

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

PROPOSED AMENDMENTS TO RULES RELATING TO
THE DISPOSAL OF REFUSE AND RECYCLABLES
GENERATED AT STREET EVENTS**

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 amendments to sections 14-01, 14-02, 14-03, 14-05, and 14-06 of Chapter 14 of Title 16 of the Rules of the City of New York relating to the costs incurred by the Department to provide street cleaning and refuse and recyclables collection services during and at the conclusion of street fairs. Existing provisions to be deleted are shown below in brackets and new provisions are underlined.

Written comments regarding the amendment to 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 May 15, 2003. In addition, a public hearing regarding the proposed amendments will be held on May 15, 2003 at 125 Worth Street, Room 708, New York, New York from 10:00 A.M. to 11:30 A.M. Persons seeking to testify are requested to notify the Deputy Commissioner at the foregoing address. 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. Dated: April 14, 2003. John J. Doherty, Commissioner.

§ 14-01 Street Cleaning and the Collection and [Removal] Disposal of Refuse and Recyclable Materials at Street Events.

(a) Purpose. In accordance with the rules adopted by the Community Assistance Unit of the Office of the Mayor (Chapter 1 of Title 50 of the Rules of the City of New York), acting through its Street Activity Permit Office, governing the procedure for the submission and review of applications for street activity permits, enacted pursuant to Mayoral Executive Order No. 14 as issued July 31, 1990, superseding a resolution of the Board of Estimate, Cal. No. 47 as adopted July 17, 1980, these rules are established for the purposes of: (1) setting forth the responsibilities of street event sponsors or their representatives and vendors to ensure the sanitation clean-up of street event areas and the collection and [removal] proper disposal of refuse and recyclable materials generated during street events, and (2) establishing fees for the cleaning and/or collection and proper disposal of refuse and recyclable materials [services] provided by the department.

(b) Applicability. These rules shall apply to all sponsors of street events who are required to apply for and obtain a street activity permit, and to all vendors participating in

street events as specifically provided in subdivision c of this section. For the purposes of this chapter, "street event" means any street fair, block party or festival on a public street(s) where such activity may interfere with or obstruct the normal use by vehicular traffic of such street(s). For purposes of this chapter, sponsor shall include any person or entity which provides, organizes or manages a street event, or any representative of such person or entity.

(c) General responsibilities. The responsibilities of sponsors of street events, and vendors participating in street events, are as follows:

(1) at least three weeks prior to the street event, every sponsor or his or her representative shall meet with the local sanitation district officer to determine the sanitation needs of the event and shall indicate whether the sponsor will organize a volunteer crew, hire a private sanitation crew, or retain the department to provide the cleaning and/or collection and proper disposal of refuse and recyclable materials [services] during and at the conclusion of the street event;

(2) where food and/or beverage services are sold or offered for sale at the street event, the sponsor or his or her representative shall place at least two receptacles alongside one another behind any barricades placed at each intersection throughout the event area. One receptacle shall be for the public to discard nonrecyclable refuse and the other receptacle shall be for the public to discard designated recyclable materials. The department will provide each sponsor with a sufficient number of public refuse receptacles as determined by the department based on availability. The sponsor or his or her representative shall ensure that such refuse receptacles are used only for the purpose of enabling the public to discard refuse. The sponsor or his or her representative shall be responsible for providing his or her own recycling receptacles. All recycling receptacles shall contain retrofitted lids and be labeled legibly in letters not less than three inches in height and in a color contrasting with the color of the receptacle. All recycling receptacles shall be lined with a translucent blue plastic recycling bag having a minimum capacity of 13 gallons and a maximum capacity of 55 gallons, and shall display a label indicating the type of recyclable materials to be deposited therein. The sponsor or his or her representative shall regularly monitor all refuse and recycling receptacles throughout the street event area in order to prevent spillage of refuse and recyclable materials into the street and, to the extent practicable, shall remove any refuse that has been deposited into recycling containers as detected by the sponsor;

(3) notwithstanding any other provision of law or rule, all sponsors or their representatives must arrange for the collection and recycling of certain recyclable materials generated at street events. Vendors shall source separate the following recyclable materials from all other refuse generated by them, and place such recyclable materials into blue plastic recycling bags having a minimum capacity of 13 gallons and a maximum capacity of 55 gallons:

(i)

(a) metal cans, glass bottles and jars, plastic bottles and jugs, lightly-soiled aluminum foil and aluminum foil products, and

(b) any other material designated by the department for street events.

(ii) In addition to the requirement set forth above, vendors shall flatten all corrugated cardboard generated by them during the event and tie such cardboard with rope or twine in bundles not to exceed eighteen inches in height;

(4) except as provided for in paragraph nine of this subdivision, sponsors or their representatives and vendors shall bag or bundle separately and securely tie all accumulated refuse and recyclable materials at the end of each night. If the sponsor or his or her representative arranges with the department to provide collection service, the sponsor or his or her representative, or vendor shall place all bagged and/or bundled refuse and recyclable materials at the pre-determined location designated by the local sanitation district officer for collection by the department. If the sponsor or his or her representative arranges with a private cleaning crew or organizes a volunteer crew to provide collection service, the sponsor or his or her representative shall be responsible for the storage, collection and disposal of all bagged and/or bundled refuse and recyclable materials;

(5) sponsors or their representatives and vendors shall ensure that all vending stands are situated back against the curbside and are placed with three feet of unobstructed space between the vending stands, and vending stands located across from one another shall be placed not less than twelve feet apart, including any overhangs. Sponsors or their representatives and vendors shall affix skirts to the lower portion of all vending stands to prevent the accumulation of refuse under the vending stands;

(6) sponsors or their representatives and vendors shall ensure that no vending stands are placed less than ten feet from any street corner nor shall any vending stands be placed over any curbside catch basin;

(7) areas around and under the vending stands shall be cleaned at the end of each night;

(8) food vendors shall not empty any cooking grease into the street or into any curbside catch basin; and

(9) at the conclusion of the event, sponsors or their representatives and vendors shall ensure that all vending stands are promptly dismantled and the street and sidewalk areas surrounding the vending stand are broom-swept clean and cleared of any litter or other accumulated debris.

§ 14-02 Financial Security Requirements.

(a) Prior to the final approval of a street activity permit by the Street Activity Permit Office of the Mayor's Community Assistance Unit, every sponsor shall furnish either a cash deposit to the department, or shall enter into a guaranty agreement in lieu of deposit with the department by signing a form provided by the department, wherein the sponsor shall agree to clean and maintain all streets throughout the event area and arrange for the collection and proper disposal of refuse and recyclable materials.

(1) Cash deposit requirement. A sponsor shall be required to furnish to the department a cash deposit if:

(i) the sponsor retains the department to provide the cleaning and/or collection and proper disposal of refuse and recyclable materials [service] during the event, or

(ii) the sponsor has not previously held a street event in the city and two of the following conditions exist:

(A) more than five hundred people are expected to attend the street event;

(B) the street event will last more than one day;

(C) the event will span more than one block;

(D) the event will offer food and/or beverages for sale, or

(iii) in the opinion of the department, the sponsor failed to adequately clean an area used by the sponsor for any street event held in the city during any previous year(s).

(b) The sponsor shall remit to the department a cashier's check or certified check for the required deposit, as determined by the department in accordance with §14-03 of this chapter, payable to the "Department of Sanitation Special Events Fund." Such deposit check shall display the name of the sponsor and the application/permit number of the event. The sponsor shall mail the deposit check to:

Deputy Commissioner for Administration
Department of Sanitation
125 Worth Street - Room 702
New York, NY 10013

Failure to make the required deposit payment to the department within the specified time period shall result in the denial of the sponsor's application for a street permit.

(c) Guaranty agreement in lieu of deposit. If, in the opinion of the department, the sponsor adequately cleaned an area in the city during any street event previously sponsored by him or her, or the sponsor does not intend to retain the department to provide cleaning and collection services, the sponsor shall sign a guaranty agreement in lieu of deposit in a form provided by the department. Such agreement shall provide that the sponsor will clean and maintain the street event area in a litter-free condition during and at the close of the street event, provide for the collection and proper disposal [appropriate disposition] of [all] refuse and recyclable materials, and reimburse the department for all costs associated with the cleaning and/or collection and proper disposal of refuse and recyclable materials [up of the area] if, at anytime during the street event or upon its conclusion, the department had to provide either or both of these services

[cleaning and collection service] to the street event area as a result of the sponsor's failure to provide same. Sponsors shall forward the guaranty agreement in lieu of deposit to:

Special Events Office
Department of Sanitation
125 Worth Street - Room 807
New York, New York 10013

§ 14-03 Costs for Department Street Cleaning and/or Collection and Disposal of Refuse and Recyclable Materials [Services].

(a) Cleaning and collection services provided by the department. Where the sponsor has arranged with the department to provide both cleaning and collection services during and at the conclusion of the street event, the department shall charge the sponsor for its cleaning and collection costs based on the number of personnel deployed, and the type and amount of equipment used. All rates for sanitation workers who are assigned to the street event area shall be at a minimum of eight hours, computed at double time salary rate, except when a street event occurs on a holiday that falls between Monday through Saturday for which such rate shall be computed at time and one-half. All rates for supervisors and/or district superintendents who are assigned to the street event area shall be at a minimum of eight hours, computed at a time and one-half salary rate, except when a street event occurs on a Sunday for which such rate shall be computed at double time.

(b) Cleaning and collection services provided by a private or volunteer sanitation crew. Where the sponsor retains a private sanitation crew or organizes a volunteer sanitation crew to provide cleaning and collection service during and at the conclusion of the street event but has failed to have the street event area cleaned and/or have all bagged and/or bundled refuse and recyclable materials removed from the street event area, the department shall charge the sponsor for costs incurred by the department to clean the street event area and collect all bagged and/or bundled refuse and recyclable materials. All rates for sanitation workers who are assigned to the street event area shall be at a minimum of eight hours, computed at double time salary rate, except when a street event occurs on a holiday that falls between Monday through Saturday for which such rate shall be computed at time and one-half. All rates for supervisors and/or district superintendents who are assigned to the street event area shall be at a minimum of eight hours, computed at a time and one-half salary rate, except when a street event occurs on a Sunday for which such rate shall be computed at double time.

(c) Cleaning service provided by a private or volunteer sanitation crew; collection service provided by department. Where the sponsor retains a private sanitation crew or organizes a volunteer sanitation crew to provide street cleaning service but retains the department to provide collection service during and at the conclusion of the event, the department will:

(1) not charge the sponsor for the collection of bagged and/or bundled refuse and recyclable materials if there are department personnel assigned to regular tasks within the immediate area of the street event and department personnel are able to complete their regular tasks within the same working shift;

(2) charge the sponsor for the collection of bagged and/or bundled refuse and recyclable materials based on the number of hours required to provide collection service at a salary rate of double time in accordance with the number of personnel deployed to the area, together with costs for the type and amount of equipment used by the department, if:

(i) there are no department personnel assigned to regular tasks within the immediate area of the street event; or

(ii) department personnel who are diverted to the area to collect all bagged and/or bundled refuse and recyclable materials are prevented from completing their regularly assigned tasks within the same working shift.

(3) For purposes of this subdivision, "regular task" means a task including, but not limited to, a regular collection route within the immediate area, basket collection, motorized litter patrol, or mechanical broom sweeping.

(d) Notwithstanding the provisions of subdivisions (a), (b), and (c) of this section, the sponsor may deliver its bagged recyclable materials to a designated department location or facility, or arrange to have all bagged and/or bundled recyclable materials removed by a private recycler or licensed private carter, provided that the sponsor notifies the Chief of Cleaning Operations of the Street Events Office, not less than one week in advance of the street event, that the sponsor will provide for the removal of all bagged and/or bundled recyclable materials generated during the street event.

(e) In addition to cleaning and collection costs, the department shall charge the sponsor for the cost of the proper disposal of refuse and recyclable materials. For purposes of this chapter, the cost of the proper disposal of refuse and recyclable material means the costs incurred by the department for the removal of debris and litter actually removed from the street event site by department employees and which is delivered to and received at a department disposal facility, or another facility which accepts solid waste for the purpose of subsequent transfer to another location for proper disposal, including the cost incurred by the department to export the debris and litter for disposal out of the City at the time such material was removed from the street event site as such dollar amount is fixed contractually between the department and a vendor providing export services to the department.

§ 14-05 Reimbursement by Sponsor for the Cleaning and/or Collection and Disposal of Refuse and Recyclable Materials [Services] Provided by the Department.

(a) If during and at the conclusion of the street event the local sanitation district officer determines that the sponsor has cleaned the street event area in an acceptable manner and has removed all bagged and/or bundled refuse and recyclable materials from such area, the department shall return to the sponsor his or her full deposit no later than eight weeks following the conclusion of the street event.

(b) If at any time during or at the conclusion of the street event the department provided the cleaning and/or collection and proper disposal of refuse and recyclable materials [service] to the street event area because the sponsor failed to perform same, or if the sponsor had retained the department to provide the cleaning and/or collection and proper disposal of refuse and recyclable materials [services] during and at the conclusion of the street event, the department shall deduct the costs of its services from the sponsor's deposit and will return any outstanding balance to the sponsor. In the event the department's total costs exceed the deposit payment, the sponsor shall remit the balance due within seven (7) days of billing by the department. The department shall promptly report to the Street Activity Permit Office of the Mayor's Community Assistance Unit the name of any sponsor, and his or her organization, who has failed to reimburse the department. Failure to reimburse the department will result in the denial by the department of any application for a street Permit in the future.

§ 14-06 Notice of Cancellation; Return of Deposit.

(a) A sponsor who has arranged with the department to provide the cleaning and/or collection and proper disposal of refuse and recyclable material [services] at the street event and who must cancel a request for such services must notify the department's Cleaning Operations Office by 12:00 p.m., Monday through Friday, at least seventy-two hours in advance of any such cancellation. If the day by which the department must receive advance notice of cancellation falls on a Saturday, Sunday or holiday, sponsors must notify the Cleaning Operations Office by 12:00 p.m. on the last business day preceding the Saturday, Sunday or holiday.

(b) Failure to make a timely request for cancellation shall result in a forfeiture of deposit monies held by the department, less an amount equal to unused equipment costs as determined by the department. In the event a street event is canceled due to inclement weather or any other event beyond a sponsor's control less than 72 hours before the event was scheduled to begin, the department shall be entitled to retain the sponsor's deposit less an amount equal to unused equipment costs as determined by the department.

Statement of Basis and Purpose: The Commissioner of the New York City Department of Sanitation is authorized to adopt rules relating to the collection and removal of solid waste under section 753(a) and (b) of the New York City Charter. The purpose of these amendments is to include the cost of proper disposal of refuse and recyclable materials as a reimbursable cost to the department from street event sponsors or their representatives and vendors whenever the department is required to provide cleaning and collection services during or at the conclusion of street events. The rule amendment recognizes the increase in solid waste disposal costs due to the export of

refuse out of the City, and ensures that the department is fully reimbursed for its actual costs of disposing of refuse generated at street events.