



THE CITY OF NEW YORK DEPARTMENT OF SANITATION



OPERATIONS ORDER 2012-28

EFFECTIVE DATE:

July 25, 2012

SUBJECT:

REPORTING/REMOVAL PROCEDURES FOR ILLEGALLY ABANDONED AND OR DERELICT COLLECTION BINS ON PUBLIC PROPERTY, SIDEWALKS OR CITY STREETS

AFFECTIVE DIRECTIVES:

OPERATIONS ORDER 2007-13 IS HEREBY CANCELLED

REFERENCE:

New York City Local Law # 31 of 2007
DVO Policy and Administrative Procedure (PAP#2012-06)

ATTACHMENTS:

DS-155 Derelict Vehicle Removal Tag
DS-34 Official Notice to Remove Collection/Clothing Bin (Sticker)
DS-34(A) Official Notice to Remove Collection/Clothing Bin (Letter to Owner)
DS-34(B) Collection / Clothing Bin Ownership Form

PURPOSE:

To establish notification and removal procedures for Collection bins placed by any person, other than a government or governmental agency or its contractors or licensees on any City property, property maintained by the City, or on any public sidewalk or roadway.

Definition: “Publicly accessible collection bin” shall mean any outdoor container, other than any container placed by any government or governmental agency, or its contractors or licensees, that allows for any member of the public to deposit items into the container for the purpose of collection by the provider of such container.

At no time are collection bins, which include but are not limited to clothing bins, to be placed on any City property, or property maintained by the City, or on any public sidewalk or roadway. This excludes government or governmental agencies.

PROCEDURE FOR THE REPORTING AND REMOVAL OF COLLECTION/CLOTHING BINS

For the purpose of this order the following will apply: Collection/Clothing bin will be defined as “bin”, Derelict Vehicle Operations Headquarters as “DVO Headquarters”.

REPORTING

Collection/Clothing bins shall be reported by authorized personnel of the Department of Sanitation in the following manner:

1. Any bin that is reported or observed by an Officer on any public property, sidewalk or City street must be tagged. The Officer will tag with a borough coded D.S. 155 (**Attachment #1**) and also affix a “Notice Sticker” (DS-34) (**Attachment #2**) on the front of the bin. The “Notice Sticker” will inform the owner of the bin that they have thirty (30) days to remove it. The Officer tagging the bin should follow the guidelines set forth in the Department Policy and Administrative Procedure (PAP#2012-06) for tagging of Non-Vehicles. The District will notify DVO Headquarters with the pertinent information using the Collection/Clothing Bin Ownership form (DS-34B) (**Attachment #4**).
2. The District will email or fax the Collection/Clothing Bin Ownership form (DS-34B) to DVO Headquarters on the day when the bin is tagged. For any bin tagged on Saturdays, Sundays or Holidays, the DS-34B will be forwarded to DVO Headquarters at the start of shift Monday or on the next working day. All original Collection/Clothing Bin Ownership forms (DS-34B) are to be maintained and stored by the District Superintendent. The bin **MUST** be entered into the SCAN SYSTEM on the shift it was tagged. It will be the responsibility of the tagging Officer to ensure the information is entered into the SCAN System. Bins tagged prior to lunch (regardless of shift) will be entered into the SCAN SYSTEM as soon as possible. Once a bin is tagged, the site is to be monitored periodically during the thirty (30) day period for any litter or dump out material. The District will take necessary action to correct the condition. Any material that can be salvaged will be placed into the bin. All contaminated material around the bin will be discarded. If the bin is found “Not to be on Location” (NOL), DVO Headquarters **MUST** be notified on the same day of observation.
 - All bins tagged with Borough coded D.S. 155 tags must also be marked with a crayon showing the tag number, date, initials and badge number of the tagging Officer.
 - All bins will be entered into the SCAN SYSTEM as a **Non-Vehicle “(NV)”**.
 - The words “**Clothing Bin**” **MUST** be indicated in the remarks field.
 - Every attempt must be made to identify ownership information and is to be recorded on the Collection/Clothing Bin form (DS-34B). If only a phone number is observed, the District will call the number on the bin to ascertain the mailing address of the bin owner. All information will be documented on the Collection/Clothing Bin form (DS-34B). The form must either be emailed or faxed to DVO Headquarters on the day the bin is tagged.
 - Where ownership is confirmed, DVO Headquarters will complete and mail the Official Ownership Notification form (DS-34A) (**Attachment #3**) to the owner of the bin via certified mail return receipt requested.

- If ownership information cannot be determined then the Collection/Clothing Bin Ownership form (DS-34B) must be completed stating “not available” and emailed or faxed to DVO Headquarters on the day the bin is tagged.
 - Any questions regarding the tagging of the bin should be directed to DVO Headquarters. If an owner makes a formal protest/complaint with discrepancies as to public or private property, they will be referred to DVO Headquarters.
 - DVO Headquarters will also research the property to ascertain if the property in question is public, private, easement, etc. In all cases, the thirty (30) day requirement for removal will continue.
 - DVO Headquarters will determine property ownership and final disposition on all properties in question.
3. The owner or licensee has thirty (30) days to remove the bin. If the bin is not removed by the owner or licensee after thirty (30) days, the following action must be taken:
- A)** DVO Headquarters will notify the District Superintendent or designee when the thirty (30) day notice expires.
 - B)** The District will send an Officer to verify if the bin is still on location. On the same day, the District will notify DVO Headquarters with the status of the bin, either not on location, (NOL) or still on location (SOL) and accessible. In addition, the District will make arrangements to remove all litter or dump out material that may be surrounding the bin. All contaminated material will be removed. Any material that can be salvaged will be placed into the bin.
 - C)** DVO Headquarters will make notification to the Bureau Operations Office (B.O.O.) to have the bin removed.
 - D)** B.O.O. will make arrangements for the removal of the bin by notifying Citywide Transportation Unit (C.T.U.).
 - E)** C.T.U. will schedule the removal of the bin to the designated Department location.
 - F)** C.T.U. will have forty-eight (48) hours in which to remove the bin. If unable to remove the bin within forty-eight (48) hours, DVO Headquarters **MUST** be notified.
 - G)** If C.T.U. arrives at the location of the bin and the bin is not on location (NOL), DVO Headquarters **MUST** be notified immediately by C.T.U.
 - H)** C.T.U. will be responsible to notify the District Superintendent on the day the bin is removed. The District will ensure the area where the bin was located is clean after it has been removed.

4. DVO Headquarters will notify the Bureau of Waste Prevention, Reuse and Recycling Office for the purpose of having any contents in the bin redistributed to a charitable organization in a timely manner, and to recycle the bin.
5. DVO will record the bin's date and time of arrival and departure at the designated Department location.
6. The bin will be stored at a designated Department location until it is removed to an authorized recycling vendor.
7. All recycling receipts for the bins will be maintained at the Bureau of Waste Prevention, Reuse and Recycling Office.

CANCELLATION: This order will remain in effect until rescinded.

ISSUING AUTHORITY:



Bernard J. Sullivan
First Deputy Commissioner

DISTRIBUTION: All Bureau Heads, Managers, Uniformed Officers

Attachment #1



sanitation
DEPT. OF ENVIRONMENT & NATURAL RESOURCES

DERELICT VEHICLE REMOVAL PROGRAM

TIME	DATE	BADGE NO	INITIAL
LOCATION TAGGED			

This vehicle has been scheduled for removal.

CONDEMNED PROPERTY

Attachment #2



OFFICIAL NOTICE TO REMOVE COLLECTION BIN

Date: _____ Tag Number: _____

Under Local Law No. 31 of 2007, the placement of publicly accessible collection bins on New York City property or property maintained by New York City, or on any public sidewalk or roadway, is illegal. You are hereby given notice that this publicly accessible collection bin is in violation of Local Law No. 31 of 2007 and must be removed within thirty (30) days from the date of this notice. If the address of the owner of this publicly accessible collection bin is not ascertainable and notice to remove the collection bin has not been mailed by the Department of Sanitation, then:

WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE, YOU ARE HEREBY ORDERED TO REMOVE THE COLLECTION BIN FROM THIS LOCATION OR WITHIN TWENTY (20) DAYS FROM THE DATE OF THIS NOTICE YOU MAY FILE A WRITTEN OBJECTION WITH THE NEW YORK CITY DEPARTMENT OF SANITATION WITH PROOF THAT THE COLLECTION BIN IS ACTUALLY LOCATED ON PRIVATE PROPERTY.

How to comply with this Notice:

- (1) Remove the collection bin within thirty (30) days from the date of this notice; or
- (2) Send a written objection to the New York City Department of Sanitation, Derelict Vehicle Office, 803 Forbell Street, Brooklyn, New York 11208 within twenty (20) days of this notice with proof that the bin is on private property. Proof that the bin is on private property shall include, but not be limited to, a survey of the property prepared by a licensed surveyor that is certified to the record owner of such property. For more information the Derelict Vehicle Office may be contacted Monday through Friday between the hours of 6:00 A.M. and 2:00 P.M. at (718) 642-3084.

FAILURE TO COMPLY WITH THIS NOTICE (BY FAILING TO REMOVE THE COLLECTION BIN OR FAILING TO SEND SUCH WRITTEN OBJECTION) WILL RESULT IN THE REMOVAL AND DISPOSAL OF THE COLLECTION BIN BY THE DEPARTMENT OF SANITATION.

Attachment #3



sanitation

DS 34A (1.12)

OFFICIAL NOTICE TO REMOVE COLLECTION BIN

Date: _____ Tag Number: _____

TO: _____ (Owner of Collection Bin)

_____ (Mailing Address)

Please be advised that your collection bin was observed at the following location:

Under Local Law No. 31 of 2007, the placement of publicly accessible collection bins on New York City property maintained by New York City, or on any public sidewalk or roadway, is illegal. You are hereby given notice that this publicly accessible collection bin is in violation of Local Law No. 31 of 2007 and must be removed within thirty (30) days from the date of this notice. Please note that a Notice advising you of your legal obligation to remove this collection bin was affixed directly on the collection bin at the location described above.

WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE, YOU ARE HEREBY ORDERED TO REMOVE THE COLLECTION BIN FROM THIS LOCATION OR WITHIN TWENTY (20) DAYS FROM THE DATE OF THIS NOTICE YOU MAY FILE A WRITTEN OBJECTION WITH THE NEW YORK CITY DEPARTMENT OF SANITATION WITH PROOF THAT THE COLLECTION BIN IS ACTUALLY LOCATED ON PRIVATE PROPERTY.

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Attachment #4



sanitation

San Antonio, Texas

1	TAG NUMBER	
2	DATE TAGGED	
3	OWNER'S NAME	
4	ADDRESS	
5	PHONE NUMBER	
6	PARKING RESTRICTION	
7	ANY OTHER INFORMATION	

ITEM NUMBERS 1 TO 6 MUST BE COMPLETED.
IF NO INFORMATION IS AVAILABLE THE WORD 'NONE' WILL BE INSERTED.
DO NOT LEAVE ANY ITEMS BLANK.
ITEM NUMBER 7 LIST ANY INFORMATION THAT WILL BE HELPFUL FOR REMOVAL OF CONTAINER.