

**THE CITY OF NEW YORK  
DEPARTMENT OF SANITATION  
NOTICE OF PUBLIC HEARING AND OPPORTUNITY  
TO COMMENT ON**

**A PROPOSED RULE RELATING TO  
RESIDENTIAL ENFORCEMENT ROUTING HOURS**

**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 section 753(a) and (b) of the New York City Charter that the Department proposes to adopt the following rule governing the designation of certain hourly periods during the day when authorized Department representatives may issue notices of violation to residential property owners for litter conditions in front of their premises. This rule adds a new Chapter 15 to Title 16 of the Rules of the City of New York.

Written comments regarding these rules and regulations may be sent to the Office of the Deputy Commissioner for Legal Affairs, Department of Sanitation, 125 Worth Street, Room 710, New York, New York 10013 on or before August 11, 2004. In addition, a public hearing regarding the proposed amendments will be held on August 11, 2004 at 125 Worth Street, Room 819, New York, New York from 9:30 A.M. to 11:00 A.M. Persons seeking to testify are requested to notify the Deputy Commissioner at the foregoing address. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify the Deputy Commissioner at the foregoing address by August 11, 2004. Written comments and a summary of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9:00 a.m. and 5:00 p.m. at the Office of the Deputy Commissioner.

The rule was not included in the Department's FY 2005 regulatory agenda because it was not contemplated at the time the Department published its FY 2005 regulatory agenda in the *City Record* on April 30, 2004.

Additions to the rules are underlined and proposed deletions are [bracketed].

Dated: July 12, 2004.

John J. Doherty, Commissioner.

Section 1. Title 16 of the Rules of the City of New York is amended by adding a new chapter 15 to read as follows:

## Chapter 15

### RESIDENTIAL ENFORCEMENT ROUTING

#### § 15-01 Designation of Enforcement Routing Hours for Residential Buildings.

(a) Purpose. The purpose of this chapter is to designate two (2) one-hour periods each day when the Department will conduct citywide enforcement routing for residential premises pursuant to §16-118.1 of the Administrative Code of the City of New York.

(b) Definition. For purposes of this chapter, “citywide enforcement routing for residential premises” means enforcement by authorized Department representatives of subdivision two of §16-118 of the Administrative Code of the City of New York, as such subdivision relates to cleaning of sidewalks, flagging, curbstones and roadway areas by owners, lessees, tenants, occupants or persons in charge of residential premises.

(c) Hours of Residential Enforcement Routing. The Department establishes the periods from 8:00 A.M. to 9:00 A.M. and from 12:00 P.M. to 1:00 P.M. as the two (2) one-hour periods during which time the Department will conduct citywide enforcement routing for residential premises.

#### § 15-02 Applicability.

This chapter shall apply only to residential premises and shall not apply to commercial premises. The schedule for citywide enforcement routing for commercial premises in effect as of the effective date of this chapter shall continue in effect until such time as such schedule is changed by the Department in accordance with §16-118.1 of the Administrative Code of the City of New York.

### STATEMENT OF BASIS AND PURPOSE

The Commissioner of the New York City Department of Sanitation is authorized to adopt rules relating to street cleanliness pursuant to section 753(a) and (b) of the New York City Charter. Pursuant to Administrative Code §16-118(2), owners, lessees, tenants, occupants, and persons in charge of any building or dwelling, or portion thereof, are responsible for maintaining the sidewalks in front of their premises, and eighteen inches from the curb into the street, free of litter.

In 2003, the City Council introduced Int. No. 179 to amend Administrative Code §16-118.1. By its terms, Int. No. 179 limited the period of time when the Department could issue notices of violation to owners, lessees, tenants, occupants, and persons in charge of residential premises for violations §16-118(2) to not more than two pre-determined one-hour periods each day, similar to the Department’s current enforcement routing program for commercial premises. On May 19, 2004, the City Council overrode the Mayor’s veto of Int. No. 179, which became Local Law 9 of 2004.

The purpose of this rule is to designate two one-hour periods during the day when authorized representatives for the Department may issue notices of violation to residential property owners for litter conditions in front of their properties pursuant to Local Law 9 of 2004.