



Legislation Text

File #: Int 0253-2018, **Version:** *

Int. No. 253

By Council Members Reynoso, Brannan and Ayala

A Local Law to amend the administrative code of the city of New York, in relation to reducing civil penalties where food service establishments donate or recycle organic waste

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-143 to read as follows:

§ 16-143 Organic waste donation and recycling. a. As used in this section, the following terms have the following meanings:

Eligible violation. The term “eligible violation” means (i) a violation which is set forth in rule by the department as eligible for the organic waste donation and recycling program and (ii) a violation issued for a failure to comply with any provision of the code or the rules of the city of New York, which is enforced by the department and requires source separation, the recycling of designated materials or the posting of signage.

Food service establishment. The term “food service establishment” means a premises or part of a premises where food is provided directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off of the premises or is provided from a pushcart, stand or vehicle and shall include, but not be limited to, full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts and cafeterias.

b. Notwithstanding any other provision of law, the commissioner shall establish an organic waste donation and recycling program. Such program shall allow an owner of a food service establishment who is issued an eligible violation to have the civil penalties for such violation waived where such owner (i) had not

received the same or a substantially similar violation within the six month period prior to the issuance of such eligible violation, (ii) was not donating or recycling organics at the time such violation was issued (iii) enters into an agreement, approved by the department, to donate or recycle all of such establishment's organic waste for a period of at least three months and (iv) provides to the department, at the end of such period, a statement from the entity or entities to whom such owner was donating such organic waste, that such owner has donated or recycled all of such establishment's organic waste over such period.

c. An owner who enters into such a regulatory agreement pursuant to subdivision b of this section and is found not to be in compliance with such agreement shall have the original civil penalty reinstated and doubled.

§ 2. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

CHAPTER 11

INCENTIVIZING ORGANIC WASTE RECYCLING AND DONATIONS

§ 20-937 Incentivizing organic waste recycling and donations.

§ 20-937 Incentivizing organic waste recycling and donations. a. As used in this chapter, the following terms have the following meanings:

Eligible violation. The term "eligible violation" means (i) a violation which is set forth in rule by the department as eligible for the organic waste donation and recycling program and (ii) a violation which is issued for a failure to comply with any provision of the code or the rules of the city of New York which is enforced by the department and requires the display of prices, the accuracy of scanners or the posting of signage.

Food service establishment. The term "food service establishment" means a premises or part of a premises where food is provided directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off of the premises or is provided from a pushcart, stand or vehicle and shall include, but not be limited to, full-service restaurants, fast food restaurants, cafes, delicatessens, coffee

shops, grocery stores, vending trucks or carts and cafeterias.

Organic waste. The term “organic waste” shall have the same meaning as provided in section 16-303 of this code.

b. Notwithstanding any other provision of law, the commissioner shall establish an organic waste donation and recycling program. Such program shall allow an owner of a food service establishment who is issued an eligible violation to have the civil penalties for such violation waived where such owner (i) had not received the same or a substantially similar violation within the six month period prior to the issuance of such eligible violation, (ii) was not donating or recycling organics at the time such violation was issued (iii) enters into an agreement, approved by the department, to donate or recycle all of such establishment’s organic waste for a period of at least three months and (iv) provides to the department, at the end of such period, a statement from the entity or entities to whom such owner was donating such organic waste, that such owner has donated or recycled all of such establishment’s organic waste over such period.

c. An owner who enters into such a regulatory agreement pursuant to subdivision b of this section and is found not to be in compliance with such agreement shall have the original civil penalty reinstated and doubled.

§ 3. This local law takes effect 180 days after it becomes law.

LS 9893/ Int. 1521-2017
LS 331
JW
1/5/18