

ENVIRONMENTAL CONTROL BOARD

Notice of Adoption of Rule

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Environmental Control Board (ECB) by Section 1404(c) (3) of the New York City Charter, and in accordance with Section 1043(b) of the Charter, that the Environmental Control Board hereby promulgates the following rule. The rule was published in The City Record on April 30, 2008, and a Public Hearing was held on June 4, 2008.

Section 1. The Sanitation Penalty Schedule found in Section 31-122 of Subchapter G of Chapter 31 of Title 15 of the Rules of the City of, New York is amended, to add a new charge, at the end of that Penalty Schedule, immediately following the entry in that penalty schedule for 16 RCNY 11-02(a), (b), "Late filing of medical waste plans or reports Within 30 days as per 16 RCNY 11-02(c)," as follows:

New matter is underlined.

SECTION/RULE	DESCRIPTION	PENALTY	DEFAULT
NYS General Business Law	Placement of <u>unsolicited</u>	250	250
§397-a	<u>advertisements on private property in a manner contrary to sign authorized by General Business Law §397-a.</u>		

Statement of Basis and Purpose of Final Rule

The Environmental Control Board (ECB) and the Department of Sanitation (DSNY) had a joint Public Hearing on June 4, 2008. There were four individuals present to offer verbal comments into the public record. Two were private citizens, one was a representative from Councilman Vincent Gentile's Office, and one was Councilman Simcha Felder.

The Board has revised the Sanitation Penalty Schedule found in Section 31-122 of Subchapter G of Chapter 31 of Title 15 of the Rules of the City of New York to add one charge, for a violation of NYS General Business Law Section 397-a, for placement of unsolicited advertisements on private property without the authorization of the property owner. This charge is being added in light of the fact that on January 28, 2008, Governor Spitzer signed into law Chapter 3 of the Laws of 2008, in relation to the distribution of unsolicited advertising on private property. This law

amends Section 397-a of the General Business Law to prohibit persons or entities, in cities having a population of one million or more, from placing advertisements, circulars, etc. at private premises where the owner displays a conspicuous sign, at least 5 inches by 7 inches in size, stating "Do Not Place Unauthorized Materials On This Property." Mayor Bloomberg has designated the NYC Department of Sanitation to enforce this law. Accordingly, a new charge, corresponding to the provisions of the new law, has been added to the Sanitation Penalty Schedule to enforce against violations thereof.