Legislation Details (With Text)

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Type:	Introduction	**Status:**	Enacted
		In control:	Committee on Sanitation and Solid Waste Management
On agenda:	5/29/2019		
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Title: A Local Law to amend the administrative code of the city of New York, in relation to regulating the trade waste industry

Sponsors: Antonio Reynoso, Helen K. Rosenthal, Carlos Menchaca, Ben Kallos, Rory I. Lancman, Brad S. Lander, Carlina Rivera, (by request of the Mayor)

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Date	Ver.	Action By	Action	Result
5/29/2019	*	City Council	Introduced by Council	
5/29/2019	*	City Council	Referred to Comm by Council	
6/27/2019	*	Committee on Sanitation and Solid Waste Management	Hearing Held by Committee	
6/27/2019	*	Committee on Sanitation and Solid Waste Management	Laid Over by Committee	
10/29/2019	*	Committee on Sanitation and Solid Waste Management	Hearing Held by Committee	
10/29/2019	*	Committee on Sanitation and Solid Waste Management	Amendment Proposed by Comm	
10/29/2019	*	Committee on Sanitation and Solid Waste Management	Amended by Committee	
10/29/2019	A	Committee on Sanitation and Solid Waste Management	Approved by Committee	Pass
10/30/2019	A	City Council	Approved by Council	Pass
10/30/2019	A	City Council	Sent to Mayor by Council	
11/19/2019	A	Mayor	Hearing Held by Mayor	
11/20/2019	A	Mayor	Bill Signing Scheduled by Mayor	
11/20/2019	A	Mayor	Signed Into Law by Mayor	
11/20/2019	A	City Council	Recved from Mayor by Council	

Int. No. 1573-A

By Council Members Reynoso, Rosenthal, Menchaca, Kallos, Lancman, Lander and Rivera (by the request of

the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to regulating the trade waste industry

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 16-504 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

a. To issue and establish standards for the issuance, suspension and revocation of licenses and registrations authorizing the operation of businesses engaged in the collection, removal or disposal of waste within the city and the operation of trade waste broker businesses, provided that unless otherwise provided herein, the commission may by resolution delegate to the chair the authority to make individual determinations regarding: issuance, suspension and revocation of such licenses and registrations; investigations of background and determinations of fitness in regard to employees of licensees; and the appointment of independent auditors and monitors in accordance with the provisions of this chapter;

§ 2. Subdivision d of section 16-504 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

d. To establish and enforce standards for service and for the regulation and conduct of businesses licensed or registered pursuant to this chapter, including but not limited to (i) requirements governing the level of service to be provided by licensees, (ii) contracts for trade waste removal, (iii) billing form and procedures, (iv) the maintenance and inspection of records, (v) the maintenance of appropriate insurance, and [compliance with safety and health measures] (vi) environmental, safety and health standards, including but not limited to traffic safety requirements and environmental and safety requirements for vehicles used in the collection, removal, transportation or disposal of trade waste;

§ 3. Subdivision c of section 16-506 of the administrative code of the city of New York, as relettered by local law 55 for the year 2019, is amended to read as follows:

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c. The commission shall promulgate rules establishing the fee for any license or registration required by this chapter. Such rules may provide for a fee to be charged for each vehicle in excess of one that will collect, remove, transport or dispose of waste pursuant to such license and for each such vehicle operated pursuant to such registration.

§ 4. Subdivision a of section 16-507 of the administrative code of the city of New York, as added by local law 42 for the year 1996, is amended to read as follows:

a. Except in the case of a business issued a registration by reason of the grant of an exemption from the requirement for a license pursuant to section 16-505 of this chapter, an applicant for registration shall submit an application on a form prescribed by the commission and containing such information as the commission determines will adequately identify the business of such applicant. An applicant for registration to remove trade waste generated in the course of such applicant's business shall identify, in a manner to be prescribed by the commission, each vehicle that will collect, remove, transport or dispose of waste pursuant to such registration. An application for registration as a trade waste broker shall contain information regarding any financial, contractual or employment relationship between such broker and a trade waste business. Any such relationship shall be indicated on the registration issued to such broker.

§ 5. Subdivision a of section 16-509 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

a. The commission may, by majority vote of its entire membership and after notice and the opportunity to be heard, refuse to issue a license or any registration to an applicant who lacks good character, honesty and integrity. Such notice shall specify the reasons for such refusal. In making such determination, the commission may consider, but is not limited to: (i) failure by such applicant to provide truthful information in connection with the application; (ii) a pending indictment or criminal action against such applicant for a crime which under this subdivision would provide a basis for the refusal of such license or registration, or a pending civil or administrative action to which such applicant is a party and which directly relates to the fitness to conduct the

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business or perform the work for which [the] such license or registration is sought, in which cases the commission may defer consideration of an application until a decision has been reached by the court or administrative tribunal before which such action is pending; (iii) conviction of such applicant for a crime which, considering the factors set forth in section seven hundred fifty-three of the correction law, would provide a basis under such law for the refusal of such license or registration; (iv) a finding of liability in a civil or administrative action that bears a direct relationship to the fitness of the applicant to conduct the business for which the license or registration is sought; (v) commission of a racketeering activity or knowing association with a person who has been convicted of a racketeering activity, including but not limited to the offenses listed in subdivision one of section nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. § 1961 et seq.) or of an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time, or the equivalent offense under the laws of any other jurisdiction; (vi) association with any member or associate of an organized crime group as identified by a federal, state or city law enforcement or investigative agency when the applicant knew or should have known of the organized crime associations of such person; (vii) having been a principal in a predecessor trade waste business as such term is defined in subdivision a of section 16-508 of this chapter where the commission would be authorized to deny a license or registration to such predecessor business pursuant to this subdivision; (viii) current membership in a trade association where such membership would be prohibited to a licensee pursuant to subdivision j of section 16-520 of this chapter unless the commission has determined, pursuant to such subdivision, that such association does not operate in a manner inconsistent with the purposes of this chapter; (ix) the holding of a position in a trade association where membership or the holding of such position would be prohibited to a licensee pursuant to subdivision j of section 16-520 of this chapter; (x) failure to pay any tax, fine, penalty[,] or fee related to the applicant's business for which liability has been admitted by the person liable therefor, or for which judgment has been entered by a court or administrative tribunal of competent jurisdiction; and (xi) failure to comply with any city, state or federal law, rule or regulation relating

to traffic safety or the collection, removal, transportation or disposal of trade waste in a safe manner. For purposes of determination of the character, honesty and integrity of a trade waste broker pursuant to subdivision c or subdivision d of section 16-507 of this chapter, the term "applicant" shall refer to the business of such trade waste broker and all the principals thereof; for purposes of determining the good character, honesty and integrity of employees or agents pursuant to section 16-510 of this chapter, the term "applicant" as used herein shall be deemed to apply to employees, agents or prospective employees or agents of an applicant for a license or a licensee.

§ 6. Subdivision a of section 16-513 of the administrative code of the city of New York, as amended by local law number 56 for the year 2015, is amended to read as follows:

a. In addition to the penalties provided in section 16-515 of this chapter, the commission may, after due notice and opportunity to be heard, revoke or suspend a license or registration issued pursuant to the provisions of this chapter when the registrant or licensee and/or its principals, employees and/or agents: (i) have been found to be in violation of this chapter or any rules promulgated pursuant thereto; (ii) have been found by a court or administrative tribunal of competent jurisdiction to have violated: (A) any provision of section 16-119 of this code, or any rule promulgated pursuant thereto, relating to illegal dumping, (B) any provision of section 16-120.1 of this code, or any rule promulgated pursuant thereto, relating to the disposal of regulated medical waste and other medical waste or (C) any provision of section 16-117.1 of this code, or any rule promulgated pursuant thereto, relating to the collection, removal, transportation [and] or disposal of waste containing asbestos; (iii) has repeatedly failed to obey lawful orders of any person authorized by section 16-517 of this chapter to enforce the provisions hereof; (iv) has failed to pay, within the time specified by a court, the department of consumer affairs or an administrative tribunal of competent jurisdiction, any fines or civil penalties imposed pursuant to this chapter or the rules promulgated pursuant thereto; (v) has been found in persistent or substantial violation of any rule promulgated by the commission pursuant to section 16-306 of this code or by the commissioner of consumer affairs pursuant to section 16-306 or former subchapter eighteen of

title twenty of this code; (vi) has been found in persistent or substantial violation of any city, state, or federal law, rule or regulation regarding the [handling] collection, removal, transportation or disposal of trade waste, or any laws prohibiting deceptive, unfair[,] or unconscionable trade practices; (vii) whenever, in relation to an investigation conducted pursuant to this chapter, the commission determines, after consideration of the factors set forth in subdivision a of section 16-509 of this code, that the licensee or registrant [as a trade waste broker] lacks good character, honesty and integrity; (viii) whenever there has been any false statement or any misrepresentation as to a material fact in the application or accompanying papers upon which the issuance of such license or registration was based; (ix) whenever the licensee or registrant has failed to notify the commission as required by subdivision b of section 16-507 or subdivision c of section 16-508 of this chapter of any change in the ownership interest of the business or other material change in the information required on the application for such license or registration, or of the arrest or criminal conviction of such licensee or registrant or any of his or her principals, employees and/or agents of which the licensee had knowledge or should have known; (x) whenever the licensee or registrant has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 24-163.11 of the code, or any rule promulgated pursuant thereto; [or](xi) whenever the licensee or registrant has been found by the [commissioner] commission or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 16-526 of the code, or any rule promulgated pursuant thereto; or (xii) while engaged in any activity regulated by this chapter or title 16-b, have been found to be in violation of any city, state or federal law, rule or regulation relating to the safety of the general public, including but not limited to traffic safety, or relating to the collection, removal, transportation or disposal of trade waste in a safe manner.

§ 7. Subdivision d of section 16-520 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

d. A licensee shall be in compliance with all applicable state, federal and local laws, ordinances, rules and regulations pertaining to the collection, removal [and] or disposal of trade waste, the maintenance,

inspection and operation of vehicles that collect, remove, transport or dispose of trade waste and, while engaged in any activity regulated by this chapter, the safety of the general public, including but not limited to traffic safety.

§ 8. Chapter 1 of title 16-A of the administrative code of the city of New York is amended by adding a new section 16-520.1 to read as follows:

§ 16-520.1 Conduct of registrants. Every registrant pursuant to this chapter shall be in compliance with all applicable state, federal and local laws, ordinances, rules and regulations pertaining to the collection, removal, transportation or disposal of trade waste, the maintenance, inspection and operation of vehicles that collect, remove, transport or dispose of trade waste and, while engaged in any activity regulated by this chapter, the safety of the general public, including but not limited to traffic safety.

§ 9. Subdivision a of section 16-526 of the administrative code of the city of New York, as added by local law number 56 for the year 2015, is amended to read as follows:

a. Definitions. For the purposes of this section:

Side guard. The term "side guard" means a device fit to the side of a trade waste hauling vehicle designed to prevent pedestrians and bicyclists from falling into the exposed space between the front axle and the rear axle of such vehicles and with such additional specifications as may be established by the commission pursuant to paragraph 3 of subdivision c of this section. Except where otherwise authorized by rule of the commission, side guards: shall allow for a maximum 13.8 inch ground clearance, maximum 13.8 inch top clearance up to four feet in height, and a minimum 440 pound impact strength; must achieve a smooth and continuous longitudinal (forward to backward) impact surface flush with the vehicle sidewall; may include rail style guards, provided such rails be no less than four inches tall and no more than 11.8 inches apart; and may incorporate other vehicle features such as tool boxes and ladders.

Trade waste hauling vehicle. The term "trade waste hauling vehicle" means any motor vehicle with a manufacturer's gross vehicle weight rating exceeding 10,000 pounds that is owned or operated by an entity that

is required to be licensed or registered by the commission pursuant to section 16-505 of the code and that is operated in New York city for the collection [or], removal, transportation or disposal of trade waste. "Trade waste hauling vehicle" does not include any specialized vehicle or vehicle type on which side guard installation is deemed impractical by the commission pursuant to subdivision c of this section.

§ 10. This local law takes effect immediately.

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