



Legislation Text

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Int. No. 459

By Council Members Abreu, Nurse, Louis, Hudson, Brewer, Joseph, Gutiérrez, Narcisse, Avilés, Restler, Schulman, Marte, Ossé, Velázquez, Williams, Richardson Jordan, Riley, Ayala, Hanif, Powers, Cabán, Gennaro, De La Rosa and Holden (in conjunction with the Brooklyn Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to rat mitigation zones

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 16-120 of the administrative code of the city of New York, as amended by local law number 6 for the year 2006, is amended to read as follows:

c. Incinerator[,] residue, ashes, refuse and liquid waste shall be stored in the building or dwelling or at the rear of the building or dwelling as may be required by the department of health and mental hygiene or the department of housing preservation and development until time for removal and kept in tightly covered metal receptacles or containers made of other materials of a type and grade acceptable to the department, department of health and mental hygiene, and the department of housing preservation and development. Notwithstanding any other provision of law, the owner, lessee, agent, occupant or other person who manages or controls a building that contains nine or more dwelling units and that is located in a rat mitigation zone designated pursuant to section 17-133.2 shall not place solid waste or recyclable material out for collection by the department at any time except between the hours of 4:00 a.m. and 6:00 a.m. on the scheduled day of collection for the time period beginning April 1 and ending October 31 of each calendar year, provided that if solid waste or recyclable material is placed out for collection after 6:00 a.m. on the scheduled day of collection, but before collection occurs, then the department shall not issue a violation for failure to place solid waste or recyclable material out for collection between the hours of 4:00 a.m. and 6:00 a.m. After the contents have been removed

by the department or other collection agency any receptacles remaining shall be removed from the front of the building or dwelling before 9:00 p.m. on the day of collection, or if such collection occurs after 4:00 p.m., then before 9:00 a.m. on the day following collection. The receptacles shall at all times be kept covered or closed and kept in a manner satisfactory to the department, the department of health and mental hygiene, and in the case of residential premises, the department of housing preservation and development. No receptacles, refuse, incinerator residue or ashes, or liquid waste shall be kept so as to create a nuisance. Yard sweepings, hedge cuttings, grass, leaves, earth, stone or bricks shall not be mixed with household wastes.

§ 2. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-133.2 to read as follows:

§ 17-133.2 Rat mitigation zones. a. The department shall designate, by rule, one or more rat mitigation zones. In designating such zones, the department shall consider current and historical data for the following criteria:

1. The number and percentage of inspections for rat activity for properties within a given sanitation district or community district that resulted in the issuance of an order pursuant to section 151.02 of the New York city health code or an agency referral letter related to rat activity, and the location of such properties within such sanitation or community district;

2. The number and percentage of inspections for rat activity for properties within a given sanitation district or community district that have resulted in the issuance of a notice of violation pursuant to section 3.05 or section 151.02 of the New York city health code, and the location of such properties within such sanitation or community district;

3. The number of rat exterminations at properties within a given sanitation district or community district executed by the department pursuant to section 17-147 of this code, following a failure to comply with an order issued pursuant to section 151.02 of the New York city health code, and the location of such properties within such sanitation or community district;

4. The number and nature of 311 complaints related to rat activity within any twelve-month period within a given sanitation district or community district; and

5. The susceptibility of any properties managed by the department of parks and recreation within a given sanitation district or community district to rat infestation.

b. The department shall periodically review the criteria set forth in subdivision a of this section and may, by rule, and in accordance with such review, eliminate existing rat mitigation zones, change the boundaries of existing rat mitigation zones, or designate new rat mitigation zones.

c. The department may, in conjunction with any action taken pursuant to subdivision a or b of this section, and in consultation with the department of sanitation, review the boundaries of sanitation districts, or sections within sanitation districts, and may establish boundaries of rat mitigation zones that are, in whole or in part, coterminous with sanitation districts, or sections within sanitation districts.

d. The department may, in conjunction with any action taken pursuant to subdivision a or b of this section, consider the availability of resources to implement rat mitigation measures and, in designating rat mitigation zones, eliminating existing rat mitigation zones, or changing the boundaries of existing rat mitigation zones, exercise its discretion to maximize the efficient use of such resources.

e. If the department, following any review conducted pursuant to subdivision b of this section, determines, in consultation with the department of sanitation, that any rat mitigation measure applicable pursuant to law or rule only within a rat mitigation zone should be continued, then the department need not eliminate, or change the boundaries of, a rat mitigation zone, regardless of whether such review otherwise indicates that such rat mitigation zone should be eliminated, or its boundaries changed. If a review indicates that only certain rat mitigation measures should be continued in a rat mitigation zone, the department may continue only those measures and eliminate or limit other rat mitigation measures applicable pursuant to law or rule only within a rat mitigation zone.

§ 3. This local law takes effect immediately.

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