

New York City Department of Sanitation
Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? DSNY is proposing to amend its rule to clarify that no entity engaging in cleaning services shall be permitted to place bags of refuse and recycling out for collection.

When and where is the hearing? DSNY will hold a public hearing on the proposed rule. The public hearing will take place via Microsoft Teams at 10:00 AM on February 10, 2025 using the following link:

https://teams.microsoft.com//meetup-join/19%3ameeting_NDAxODkwZDgtNWJlYS00NDY3LWEzZjEtYzdiNTYyYmY1OGZj%40thread.v2/0?context=%7b%22Tid%22%3a%2232f56fc7-5f81-4e22-a95b-15da66513bef%22%2c%22Oid%22%3a%221d3255a2-4904-4aaa-899e-3f943348182b%22%7d

Meeting ID: 218 688 274 294

Passcode: cC2rq7px

Dial in by phone

[+1 646-893-7101,,722549772#](tel:+16468937101722549772) United States, New York City

Phone conference ID: 722 549 772#

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the DSNY through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to nycrules@dsny.nyc.gov.
- **Mail.** You can mail written comments to DSNY, 125 Worth Street, Room 710, New York, NY 10013.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by emailing nycrules@dsny.nyc.gov by February 7, 2025. While you will be given the opportunity during the hearing to indicate that you would like to provide comments, we prefer that you sign-up in advance. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit comments? The deadline for submitting written comments shall be February 10, 2025.

What if I need assistance to participate in the hearing? You must tell the Bureau of Legal Affairs if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by email at nycrules@dny.nyc.gov or by telephone at 646-885-5006. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by February 3, 2025.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public at 125 Worth Street, Room 710, New York, NY 10013 and on DSNY's website.

What authorizes DSNY to make this rule? Sections 753 and 1043(a) of the New York City Charter and section 16-120 of the New York City Administrative Code authorize DSNY to make this proposed rule. This proposed rule was not included in DSNY's regulatory agenda for this Fiscal Year because it was not contemplated when DSNY published the agenda.

Where can I find the DSNY's rules? DSNY's rules are in Title 16 of the Rules of the City of New York.

What laws govern the rulemaking process? DSNY must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Statement of Basis and Purpose

Section 16-120(e)(2) of the New York City Administrative Code prohibits the placement of household or commercial refuse upon any sidewalk, street, public place, wharf, pier, dock, bulkhead, slip, navigable waterway or other area whether publicly or privately owned, except in accordance with rules of the department relating to collection.

The purpose of this rule is to clarify that any entity that performs or causes others to perform cleaning services such as manual sweeping and cleaning of sidewalks, public plazas, streets, curbs and gutters, or emptying of public litter baskets, for the purpose of supporting local businesses or communities, may not place any amount of refuse or recycling within the vicinity of any public litter basket, or at any other location described in Section 16-120(e)(2) of the New York City Administrative Code, except in accordance with rules of the Department relating to collection. The proposed rule also requires that such materials be placed out for collection by the Department in rigid receptacles with tight-fitting lids. An entity, for purposes of this rule, shall mean any business improvement district, merchant association, neighborhood association, or other non-governmental organization.

Any entity violating the prohibition of placing any amount of refuse or recycling out in bags for Department collection within the vicinity of any public litter basket, or for any other reason at any other location described in Section 16-120(e)(2) of the Administrative Code, shall be subject to the civil penalties for violations of §16-120(e)(2) of the Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Chapter 1 of Title 16 of the Rules of the City of New York is amended by adding a new section 1-12 to read as follows:

§ 1-12 Improper Placement of Refuse and Recycling for Department Collection

(a) Definitions. For purposes of this section, the following terms have the following meaning:

(1) Entity. The term “entity” means any business improvement district, merchant association, neighborhood association, or other non-governmental organization that performs or causes others to perform cleaning services such as manual sweeping and cleaning of sidewalks, public plazas, streets, curbs and gutters, or emptying of public litter baskets, for the purpose of supporting local businesses or communities.

(2) Business improvement district. The term “business improvement district” means any business improvement district established pursuant to chapter 4 of title 25 of the New York City Administrative Code or pursuant to relevant state law.

(3) Merchant association. The term “merchant association” means a group of merchants located in a commercial corridor that create an association to provide services and advocate on behalf of local business owners.

(4) Neighborhood association. The term “neighborhood association” means a group of residents who advocate to improve the quality of life or organize activities within a neighborhood.

(b) No entity or organization acting under the direction of an entity shall be permitted to place any amount of refuse or recycling within the vicinity of any public litter basket placed by the Department, or at any other location described in Section 16-120(e)(2) of the New York City Administrative Code, except in accordance with rules of the department relating to collection.

(c) Any material placed out for collection by the Department by an entity, or organization acting under the direction of an entity, must be placed in rigid receptacles with tight fitting lids that do not exceed fifty-five gallons in size, unless an alternative receptacle is approved by the Department.

(d) Any entity or organization acting under the direction of an entity violating subdivision (b) of this section shall be subject to the civil penalty for violations of section 16-120(e)(2).

§ 2. This rule takes effect on August 1, 2025.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Rules Relating to Placement of Refuse and Recycling for Collection

REFERENCE NUMBER: 2024 RG 108

RULEMAKING AGENCY: Department of Sanitation

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: December 2, 2024

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400

CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Amendment of Rules Relating to Placement of Refuse and Recycling for Collection

REFERENCE NUMBER: DSNY-48

RULEMAKING AGENCY: Department of Sanitation

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

December 6, 2024
Date