

**THE CITY OF NEW YORK  
DEPARTMENT OF SANITATION**

**NOTICE OF ADOPTION OF FINAL RULES GOVERNING TIME FOR PLACING  
SOLID WASTE FOR COLLECTION**

**NOTICE IS HEREBY GIVEN** in accordance with the requirements of Section 1043 of the New York City Charter and pursuant to the authority vested in the Commissioner of the Department of Sanitation by sections 753 and 1043(a) of the New York City Charter and section 16-120 of the New York City Administrative Code that the Department adopts the following rule governing the time for placing solid waste for collection. The Department published a Notice of Opportunity to Comment on the proposed rules in the *City Record* on November 25, 2014. On January 6, 2015 the Department held a public hearing on the proposed rules.

## **Statement of Basis and Purpose of Rule**

Section 16-120 of the New York City Administrative Code requires that all refuse and recycling be kept inside a building or at the rear of a building prior to collection time by the Department of Sanitation (DSNY) or a private carter. These rules specify how long before scheduled collection receptacles and bags containing refuse and recyclables may be placed at the curb for collection.

### **Collection by DSNY**

Persons receiving DSNY collection will now be allowed to place their receptacles and bags containing solid waste and recyclables at the curb for collection by DSNY no earlier than 4:00 P.M. on the day before their scheduled collection.

### **Collection by Private Carter while an Establishment is Closed**

Commercial establishments that receive collection from a private carter after the establishment is closed will be permitted to set out their solid waste and recyclables at the curb for collection within one hour of closing provided that the establishment's scheduled collection occurs before the establishment next reopens for business.

### **Collection by Private Carter while an Establishment is Open**

Commercial establishments receiving collection from a private carter during hours in which the establishment is open can set out their solid waste and recyclables at the curb for collection no earlier than two hours before the scheduled collection time.

DSNY's authority for these rules is found in sections 753 and 1043(a) of the New York City Charter and section 16-120 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Chapter one of Title 16 of the Rules of the City of New York is amended by adding a new section 1-02.1, to read as follows:

#### **§1-02.1 Placement of Receptacles and Bags Containing Solid Waste and Recyclables for Collection**

**(a) Occupants of residential buildings, public buildings, and special use buildings, except commercial occupants of residential buildings where Department collection service is not otherwise authorized by section 1-03 of this chapter, shall not place receptacles or bags containing solid waste or recyclables out at the curb for collection by the Department earlier than 4:00 p.m. on the day before scheduled collection.**

(b) A commercial establishment that receives collection from a private carter while the establishment is closed may place receptacles or bags containing solid waste or recyclables out at the curb for collection within one hour of closing, provided that the scheduled collection occurs before the establishment next reopens for business. If collection is performed while an establishment is open, receptacles or bags containing solid waste or recyclables may be placed out at the curb for collection no earlier than two hours before the scheduled collection time.

(c) If the Mayor declares a health or solid waste emergency, the Commissioner may change the authorized times for placement of receptacles or bags containing solid waste or recyclables for collection for the duration of the emergency.

