



Legislation Text

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Int. No. 736

By Council Members Gennaro and Epstein

A Local Law to amend the administrative code of the city of New York, in relation to the removal of solid waste and recyclable materials and reducing distribution of single-use items at street activities, and to repeal section 16-326 of such code, relating to definitions applicable to sponsor responsibilities concerning solid waste and recyclable materials at street events

Be it enacted by the Council as follows:

Section 1. Section 16-326 of the administrative code of the city of New York is REPEALED and a new section 16-326 is added to read as follows:

§ 16-326 Definitions. For purposes of this subchapter, the following terms have the following meanings:

Beverage splash stick. The term “beverage splash stick” has the same meaning set forth in subdivision a of section 16-401.

Beverage stirrer. The term “beverage stirrer” has the same meaning as set forth in subdivision a of section 16-401.

Beverage straw. The term “beverage straw” has the same meaning as set forth in subdivision a of section 16-401.

Compostable. The term “compostable” has the same meaning as set forth in subdivision a of section 16-401.

Condiment packet. The term “condiment packet” has the same meaning as set forth in subdivision a of section 16-402.

Eating container. The term “eating container” has the same meaning as set forth in subdivision a of section 16-402.

Eating utensil. The term “eating utensil” has the same meaning as set forth in subdivision a of section 16-402.

Expanded polystyrene. The term “expanded polystyrene” has the same meaning as set forth in subdivision a of section 16-329.

Food vendor. The term “food vendor” means a person that provides food directly to an individual, whether such food is provided free of charge or sold. The term “food vendor” does not include a “food service establishment” as such term is defined in subdivision a of section 16-401.

Napkin. The term “napkin” has the same meaning as set forth in subdivision a of section 16-402.

Plastic. The term “plastic” has the same meaning as set forth in subdivision a of section 16-401.

Recyclable material. The term “recyclable material” means metal cans, glass bottles and jars, plastic bottles and jugs, lightly-soiled aluminum foil and aluminum foil products, and any other material designated by the commissioner for recycling at street activities.

Single-use. The term “single-use” has the same meaning as set forth in subdivision a of section 16-401.

Sponsor. The term “sponsor” means the applicant for a street activity permit from the street activity permit office pursuant to chapter 1 of title 50 of the rules of the city of New York, regarding application for street activity permits, or a successor provision.

Street activity. The term “street activity” means any activity for which a permit is issued by the street activity permit office.

Street activity permit office. The term “street activity permit office” means the office established by section 1-02 of title 50 of the rules of the city of New York, or any successor office responsible for issuing permits for street festivals, block parties, farmers markets, commercial or promotional events, and other events on city streets.

§ 2. Section 16-327 of the administrative code of the city of New York, as added by local law number 13 for the year 2009, is amended to read as follows:

§ 16-327 Sponsor [and producer/event manager] responsibilities at street [events] activities. a. [Every producer/event manager] Disposal of solid waste and recyclable materials. Each sponsor shall ensure that solid waste and recyclable materials generated at a street [event] activity are properly disposed of or recycled[.] by:

[b.] 1. [Every producer/event manager shall provide] Providing a sufficient number of public solid waste receptacles and public recycling receptacles for street [events] activities as determined by the department, provided that the [producer/event manager] sponsor shall place at least [two] 2 receptacles within or near each intersection within the street [event] activity area, one for solid waste and one for recyclable materials[.];

2. [Every producer/event manager shall regularly monitor] Regularly monitoring all solid waste and recycling receptacles throughout the street [event] activity area in order to prevent spillage of solid waste and recyclable materials into the street [and shall remove];

3. Regularly removing any solid waste that has been deposited into receptacles designated for recyclable materials and [remove] any recyclable materials that have been deposited into receptacles designated for solid waste[.];

[3. Every producer/event manager shall bag] 4. Bagging and [bundle] bundling separately, and [tie] tying securely, all accumulated solid waste and recyclable materials at the end of each day of the street [event.] activity; and

[4. Every producer/event manager shall ensure] 5. Ensuring that all bagged and bundled solid waste and recyclable materials are placed at a predetermined location designated by the department for collection.

b. Reduction of food service waste. 1. Restricted items. Each sponsor shall ensure that:

(a) A food vendor at a street activity provides, distributes, or makes available to any individual beverage stirrers, beverage splash sticks, beverage straws, eating utensils, eating containers, condiment packets, and napkins only upon request; and

(b) Any beverage stirrer, beverage splash stick, eating utensil, eating container, or napkin provided by a food vendor under subparagraph (a) of this paragraph is compostable.

2. Applicability. (a) Nothing in subparagraph (b) of paragraph 1 of this subdivision precludes a food vendor from providing single-use plastic beverage straws that are not compostable upon request.

(b) The restriction on the provision, distribution, or making available of beverage straws under subparagraph (a) of paragraph 1 of this subdivision does not apply to pre-packaged beverage straws attached to individual beverage boxes, including but not limited to juice boxes, by the beverage manufacturer.

3. Supply. Each sponsor of a street activity at which the provision, distribution, or making available by food vendors of beverage straws is reasonably foreseeable shall maintain a sufficient supply of single-use plastic beverage straws that are not compostable at such street activity. If an individual specifically requests a plastic beverage straw, the sponsor shall coordinate with the food vendor to provide a single-use plastic beverage straw that is not compostable and shall make no inquiry into the reason for such request. A violation of this paragraph may also violate the reasonable accommodation provisions of title 8 and be subject to enforcement by the New York city commission on human rights.

4. Signage. Each sponsor of a street activity at which the provision, distribution, or making available by food vendors of beverage straws is reasonably foreseeable shall display signs at such street activity that state: “Plastic straws available upon request.” Such sponsor shall ensure that such signs are unobstructed in their entirety. Such signs must have dimensions as set forth in paragraph 3 of subdivision c of section 16-401. The unobstructed display of a sample sign made available by the department as set forth in such paragraph shall satisfy the requirements of this paragraph.

c. [Every] Compliance plan. Each sponsor shall submit a plan demonstrating good faith efforts to comply with subdivision a of this section and, as applicable, subdivision b of this section to the director of the street activity permit office at the time of the sponsor’s initial application for a street activity permit.

d. Applicability of rules. Each sponsor [and producer/event manager] shall comply with all applicable rules governing street [events] activities, including[,] but not limited to[,] rules set forth in chapter [fourteen] 14 of title [sixteen] 16 of the rules of the city of New York, to the extent such rules are not inconsistent with the

provisions of this subchapter.

[d. The provisions of subdivision a and b of this section shall apply to the sponsor where there is no producer/event manager.]

§ 3. Section 16-328 of the administrative code of the city of New York, as added by local law number 13 for the year 2009, is amended to read as follows:

§ 16-328 Enforcement. a. Powers. The director of the street activity permit office and the commissioner shall have the authority to enforce the provisions of section 16-327.

b. Notice regarding responsibilities. The director of the street activity permit office shall post sponsor responsibilities under section 16-327 on such office's website in English and the designated citywide languages, as such term is defined in section 23-1101. Such director shall issue to each sponsor a notice that recites such responsibilities.

c. Informational posting. The commissioner shall post information about items permissible under subparagraph (b) of paragraph 1 of subdivision b of section 16-327, including but not limited to single-use plastic beverage straws that are not compostable, on the department's website, and the director of the street activity permit office shall post such information on the street activity permit office's website.

d. Penalties. 1. In addition to any other applicable penalties[, any producer/event manager, or any]:

(a) Any sponsor [when there is no producer/event manager, who] that violates subdivision a [or b] of section 16-327 [of this subchapter shall be] is liable for a civil penalty of [one hundred dollars] \$100 for each such violation, except that a sponsor [or producer/event manager shall] is not [be] liable for more than [five hundred dollars] \$500 per day or more than [two thousand dollars] \$2000 per street [event.] activity; and

(b) Any sponsor that violates subdivision b of section 16-327 is liable for a civil penalty of \$25 for each such violation, except that a sponsor is not liable for more than \$125 per day or more than \$500 per street activity.

2. [Such] Any civil [penalties shall be] penalty authorized by this subdivision is recoverable in a

proceeding [returnable before the environmental control board] before the office of administrative trials and hearings pursuant to section 1049-a of the charter.

e. The director of the street activity permit office and the commissioner may promulgate rules necessary for the implementation of this subchapter.

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

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