

2015-2016 Regular Sessions

I N   S E N A T E

January 7, 2015

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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:

1     Section 1. Subdivision c of section 16-120 of the administrative code  
2 of the city of New York, as amended by local law number 6 of the city of  
3 New York for the year 2006, is amended to read as follows:  
4     c. Incinerator, residue, ashes, refuse and liquid waste shall be  
5 stored in the building or dwelling or at the rear of the building or  
6 dwelling as may be required by the department of health and mental  
7 hygiene or the department of housing preservation and development until  
8 [time for removal] 5:00 P.M. THE DAY BEFORE THE SCHEDULED COLLECTION, OR  
9 UNTIL 4:00 P.M. THE DAY BEFORE THE SCHEDULED COLLECTION FROM OCTOBER  
10 THROUGH APRIL and kept in tightly covered metal receptacles or contain-  
11 ers made of other materials of a type and grade acceptable to the  
12 department, department of health and mental hygiene, and the department  
13 of housing preservation and development. After the contents have been  
14 removed by the department or other collection agency any receptacles  
15 remaining shall be removed from the front of the building or dwelling  
16 before 9:00 p.m. on the day of collection, or if such collection occurs  
17 after 4:00 p.m., then before 9:00 a.m. on the day following collection.  
18 The receptacles shall at all times be kept covered or closed and kept in  
19 a manner satisfactory to the department, the department of health and  
20 mental hygiene, and in the case of residential premises, the department  
21 of housing preservation and development. No receptacles, refuse, incin-  
22 erator residue or ashes, or liquid waste shall be kept so as to create a  
23 nuisance. Yard sweepings, hedge cuttings, grass, leaves, earth, stone or  
24 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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1 S 2. Subdivision f of section 16-120 of the administrative code of the  
2 city of New York, as amended by local law number 42 of the city of New  
3 York for the year 2007, is amended to read as follows:

4 f. Any person violating the provisions of this section, except subdi-  
5 vision e, SHALL BE GIVEN A WARNING LETTER FOR THE FIRST VIOLATION, AND  
6 shall be liable for a civil penalty of not less than twenty-five nor  
7 more than one hundred dollars for the [first] SECOND violation, not less  
8 than one hundred dollars nor more than two hundred dollars for a  
9 [second] THIRD violation within any twelve-month period, and not less  
10 than two hundred dollars nor more than three hundred dollars for a  
11 [third] FOURTH or subsequent violation [with] WITHIN any twelve-month  
12 period. Any person violating the provisions of subdivision e of this  
13 section shall be liable for a civil penalty of not less than one hundred  
14 dollars nor more than three hundred dollars for the first violation, not  
15 less than two hundred fifty dollars nor more than three hundred fifty  
16 dollars for a second violation within any twelve-month period, and not  
17 less than three hundred fifty dollars nor more than four hundred dollars  
18 for a third or subsequent violation within any twelve month period.

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

22 J. THE DEPARTMENT MAY GRANT A WAVIER TO ALLOW EARLY PLACEMENT OF  
23 GARBAGE RECEPTACLES TO RESIDENTIAL PROPERTY OWNERS WHO ARE SENIOR CITI-  
24 ZENS OF SIXTY-FIVE YEARS OF AGE OR OLDER, OR HAVE A DISABILITY, OR  
25 SIGNIFICANT SCHEDULING CONFLICTS THAT PREVENT SUCH INDIVIDUALS FROM  
26 PLACING THE REFUSE RECEPTACLE BEFORE THE TIME REQUIRED IN SUBDIVISION C  
27 OF THIS SECTION. IN ORDER TO QUALIFY FOR THE WAIVER, SUCH ELIGIBLE PROP-  
28 erty owners must provide the department with written notification show-  
29 ing proof of age, disability or scheduling conflicts and written state-  
30 ment that no one living in the home is capable of placing the receptacle  
31 before the time required in subdivision c of this section. the depart-  
32 ment must investigate the validity of the request and notify the resi-  
33 dent as to their decision within thirty days. if the department grants  
34 the waiver, such property owner will be allowed to place the receptacle  
35 for pick-up no earlier than twelve hours prior to the time allowed in  
36 subdivision c of this section.

37 K. PRIOR TO THE EFFECTIVE DATE OF THIS SUBDIVISION, THE DEPARTMENT  
38 SHALL PROVIDE ALL PROPERTY OWNERS OF THE CITY WITH A WRITTEN NOTIFICA-  
39 tion about any amendments to the provisions of this section.

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

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