



Legislation Text

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**File #:** Int 0631-2018, **Version:** A

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Proposed Int. No. 631-A

By Council Member Cumbo

A Local Law to amend the administrative code of the city of New York, in relation to organic waste requirements for food service establishments, food manufacturers and food wholesalers in rat mitigation zones

Be it enacted by the Council as follows:

Section 1. Paragraphs 10 and 11 of the definition of “covered establishment” in subdivision a of section 16-306.1 of the administrative code of the city of New York, as added by local law number 146 for the year 2013, are amended and a new paragraph 12 is added to such definition to read as follows:

10. any food service establishments located within and providing food to one or more hotels totaling at least one hundred sleeping rooms; [and]

11. sponsors of a temporary public event; and

12. any food service establishment, food manufacturer or food wholesaler that is located in a rat mitigation zone designated by the department of health and mental hygiene.

§ 2. Subdivision e of section 16-324 of the administrative code of the city of New York, as added by local law number 146 for the year 2013, is amended to read as follows:

e. (1) Any covered establishment that violates section 16-306.1 of this chapter or rules of the department, the department of health and mental hygiene, or the department of consumer affairs promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or the commissioner of health and mental hygiene, or the commissioner of consumer affairs, or in a proceeding returnable before the environmental control board, the health tribunal at the office of administrative trials and hearings, or the administrative tribunal of the department of consumer affairs, in the

amount of two hundred fifty dollars for the first violation, five hundred dollars for the second violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on different days within a period of twelve months, except that the department, the department of health and mental hygiene, and the department of consumer affairs shall not issue a notice of violation, but shall issue a warning, for any violation by a designated covered establishment that occurs during the first twelve months, or first six months in the case of a covered establishment pursuant to paragraph 12 of the definition of “covered establishment” in section 16-306.1, after the commissioner designates such covered establishment pursuant to subdivision b of section 16-306.1.

(2) Any transfer station that violates section 16-306.1 of this chapter or rules of the department promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or in a proceeding returnable before the environmental control board in the amount of two hundred fifty dollars for the first violation, five hundred dollars for the second violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on different days within a period of twelve months[, except that the department shall not issue a notice of violation, but shall issue a warning, for any violation by a designated covered establishment that occurs during the first twelve months after the commissioner designates such covered establishment pursuant to subdivision b of section 16-306.1].

(3) Any private carter that violates section 16-306.1 of this chapter or rules of the business integrity commission promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the chair of the business integrity commission, or in a proceeding brought by the chair of the business integrity commission held in accordance with title 16-A of this code, except that the chair of the business integrity commission shall not issue a notice of violation, but shall issue a warning, for any violation by a private carter resulting from its collection of organic waste from a designated covered establishment that occurs during the first twelve months, or first six months in the case of a covered establishment pursuant to

paragraph 12 of the definition of “covered establishment” in section 16-306.1, after the commissioner designates such covered establishment pursuant to subdivision b of section 16-306.1.

§ 3. This local law takes effect immediately.

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