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Int. No. 144

By Council Members McMahon, Brewer, Reyna and Liu; also Council Member Koppell

A Local Law to amend the administrative code of the city of New York in relation to establishing rates for certain solid waste management services furnished by the city.

Be it enacted by the Council as follows:

Section 1. Section 16-115 of the administrative code of the city of New York is hereby amended to read as follows:

§16-115 **Sale of ashes by commissioner.** Ashes collected by the department may be sold by the commissioner at rates [fixed by the board of estimate] established by the council by local law, upon recommendation of the commissioner.

§2. Section 16-117 of such code is hereby amended to read as follows:

§16-117 **Rules [and regulations] governing conveyance of rubbish, waste or offensive material through the streets.** The commissioner shall have power to adopt rules [and regulations]:

1. Controlling persons and their servants, agents and employees and the vehicles of each engaged in removing, disposing of, conveying or transporting upon the streets, public places or bridges, or over the

ferries in the city, manure, swill, ashes, street sweepings, bones, garbage, night soil, offal, fat, hides, hoofs or entrails, or other refuse parts of slaughtered animals, refuse, rubbish, bodies of dead animals, or any other offensive or noxious material, paper stock, or trade waste;

2. Rules [and regulations] adopted by the commissioner pursuant to this section shall be submitted to the [board of estimate and, when approved by such board, shall be filed with the city clerk and published in like manner as prescribed by section eleven hundred five of the charter and shall be enforced in the same manner and to the same extent as local laws] council for its approval.

§3. Section 16-128 of such code is hereby amended to read as follows:

§16-128 **Removal of incumbrances from streets.** a. The commissioner shall remove, or cause to be removed, any vehicle, box, barrel, bale of merchandise or other movable property or article or thing whatsoever found upon any street, in accordance with [regulations] rules adopted by the [board of estimate] council, upon recommendation of the commissioner.

b. [The board of estimate] These rules shall set forth[, in such regulations,] the procedures to be followed by the commissioner relating to:

1. the leasing of yards for storage of property removed under the authority of this section;
2. notification to the owner of the property removed, if such owner is ascertainable, that the property is being held by the commissioner;
3. redemption, by the owner, of the property removed;
4. reimbursement, by the owner, of the expenses of removal incurred by the commissioner;
5. the sale, by the commissioner, of the property held by him or her;
6. the keeping of records and accounts, the transmission of such records to the comptroller, and the transmission of funds collected to the commissioner of finance; and

[7. such other regulations as the board of estimate may deem necessary to carry out the provisions of this section.]

c. Notwithstanding the provisions of section one thousand forty-five of the charter, [Such regulations] such rules shall not become effective until adopted by the [board of estimate and filed, by the secretary of such board, with the city clerk, pursuant to section eleven hundred five of the charter] council.

§4. Section 16-132 of such code is hereby amended to read as follows:

§16-132 **Lease of advertising space on litter baskets.** Notwithstanding any other provision of local law, the commissioner shall have the power, subject to the approval of the [board of estimate,] council to lease, rent or otherwise grant advertising space to any person on any basket, container or receptacle placed in a public place by the department or its authorized agent for the public disposal of litter and to collect rentals, fees, charges or accept any other consideration for the lease, rental or other grant of such advertising space as the council may approve.

§5. Section 16-203 of such code is hereby amended to read as follows:

§16-203 **Charges.** a. The rates for use of facilities provided by or for the department shall be [fixed by the board of estimate] established by the council by local law, upon the recommendation of the commissioner, who shall require persons assigned to such facilities to pay such rates.

b. The rates shall be sufficient, when added to other waste disposal and resource recovery revenues and to the value to the department of its proportionate use of all facilities comprising the solid waste management system of the city, as determined by the commissioner, to provide for all expenses of transportation, land acquisition, construction, equipment, operations including enforcement, administrative and insurance costs, maintenance, expansion, replacement, financing and reasonable reserves therefore and any other costs that may be required for the financing or completion of facilities, equipment or land to be used for furnishing solid waste management services. The commissioner may from time to time recommend and the [board of estimate] council may prescribe changes in rates, provided that such changes shall be based on changes in the cost of furnishing solid waste management services.

c. The rate for each facility may be fixed so as to vary according to volume, location of facility assignment, or weight, type, character or difficulty of storing, processing or disposing of the solid waste, or other factors relating to economic efficiency of allocation of resources and may not discriminate between classes of users. The commissioner shall state the basis for establishing such varying rates in the commissioner's recommendations to the [board of estimate] council.

d. The commissioner shall notify by mail all persons assigned to use facilities of the [first meeting of the board of estimate at which any resolution fixing or changing such rates is scheduled to be considered] intention to present to the council a recommendation to establish or change a rate. Such notice shall be mailed at least thirty days prior to [such board of estimate meeting] the presentation of such recommendation to the

council and shall include the proposed rates or rate changes. Failure to provide such notice shall not affect the validity of such rates.

e. The commissioner may collect charges in such manner as he or she determines shall minimize burdens and costs of the department, provided that the commissioner shall also consider burdens and costs of persons assigned to facilities.

§6. This local law shall take effect immediately.