File #: Int 1228-2025, **Version:** *

Int. No. 1228

By Council Members Abreu, Nurse, Louis, Brooks-Powers, Hanif, Banks and Brewer

A Local Law to amend the administrative code of the city of New York, in relation to expanding the categories of businesses that may be subject to requirements regarding the disposal of commercial organic waste

Be it enacted by the Council as follows:

Section 1. 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 and the definition of "catering establishment" set forth in such subdivision as amended by local law number 214 for the year 2017, is amended to read as follows:

a. [When] As used in this section or section 16-324 [of this chapter], the following terms have the following meanings:

["Arena"] Arena. The term "arena" means an establishment or facility that hosts live sporting or entertainment events.

["Capacity"] Capacity. The term "capacity" means the combined capacity of facilities that are capable of accepting and processing, consistent with the terms of this section and exceeding a nominal amount, organic waste expected to be generated by and collected from designated covered establishments.

["Catering establishment"] Catering establishment. The term "catering establishment" means any room, place or space in the city, which is used, leased or hired out for the business of serving food or beverages for a particular function, occasion or event, to which the public is not invited or admitted and wherein music or entertainment is permitted.

Commercial waste zone. The term "commercial waste zone" has the same meaning as in section 16-1000.

["Covered establishment"] Covered establishment. The term "covered establishment" means:

1. any [location at which a] food manufacturer [has a floor area of at least twenty-five thousand square feet];

2. any [location at which a] food wholesaler [has a floor area of at least twenty thousand square feet];

3. any [location at which a] retail food store [has a floor area of at least ten thousand square feet, or any retail food store that is part of a chain of three or more retail food stores that have a combined floor area space of at least ten thousand square feet and that operate under common ownership or control and receive waste collection from the same private carter];

4. arenas or stadiums [having a seating capacity of at least fifteen thousand persons];

5. any food service establishment [that is part of a chain of two or more food service establishments that have a combined floor area of at least eight thousand square feet and that: (i) operate under common ownership or control; (ii) are individually franchised outlets of a parent business; or (iii) do business under the same corporate name, provided that the requirements of subparagraph (i) of paragraph 1 of subdivision c of this section shall not apply to any such food service establishment when the building or premises in which such food service establishment is located is in compliance with such requirement pursuant to paragraph seven of this definition;

6. any location at which a food service establishment has a floor area of at least seven thousand square feet, provided that the requirements of subparagraph (i) of paragraph 1 of subdivision c of this section shall not apply to any such location when the building or premises containing such location is in compliance with such requirement pursuant to paragraph seven of this definition;

7. any building or premises where food service establishments having a total combined floor area of at least eight thousand square feet are located and where the owner of the building or premises, or its agent, arranges or contracts with a private carter for the removal of waste from food service establishments having no less than eight thousand square feet of such building or premises, provided that any such food service

establishments shall comply with the requirements of subparagraphs (ii), (iii) and (iv) of paragraph 1 of subdivision c of this section, but such requirements shall not apply to the owner or agent of any such building or premises;]

[8.] 6. any [location at which a] food preparation establishment [has a floor area of at least six thousand square feet];

[9.] 7. any catering establishment that is required to provide for the removal of waste pursuant to section 16-116 of this code [whenever the anticipated attendance for any particular event is greater than one hundred persons;

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

[11.] 8. sponsors of a temporary public event.

["Designated area"] Designated area. The term “designated area” means within a [one hundred] 100 mile radius of the city.

["Food manufacturer"] Food manufacturer. The term “food manufacturer” means any establishment that processes or fabricates food products from raw materials for commercial purposes, provided that it shall not include any establishment engaged solely in the warehousing, distribution, or retail sale of product.

["Food preparation establishment"] Food preparation establishment. The term “food preparation establishment” means a business that is primarily engaged in providing food or food services for a temporary, fixed time, or based on contractual arrangements for a specified period of time at locations other than such establishment's permanent place of business.

["Food service establishment"] Food service establishment. The term “food service establishment” means any premises or part of a premises that is required to provide for the removal of waste pursuant to section 16-116 of this code 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 the premises. Food service establishment shall

include, but not be limited to, full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, and business, institutional or government agency cafeterias, but shall not include retail food stores, convenience stores, pharmacies, and mobile food vending units, as such term is defined in section 89.03 of the health code. Food service establishment shall also not include any premises or place of business where the sole or primary source of food is a refreshment counter where the available food is limited to items such as beverages, prepackaged items, and snacks.

["Food wholesaler"] Food wholesaler. The term "food wholesaler" means any establishment primarily engaged in the wholesale distribution of groceries and related products including, but not limited to, packaged frozen food, dairy products, poultry products, confectioneries, fish and seafood, meat products, and fresh fruits and vegetables but shall not apply to establishments that handle only pre-packaged, non-perishable foods.

["Hotel" shall have the same meaning as set forth in section 27-2004 of the housing maintenance code.]

["In vessel composting"] In vessel composting. The term "in vessel composting" means a process in which organic waste is enclosed in a drum, silo, bin, tunnel, reactor, or other container for the purpose of producing compost, maintained under controlled conditions of temperature and moisture and where air-borne emissions are controlled.

["Organic waste" shall have] Organic waste. The term "organic waste" has the same meaning as set forth in section 16-303 [of this title], except that for purposes of this section, organic waste shall not include food that is donated to a third party, food that is sold to farmers for feedstock, and meat by-products that are sold to a rendering company.

["Private carter"] Private carter. The term "private carter" means a business licensed by the business integrity commission pursuant to title 16-A of this code.

["Retail food store"] Retail food store. The term "retail food store" means any establishment or section of an establishment where food and food products offered to the consumer are intended for off-premises consumption, but shall exclude convenience stores, pharmacies, greenmarkets or farmers' markets, and food

service establishments.

["Sponsor of a temporary public event"] Sponsor of a temporary public event. The term "sponsor of a temporary public event" means the applicant for a street activity permit pursuant to chapter 1 of title 50 of the rules of the city of New York, or any successor provision, for any activity on a public street, street curb lane, sidewalk or pedestrian island or plaza [with an anticipated attendance of greater than five hundred persons per day] where the activity will interfere with or obstruct the regular use of the location by pedestrian or vehicular traffic. Such term shall not include activities conducted pursuant to a valid film permit, demonstrations, parades, or block parties.

["Stadium"] Stadium. The term "stadium" means an establishment or facility that hosts live sporting or entertainment events.

§ 2. Subdivision b 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, is amended to read as follows:

b. 1. The commissioner shall, on a regular basis and no less than annually, evaluate the capacity of all facilities within the designated area and the cost of processing organic waste by composting, aerobic or anaerobic digestion, or any other method of processing organic waste that the department approves by rule. If the commissioner determines that there is sufficient capacity and that the cost of processing organic waste consistent with this section is competitive with the cost of disposing of organic waste by landfill or incineration, [he or she] the commissioner shall designate by rule all covered establishments or a subset of covered establishments, based on any criteria, among such covered establishments, that generate a quantity of organic waste that would not exceed the evaluated capacity. All such designated covered establishments shall comply with the requirements of subdivision c of this section beginning no later than [six] 6 months following such designation. In addition, the commissioner shall include in [his or her] such evaluation the capacity of any facilities outside of the designated area that have arrangements or contracts with transfer stations or private carters to accept and process organic waste generated by and collected from covered establishments.

2. Notwithstanding paragraph 1 of this subdivision, the commissioner shall designate additional covered establishments by July 1, 2025. Covered establishments that are designated pursuant to this section after January 2, 2025 will be required to comply with the requirements of subdivision c of this section beginning on the final implementation date of the commercial waste zone in which such designated covered establishment is located. Covered establishments that are designated pursuant to this section after January 2, 2025 that are located in commercial waste zones that were in effect at the time such covered establishment was designated pursuant to this paragraph will have 6 months following such designation to comply with the requirements of subdivision c of this section.

§ 3. This local law takes effect 120 days after it becomes law.

NAW/MBB
LS #16174/16564
3/4/2025