



Legislation Text

---

**File #:** Int 0092-2002, **Version:** \*

---

Int. No. 92

By Council Members Yassky, DeBlasio, McMahon, Reed, Rivera, Serrano, Gerson and Brewer

A Local Law to amend the administrative code of the city of New York, in relation to ameliorating the trash problem caused by distribution boxes.

Be it enacted by the Council as follows:

Section one. Subchapter one of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-128.1 to read as follows:

19-128.1. a. For the purposes of this section, the following terms shall have the following meanings: 1. "Distribution box" shall mean any self-service or coin-operated box, container or other dispenser installed, used or maintained for the sale or distribution of written matter.

2. "Person" shall mean a natural person, partnership, corporation, limited liability company or other association.

3. "Sidewalk" shall mean that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines, but not including the curb, intended for the use of pedestrians.

4. "Business improvement district" shall mean a business improvement district established pursuant to chapter four of title twenty-five of this code.

5. "Historic district" shall have the meaning set forth in subdivision h of section 25-302 of this code.

b. It shall be unlawful for any person to place a distribution box on any sidewalk unless such distribution box is in compliance with the provisions of this section and any rules promulgated hereunder.

c. Any person who wishes to place a distribution box within a business improvement district shall comply with any requirements applicable to distribution boxes promulgated by that business improvement district. Such requirements shall include any restrictions imposed by the board of the business improvement district.

d. Any person who wishes to place a distribution box within the confines of a historic district shall comply with all applicable requirements set forth in the rules of the landmarks preservation commission.

e. Any person who wishes to place a distribution box in a location that is within both a business improvement district and a historic district must comply with any requirements applicable to distribution boxes jointly promulgated by the business improvement

district and landmarks preservation commission.

f. No requirement applicable to distribution boxes established pursuant to subdivisions c, d or e of this section shall relate to the content of the printed matter sold or distributed in such distribution boxes. All such requirements shall be forwarded to the department of sanitation with a complete description of the geographic area within which they are applicable no less than thirty days prior to their going into effect.

g. 1. Any person who places a distribution box on any sidewalk shall provide the department of sanitation with written notice of the location of the distribution box as well as the name, address, telephone number and email address of the person who placed such distribution box.

2. The department of sanitation may issue a notice of violation to any person responsible for placing a distribution box if that agency determines that the distribution box is creating a public nuisance because it is being used as a trash receptacle or is the subject of graffiti or vandalism. If this public nuisance is not abated within five days of the issuance of such notice of violation, the department of sanitation shall impose a civil penalty of no more than one thousand dollars on the person responsible for the placement of such distribution box and shall serve, by certified mail, a written notice upon the person responsible for placing such distribution box notifying that person that if the condition of such offending distribution box is not remedied to the satisfaction of the commissioner of sanitation it will be removed within five days of the postmarked service of such order. Such notice shall permit the recipient to demand in writing an opportunity to be heard before the environmental control board in the event that such person wishes to contest any portion of such notice. If, upon the expiration of the five day period, the condition of the distribution box has not been remedied to the satisfaction of the commissioner of sanitation and no written demand has been made by the recipient of the notice for an opportunity to be heard, the department of sanitation is authorized to remove or arrange for the removal of such distribution box and the contents thereof to a location of safety. Written notice of such removal shall be served by regular mail upon the person responsible for placing such distribution box within five days of its removal and shall contain the address of the storage area to which such distribution box was removed and information regarding how the distribution box and the contents thereof may be retrieved. If such distribution box or the contents thereof is not claimed within thirty days after its removal, it shall be deemed to be abandoned and may be either sold at public auction after publication of notice in the City Record for a minimum of five consecutive business days, the proceeds thereof being paid into the general fund, used or converted for use by the department or another city agency, or otherwise disposed of. Distribution boxes and the contents thereof that are removed pursuant to this subdivision shall be released to the person lawfully entitled to possession upon payment of the costs for removal and storage and any civil penalty imposed pursuant to this section.

§2. This local law shall take effect one hundred and twenty days after it is enacted into law.