



Legislation Text

File #: Int 0406-2004, Version: *

Int. No. 406

By Council Members McMahon, Avella, Comrie, Gennaro, Jennings, Liu, Nelson, Recchia, Reed, Seabrook, Sears and Weprin

A Local Law to amend the administrative code of the city of New York, in relation to regulating publicly accessible collection bins.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 10 of the administrative code of the city of New York is hereby amended by adding thereto a new section 10-162 to read as follows:

§ 10-163 Regulation of publicly accessible collection bins.

a. Definitions. As used in this section, a “publicly accessible collection bin” means any container that allows for any member of the public to deposit items into the container for the purpose of collection by the provider of such container, except any container provided for the collection of refuse.

b. Restrictions. All publicly accessible collection bins shall comply with the following provisions:

1. Each individual publicly accessible collection bin shall be no larger than six feet high by six feet wide by five feet deep. The storage compartment of such bin shall be able to be securely locked at all times so as to limit access by the public to the material placed inside the bin.

2. Each individual publicly accessible collection bin shall prominently display on the front and on at least one other side of the bin, the name, address and phone number of the provider of the bin and whether the provider is a for-profit or not-for-profit company or entity.

This information shall be printed in characters that are at least six inches in height.

3. Each individual publicly accessible collection bin shall be emptied no less often than once per week. Once the provider of the bin, the owner of the property or the business where the bin is located is notified or becomes aware of the fact that material of the type intended to be collected in that bin has been left outside the bin, such provider, owner or business shall have twenty-four hours to have said material removed.

4. The provider of the bin, the owner of the property or business where the bin is located shall maintain a general liability policy on each individual publicly accessible collection bin. The minimum limit of such insurance coverage shall be no less than one hundred fifty thousand dollars combined single limit for bodily injury, including death and property damage.

5. Each individual publicly accessible collection bin shall be maintained in a clean and neat condition and shall be kept in good repair. The provider of said bin shall be required to monitor each bin so that it is kept clean and free of graffiti and other unauthorized writing, painting, drawing, or other markings or inscriptions and is kept in good repair. Such provider shall also use best efforts to ensure that each bin under his or her ownership or control is not used as a depository for the placement of refuse. Once the provider of the bin, the owner of the property or business where the bin is located becomes aware of the fact that the bin contains graffiti, or contains refuse, such provider, owner or business shall have seventy-two hours to have such graffiti and/or refuse removed.

6. Any publicly accessible collection bin that has been damaged or vandalized shall be repaired, replaced or removed by the provider of such bin within five days of receipt of notice of such damage or vandalism. If such bin has been damaged or vandalized so as to constitute a danger to persons or property, it shall be made safe within twenty-four hours following notice of such condition.

7. No publicly accessible collection bin may be placed on any city property or property maintained by the city, or on any public sidewalk or roadway unless expressly authorized to do so by the city.

8. No publicly accessible collection bin shall be used for advertising or promotional purposes, other

than for the name and address and phone number of the provider and for information regarding the purpose for which the bin was intended.

c. Violations. 1. Any person, company or entity found to be in violation of any of the provisions of this section shall be subject to civil penalties of no less than one hundred dollars nor more than two hundred dollars for a first violation and not less than two hundred dollars nor more than five hundred dollars for a second or subsequent violation.

2. A second violation or subsequent violation is defined as a violation of the provisions of this section by the same person, company or entity within any twelve-month period.

3. In the instance where a notice of violation, appearance ticket or summons is issued for breach of the provisions of this section, such violation, appearance ticket, or summons shall be returnable to the environmental control board, which shall have the power to impose civil penalties as proscribed herein.

§2. This local law shall take effect ninety days after its enactment into law.

CJC-LS#1316

7-15-04