

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2013**

No. 57

Introduced by Council Members Recchia, Koo, Koppell, Van Bramer, Lappin, Gennaro, Gentile, Dromm, Jackson and Ulrich.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the acceptance of recyclable containers in bulk using a motor vehicle.

Be it enacted by the Council as follows:

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new chapter 4-D to read as follows:

CHAPTER 4-D

ACCEPTANCE OF RECYCLABLE CONTAINERS IN BULK USING MOTOR VEHICLES

§16-470 Definitions.

§16-471 On-street acceptance or transfer of recyclable containers in bulk.

§16-472 Registration.

§16-473 Reporting requirements.

§16-474 Operating requirements.

§16-475 Exemption.

§16-476 Enforcement.

§16-477 Rulemaking authority.

§16-470 Definitions. As used in this chapter:

“In bulk” means fifty or more recyclable containers;

“Motor vehicle” means any vehicle operated or driven upon a street that is propelled by any power other than human or animal power;

"Owner" means a person, other than a lienholder, having the property in or title to a motor vehicle, including any person entitled to the use and possession of a motor vehicle subject to a security interest by another person and also includes any lessee or bailee of a motor vehicle having the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days;

"Person" means any individual, firm, corporation or other legal entity;

"Recyclable container" means any bottle, can, jar or other container constructed from glass, metal or plastic that has been designated as a recyclable material pursuant to subdivision b of section 16-305 of this title;

"Street" means any public street, avenue, road, alley, lane, highway, boulevard, concourse, parkway, driveway, culvert, sidewalk, crosswalk, boardwalk, viaduct, square or place, including marginal streets.

§16-471 On-street acceptance or transfer of recyclable containers in bulk. a. It shall be unlawful for any person using a motor vehicle to accept, receive or otherwise collect recyclable containers in bulk from more than one person on or in any street in the city of New York.

b. It shall be unlawful for any person to transfer recyclable containers in bulk from one vehicle to another on or in any street in the city of New York where one or more of the vehicles involved in the transfer has a commercial license plate.

c. This section shall not apply to authorized employees or agents of the city engaged in the collection of solid waste or recyclable materials, persons licensed pursuant to subdivision a of section 16-505 of this code, and persons registered or exempted from registration pursuant to subdivision b of section 16-505 of this code.

d. The owner of any motor vehicle used in violation of this section shall also be

liable for any such violation except where such vehicle owner establishes that the motor vehicle was used for purposes of violating the provisions of this section without such vehicle owner's permission.

§16-472 Registration. a. On or after January 1, 2014, no person shall, while using a motor vehicle, accept, receive, transfer from one motor vehicle to another motor vehicle, or otherwise collect recyclable containers in bulk from more than two persons on private property in the city of New York without registering with the department pursuant to the provisions set forth in this section. Any application for registration or for renewal of a registration submitted to the department shall include the following:

i. name and address of each such person and owner of such motor vehicle used for acceptance of recyclable containers in bulk; and

ii. the location, including the street address or nearest street address of the property, and tax block and lot number or numbers if more than one lot, or other information identifying specifically where such motor vehicle will accept recyclable containers in bulk and the name of the owner of such property and a signed certification from such owner approving the use of such property for the purpose of in bulk container acceptance.

b. Such registration shall be conspicuously posted in such motor vehicle.

c. Prior to issuing a registration pursuant to this section, the department shall confirm that any location where a motor vehicle proposes to collect recyclable containers in bulk as specified pursuant to paragraph ii of subdivision a of this section is zoned for such use.

d. The commissioner may establish, by rule, a fee to process applications for registration pursuant to this section.

e. Any registration issued by the department pursuant to this section shall expire

one year from its issuance, and may be renewed thereafter. A request for renewal shall be reviewed by the department prior to such expiration of such registration, if such request is submitted to the department no later than forty-five days prior to the expiration of such registration.

§16-473 Reporting requirements. No later than January 31, 2015, and annually thereafter, any person registered pursuant to section 16-472 of this chapter shall submit an annual report to the department. Such report shall include, but not be limited to, the following:

- i. the name and address of each operator of the motor vehicle used for acceptance of recyclable containers in bulk;*
- ii. any change to the information contained in each such operator's registration;*
- iii. each location where collected recyclable containers are delivered; and*
- iv. the total amount of refunds paid out and revenue generated, in the aggregate, by the registrant for the prior calendar year pursuant to the registration issued by the department.*

§16-474 Operating requirements. Any person registered pursuant to this chapter shall ensure that such person's motor vehicle accepts, receives, transfers from one motor vehicle to another motor vehicle or otherwise collects recyclable containers in bulk from another person on private property in the city of New York only at the location listed in the registration. Such person shall ensure that such property is operated and maintained in a safe and sanitary manner so as to avoid any nuisance or condition hazardous to public health or safety, including ensuring that the roadway, sidewalk and curb area abutting such property where such person operates is kept clean and free from obstruction and nuisances resulting directly from such person's activities, and that the roadway, sidewalk and curb area abutting any such property are free from garbage, refuse, rubbish, litter, debris and other offensive material including, but not limited to,

unwanted recyclable containers.

§16-475 Exemption. The provisions of sections 16-471, 16-472, 16-473 and 16-474 of this chapter shall not apply to persons using a motor vehicle to collect or receive recyclable containers in bulk on streets or private property from dealers, distributors or redemption centers as such terms are defined in section 27-1003 of the environmental conservation law.

§16-476 Enforcement. a. Any person who violates section 16-471 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of one thousand dollars for each such violation.

b. Any person who violates section 16-472 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of five hundred dollars for each such violation.

c. Any person who violates sections 16-473 or 16-474 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of two hundred fifty dollars for each such violation.

d. Any motor vehicle that has been used or is being used to collect recyclable containers in bulk in violation of section 16-471 of this chapter or without registering with the department in violation of section 16-472 of this chapter may be impounded by the department and shall not be released until either all storage fees and the applicable fine have been paid or a bond has been posted in an amount satisfactory to the commissioner. Rules of the department related to the impoundment and release of motor vehicles in chapter five of title sixteen of the rules of the city of New York shall be applicable to the impoundment and release of motor vehicles pursuant to this paragraph. Where it is determined that the motor vehicle was not used to commit a violation of section 16-471 or 16-472 of this chapter, such fees shall be promptly returned.

e. The provisions of this chapter may be enforced by the department, the police department, the department of consumer affairs and the business integrity commission.

§16-477 Rulemaking authority. The commissioner shall be authorized to promulgate such rules as are necessary to implement the provisions of this chapter.

§ 2. This local law shall take effect one hundred twenty days after enactment, except that the commissioner of sanitation shall take such actions as are necessary for its implementation, including promulgation of rules, prior to such effective date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on July 24, 2013 and approved by the Mayor on August 12, 2013.

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 57 of 2013, Council Int. No. 893-A of 2012) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.