOR THE PROPERTY COLLECTED IN THE BIN USING LETTERS NO LESS  
8 THAN TWO INCHES IN HEIGHT SHALL BE AFFIXED ON EACH BIN AS FOLLOWS:

9 (I) IF ALL OF THE PROPERTY PLACED IN THE PUBLICLY ACCESSIBLE  
10 COLLECTION BIN IS DIRECTED TO A NON-BUSINESS PURPOSE OR PURPOSES AS  
11 DESCRIBED IN PARAGRAPH (B) OF SECTION TWO HUNDRED ONE OF THE  
12 NOT-FOR-PROFIT CORPORATION LAW OR, IF THE PROPERTY IS SOLD AND ALL  
13 PROCEEDS OF SUCH SALE ARE DIRECTED TO A NON-BUSINESS PURPOSE OR PURPOSES  
14 DESCRIBED IN PARAGRAPH (B) OF SECTION TWO HUNDRED ONE OF THE  
15 NOT-FOR-PROFIT CORPORATION LAW, THE LABEL AFFIXED TO THE PUBLICLY ACCE-  
16 SIBLE COLLECTION BIN PURSUANT TO THIS SECTION SHALL STATE:

17 DONATED ITEMS WILL BE USED FOR CHARITABLE PURPOSES

18 THE VALUE OF ITEMS PLACED IN THIS BIN IS TAX-DEDUCTIBLE.

19 OR

20 (II) IF ANY OF THE PROPERTY PLACED IN THE PUBLICLY ACCESSIBLE  
21 COLLECTION BIN IS NOT DIRECTED TO A NON-BUSINESS PURPOSE OR PURPOSES AS  
22 DESCRIBED IN PARAGRAPH (B) OF SECTION TWO HUNDRED ONE OF THE  
23 NOT-FOR-PROFIT CORPORATION LAW, OR IF THE PROPERTY IS SOLD, AND ANY  
24 PROCEEDS OF SUCH SALE ARE NOT DIRECTED TO A NON-BUSINESS PURPOSE OR  
25 PURPOSES DESCRIBED IN PARAGRAPH (B) OF SECTION TWO HUNDRED ONE OF THE  
26 NOT-FOR-PROFIT CORPORATION LAW, THE LABEL AFFIXED TO THE PUBLICLY ACCE-  
27 SIBLE COLLECTION BIN PURSUANT TO THIS SECTION SHALL STATE:

28 DONATED ITEMS WILL BE USED FOR PROFIT

29 THE VALUE OF ITEMS PLACED IN THIS BIN IS NOT TAX-DEDUCTIBLE.

30 (C) ALL COLLECTION BINS OWNED BY A NOT-FOR-PROFIT ORGANIZATION SHALL  
31 AFFIX A STATEMENT DESCRIBING THE CHARITABLE CAUSES THAT WILL BENEFIT  
32 FROM DONATIONS.

33 (D) ANY COLLECTION BINS OPERATED BY CORPORATE FUNDRAISERS OR ANY ENTI-  
34 TY PLACING AND OPERATING COLLECTION BINS FOR THE BENEFIT OF ANOTHER  
35 FOR-PROFIT ENTITY OR NOT-FOR-PROFIT ENTITY SHALL ABIDE BY THE REQUIRE-  
36 MENTS OF THE ABOVE AND ANY ADDITIONAL GUIDELINES AND LABELING REQUIRE-  
37 MENTS UNDER STATE LAW.

38 5. MAINTENANCE REQUIREMENTS:

39 (A) BINS SHALL BE SERVICED AND EMPTIED AS NEEDED, OR WITHIN  
40 TWENTY-FOUR HOURS, DURING REGULAR BUSINESS HOURS, OF A REQUEST BY THE  
41 PROPERTY OWNER OR OWNER'S AGENT, INCLUDING REQUESTS FOR REMOVAL OF  
42 DEBRIS AND BULK ITEMS;

43 (B) REMOVE GRAFFITI ON THE OUTSIDE OF BINS WITHIN SEVENTY-TWO HOURS OF  
44 REQUESTS OR OTHERWISE BECOMING AWARE OF SUCH DAMAGE OR VANDALISM;

45 (C) REPAIR DAMAGED BINS WITHIN SEVENTY-TWO HOURS OF REQUESTS OR OTHER-  
46 WISE BECOMING AWARE OF SUCH DAMAGE OR VANDALISM;

47 (D) SECURE EACH COLLECTION BIN WITH A TAMPER-RESISTANT LOCK; AND

48 (E) MAINTAIN THE AESTHETIC PRESENTATION OF SUCH BIN, INCLUDING FRESH  
49 PAINT AND READABLE SIGNAGE.

50 6. (A) In addition to penalties provided for in any other provisions  
51 of law, in the event that a publicly accessible collection bin is placed  
52 on city property, or property maintained by the city, or on any public  
53 sidewalk or roadway, the owner of the publicly accessible collection  
54 bin, if the address of such owner is ascertainable, shall be notified by  
55 the department of sanitation by certified mail, return receipt  
56 requested, that such publicly accessible collection bin must be removed

1 within thirty days from the mailing of such notice. A copy of such  
2 notice, regardless of whether the address of such owner is ascertainable,  
3 shall also be affixed to the publicly accessible collection bin. This  
4 notice shall state that if the address of the owner is not ascertainable  
5 and notice is not mailed by the department of sanitation, such  
6 publicly accessible collection bin must be removed within thirty days  
7 from the affixation of such notice. This notice shall also state that  
8 the failure to remove the publicly accessible collection bin within the  
9 designated time period will result in the removal and disposal of the  
10 publicly accessible collection bin by the department of sanitation. This  
11 notice shall also state that if the owner objects to removal on the  
12 grounds that the bin is not on city property, or property maintained by  
13 the city, or on any public sidewalk or roadway, such owner may send  
14 written objection to the department of sanitation at the address indicated  
15 on the notice within twenty days from the mailing of such notice  
16 or, if the address of such owner is not ascertainable and notice is not  
17 mailed by the department of sanitation, within twenty days from the  
18 affixation of such notice, with proof that the bin is on private property.  
19 Proof that the bin is on private property shall include, but not be  
20 limited to, a survey of the property prepared by a licensed surveyor  
21 that is certified to the record owner of such property.

22 (B) THE OWNER OF ANY BIN THAT VIOLATES THE PROVISIONS RELATED TO THE  
23 DISPLAY OF INFORMATION OR MAINTENANCE PROVISIONS, SHALL BE SUBJECT TO A  
24 FIFTY DOLLAR FINE FOR THE FIRST OFFENSE, AND A ONE HUNDRED DOLLAR FINE  
25 FOR EACH SUBSEQUENT OFFENSE WITHIN AN EIGHTEEN MONTH PERIOD.

26 S 3. Section 10-169 of the administrative code of the city of New  
27 York, as amended by local law number 67 of the city of New York for the  
28 year 2014, is amended to read as follows:

29 S 10-169 Regulation of publicly accessible collection bins.

30 a. Definitions. For purposes of this section:

31 "Commissioner" shall mean the commissioner of sanitation.

32 "Department" shall mean the department of sanitation.

33 "Publicly accessible collection bin" shall mean any outdoor container,  
34 other than any container placed by any government or governmental agency,  
35 or its contractors or licensees, that allows for any member of the  
36 public to deposit items into the container for the purpose of collection  
37 by the owner of such container.

38 b. Requirements. All publicly accessible collection bins shall comply  
39 with the following provisions:

40 1. Each individual publicly accessible collection bin shall prominently  
41 display on the front and on at least one other side of the bin, the  
42 name, address [and], telephone number, E-MAIL ADDRESS AND WEBSITE, IF  
43 APPLICABLE, of the owner of the bin AND ANY AGENT THEREOF WHERE THE  
44 OWNER OF THE PUBLICLY ACCESSIBLE COLLECTION BIN OR ITS AGENT CAN BE  
45 REACHED DURING ORDINARY BUSINESS HOURS. IF MORE THAN ONE AGENT REPRESENTS  
46 AN OWNER OF THE PUBLICLY ACCESSIBLE COLLECTION BIN, INCLUDING A  
47 FOR-PROFIT ENTITY, ON BEHALF OF, OR IN CONJUNCTION WITH A NOT-FOR-PROFIT  
48 ORGANIZATION, ALL OF THE AGENTS' NAMES, LEGAL ADDRESSES AND TELEPHONE  
49 NUMBERS MUST BE DISPLAYED. ADDITIONALLY, EACH COLLECTION BIN MUST  
50 DISPLAY ANY PERMIT OR LICENSE REQUIRED BY LOCAL LAW OF SUCH PERSON,  
51 BUSINESS, NOT-FOR-PROFIT ORGANIZATION OR ENTITY AND ANY AGENT THEREOF,  
52 IF APPLICABLE; AND A STATEMENT THAT SHALL TAKE THE FOLLOWING FORM: FOR  
53 MORE INFORMATION, CONTACT THE DEPARTMENT OF LAW AT (INSERT THE CURRENT  
54 TELEPHONE NUMBER ESTABLISHED BY THE DEPARTMENT OF LAW FOR RECEIVING  
55 INQUIRIES FROM CONSUMERS) OR (INSERT THE CURRENT ADDRESS OF THE WEBSITE  
56 OF THE DEPARTMENT OF LAW) SHALL BE INCLUDED IN THE DISCLOSURE LABEL.

1 This information shall be printed in characters that are plainly visi-  
2 ble. In no event shall a post office box be considered an acceptable  
3 address for purposes of this paragraph.

4 2. No publicly accessible collection bin may be placed on any city  
5 property, or property maintained by the city, or on any public sidewalk  
6 or roadway.

7 3. No publicly accessible collection bin shall be placed on any  
8 private property without the written permission of the property owner or  
9 the property owner's designated agent. THE OWNER OR LESSEE OF THE PROP-  
10 ERTY WHERE THE PUBLICLY ACCESSIBLE COLLECTION BIN IS LOCATED, OR THE  
11 OWNER OR LESSEE'S AUTHORIZED AGENT MAY RESCIND SUCH CONSENT AT ANY TIME,  
12 PROVIDED, WRITTEN NOTICE OF SUCH RESCISSION IS PROVIDED TO THE BIN OWNER  
13 AT LEAST TEN DAYS PRIOR TO THE BIN'S REMOVAL. PROPERTY OWNERS OR AN  
14 OWNER'S AGENT ARE NOT SUBJECT TO CIVIL LIABILITY FROM A COLLECTION BIN  
15 OPERATOR FOR THE REMOVAL OF AN UNAUTHORIZED BIN OR WHERE REMOVAL IS  
16 NECESSARY TO COMPLY WITH LOCAL ZONING ORDINANCES. PROPERTY OWNERS MAY  
17 REMOVE A COLLECTION BIN IN ORDER TO COMPLY WITH A LOCAL ZONING ORDINANCE  
18 WITHOUT GIVING PRIOR NOTICE TO THE COLLECTION BIN OWNER. THE PROPERTY  
19 OWNER SHALL INFORM THE BIN OPERATOR OF THE LOCATION TO WHICH THE BIN WAS  
20 REMOVED, OR ANY OTHER DISPOSITION OF THE BIN.

21 4. The owner of a publicly accessible collection bin placed on private  
22 property with the written permission of the property owner, or the prop-  
23 erty owner's designated agent, and the owner of the property where the  
24 bin is located shall be responsible for maintaining such bin in a clean  
25 and neat condition. THE FOLLOWING MAINTENANCE REQUIREMENTS SHALL BE  
26 ADHERED TO:

27 (A) BINS SHALL BE SERVICED AND EMPTIED AS NEEDED, OR WITHIN  
28 TWENTY-FOUR HOURS, DURING REGULAR BUSINESS HOURS, OF A REQUEST BY THE  
29 PROPERTY OWNER OR OWNER'S AGENT, INCLUDING REQUESTS FOR REMOVAL OF  
30 DEBRIS AND BULK ITEMS;

31 (B) REMOVE GRAFFITI ON THE OUTSIDE OF BINS WITHIN SEVENTY-TWO HOURS OF  
32 REQUESTS OR OTHERWISE BECOMING AWARE OF SUCH DAMAGE OR VANDALISM;

33 (C) REPAIR DAMAGED BINS WITHIN SEVENTY-TWO HOURS OF REQUESTS OR OTHER-  
34 WISE BECOMING AWARE OF SUCH DAMAGE OR VANDALISM;

35 (D) SECURE EACH COLLECTION BIN WITH A TAMPER-RESISTANT LOCK; AND

36 (E) MAINTAIN THE AESTHETIC PRESENTATION OF SUCH BIN, INCLUDING FRESH  
37 PAINT AND READABLE SIGNAGE.

38 5. A STATEMENT THAT NOTHING SHALL BE LEFT OUTSIDE OF SUCH BIN SHALL BE  
39 AFFIXED ON EACH BIN WITH AN ADDITIONAL STATEMENT REGARDING THE PURPOSE  
40 OR PURPOSES FOR THE PROPERTY COLLECTED IN THE BIN USING LETTERS NO LESS  
41 THAN TWO INCHES IN HEIGHT SHALL BE AFFIXED ON EACH BIN AS FOLLOWS:

42 (I) IF ALL OF THE PROPERTY PLACED IN THE PUBLICLY ACCESSIBLE  
43 COLLECTION BIN IS DIRECTED TO A NON-BUSINESS PURPOSE OR PURPOSES AS  
44 DESCRIBED IN PARAGRAPH (B) OF SECTION TWO HUNDRED ONE OF THE  
45 NOT-FOR-PROFIT CORPORATION LAW OR, IF THE PROPERTY IS SOLD AND ALL  
46 PROCEEDS OF SUCH SALE ARE DIRECTED TO A NON-BUSINESS PURPOSE OR PURPOSES  
47 DESCRIBED IN PARAGRAPH (B) OF SECTION TWO HUNDRED ONE OF THE  
48 NOT-FOR-PROFIT CORPORATION LAW, THE LABEL AFFIXED TO THE PUBLICLY ACCE-  
49 SIBLE COLLECTION BIN PURSUANT TO THIS SECTION SHALL STATE:

50 DONATED ITEMS WILL BE USED FOR CHARITABLE PURPOSES

51 THE VALUE OF ITEMS PLACED IN THIS BIN IS TAX-DEDUCTIBLE.

52 OR

53 (II) IF ANY OF THE PROPERTY PLACED IN THE PUBLICLY ACCESSIBLE  
54 COLLECTION BIN IS NOT DIRECTED TO A NON-BUSINESS PURPOSE OR PURPOSES AS  
55 DESCRIBED IN PARAGRAPH (B) OF SECTION TWO HUNDRED ONE OF THE  
56 NOT-FOR-PROFIT CORPORATION LAW, OR IF THE PROPERTY IS SOLD, AND ANY

1 PROCEEDS OF SUCH SALE ARE NOT DIRECTED TO A NON-BUSINESS PURPOSE OR  
2 PURPOSES DESCRIBED IN PARAGRAPH (B) OF SECTION TWO HUNDRED ONE OF THE  
3 NOT-FOR-PROFIT CORPORATION LAW, THE LABEL AFFIXED TO THE PUBLICLY ACCESSIBLE  
4 COLLECTION BIN PURSUANT TO THIS SECTION SHALL STATE:

5 DONATED ITEMS WILL BE USED FOR PROFIT

6 THE VALUE OF ITEMS PLACED IN THIS BIN IS NOT TAX-DEDUCTIBLE.

7 (C) ALL COLLECTION BINS OWNED BY A NOT-FOR-PROFIT ORGANIZATION SHALL  
8 AFFIX A STATEMENT DESCRIBING THE CHARITABLE CAUSES THAT WILL BENEFIT  
9 FROM DONATIONS.

10 (D) ANY COLLECTION BINS OPERATED BY CORPORATE FUNDRAISERS OR ANY ENTITY  
11 PLACING AND OPERATING COLLECTION BINS FOR THE BENEFIT OF ANOTHER  
12 FOR-PROFIT ENTITY OR NOT-FOR-PROFIT ENTITY SHALL ABIDE BY THE REQUIREMENTS  
13 OF THE ABOVE AND ANY ADDITIONAL GUIDELINES AND LABELING REQUIREMENTS  
14 UNDER STATE LAW.

15 6. All owners of publicly accessible collection bins that are placed  
16 on private property with the written permission of the property owner,  
17 or the property owner's designated agent, shall be required to register  
18 with the department. Such registration, at a minimum, shall include the  
19 location of the publicly accessible collection bin, the type of material  
20 collected in the bin, and the name, address, and telephone number of the  
21 owner. On or before August first, two thousand fifteen, and annually  
22 thereafter, each such owner shall submit a report to the commissioner  
23 identifying the weight of the material collected during the period  
24 beginning on July first of the year preceding the year the report is due  
25 and ending on June thirtieth of the year the report is due. It shall be  
26 unlawful for the owner of any publicly accessible collection bin to  
27 submit a report containing false or misleading information or to fail to  
28 submit a report in accordance with this paragraph.

29 [6] 7. In addition to penalties provided for in any other provisions  
30 of law, in the event that a publicly accessible collection bin is placed  
31 on any city property, or property maintained by the city, or on any  
32 public sidewalk or roadway, the department shall have the authority to  
33 remove such bin. Any publicly accessible collection bin placed on any  
34 city property, or property maintained by the city, or on any public  
35 sidewalk or roadway, shall be presumed to have been placed there intentionally.  
36 If the name and address of the owner of such publicly accessible  
37 collection bin are located on the bin and are legible, such owner  
38 shall be notified by the department by certified mail, return receipt  
39 requested, that such publicly accessible collection bin was removed by  
40 the department and that the owner can claim such bin through the procedure  
41 established by rule. If the name and address of the owner of such  
42 publicly accessible collection bin are not located on the bin or are not  
43 legible, the commissioner may dispose of such bin in accordance with  
44 applicable law and rules thirty days after removal. Any owner who seeks  
45 to claim a publicly accessible collection bin that has been removed by  
46 the department shall pay the penalty established by this section and the  
47 costs of removal and storage, unless, after adjudication by the environmental  
48 control board, the owner is found not liable for violating this  
49 section, in which case such bin shall be released forthwith, and no  
50 removal or storage costs shall be imposed as a condition of such  
51 release. If any publicly accessible collection bin is not claimed within  
52 thirty days of the mailing of notice to the owner, the commissioner may  
53 dispose of such bin in accordance with applicable law and rules.

54 c. Any person who violates the provisions of paragraph two of subdivision  
55 b of this section shall be liable for a civil penalty recoverable  
56 in a proceeding before the environmental control board of two hundred



1 fifty dollars for the first offense and five hundred dollars for each  
2 subsequent offense within any eighteen-month period. Any person who  
3 violates the provisions of paragraph two of subdivision b of this  
4 section by attaching or enclosing by any means any publicly accessible  
5 collection bin to or on any city property, or property maintained by the  
6 city, or on any public sidewalk or roadway, shall be liable for a civil  
7 penalty recoverable in a proceeding before the environmental control  
8 board of five hundred dollars for the first offense and one thousand  
9 dollars for each subsequent offense within any eighteen-month period.  
10 For purposes of this section, each publicly accessible collection bin  
11 placed on any city property, or property maintained by the city, or on  
12 any public sidewalk or roadway, shall be deemed a separate violation.

13 d. Any person who violates the provisions of paragraphs one, four or  
14 five of subdivision b of this section shall be liable for a civil penal-  
15 ty recoverable in a proceeding before the environmental control board of  
16 fifty dollars for the first offense and one hundred dollars for each  
17 subsequent offense within any eighteen-month period.

18 e. The commissioner may promulgate such rules as are necessary to  
19 implement the provisions of this section including, but not limited to,  
20 rules relating to:

21 1. payment, by the owner, of removal and storage costs incurred by the  
22 commissioner,

23 2. registration and reporting requirements for publicly accessible  
24 collection bins placed on private property,

25 3. the procedures for claiming publicly accessible collection bins  
26 that are removed by the department, and

27 4. the disposal of publicly accessible collection bins that have been  
28 removed by the department and claimed by an owner in cases where there  
29 is a subsequent failure to collect such bins.

30 S 4. This act shall take effect immediately; provided however, that if  
31 local law number 67 of the city of New York for the year 2014 shall not  
32 have taken effect by such date, then section three of this act shall  
33 take effect on the same date and in the same manner as such local law,  
34 as amended, takes effect.