

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

**NOTICE OF ADOPTION OF FINAL RULES GOVERNING THE MAXIMUM SIZE OF
CONTAINERS THAT ARE SET OUT FOR COLLECTION BY DSNY.**

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 February 15, 2017. On March 21, 2017 the Department held a public hearing on the proposed rules.

Statement of Basis and Purpose

The Department of Sanitation is issuing a rule that limits the size of receptacles containing solid waste that are set out for collection by the Department. Specifically, this rule limits the maximum size of such receptacles to fifty-five gallons. This rule will ensure that receptacles are of an acceptable size for the Department's sanitation workers to safely handle in the course of their collection duties. Violators will be subject to a fine for using an improper receptacle as set forth in Section 16-120 of the Administrative Code. The fine for a first violation will be \$100. The fine for a second violation in a twelve month period will be \$100. The fine for a third and any subsequent violations in a twelve month period will be \$200.

DSNY's authority for these rules is found in section 753 of the New York City Charter.

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.

The title and subdivision (a) of section 1-02.1 of title 16 of the rules of the city of New York is amended to read as follows:

§ 1-02.1. [Placement of] Requirements for 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. Receptacles containing solid waste that are set out at the curb for collection by the Department must not exceed fifty-five gallons in size.