

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
BOARD OF HEALTH**

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**NOTICE OF ADOPTION  
OF AMENDMENTS TO ARTICLE 143 OF THE  
NEW YORK CITY HEALTH CODE**

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In compliance with §1043(b) of the New York City Charter (the “Charter”) and pursuant to the authority granted to the Board of Health by §558 of the Charter, a notice of intention to amend Article 143 of the New York City Health Code (the “Health Code”) was published in the City Record on December 21, 2011. No written comments were submitted and the Department has not proposed any changes. At its meeting on March 13, 2012, the Board of Health adopted the following resolution.

**Statement of Basis and Purpose**

These amendments to Article 143 of the New York City Health Code (“Health Code”) are promulgated pursuant to §§556, 558 and 1043 of the New York City Charter (“Charter”). Section 556 of the Charter provides the Department of Health and Mental Hygiene (“Department”) with jurisdiction to regulate all matters affecting health in the City of New York. Section 558(b) and (c) of the Charter empowers the Board of Health (“Board”) to amend the Health Code and to include in the Health Code all matters to which the Department’s authority extends. Section 1043 of the Charter grants the Department rulemaking powers.

**Background to Article 143**

Article 143 broadly addressed disposal of wastes within the City, in particular, the disposal of human, household, and commercial liquid wastes which are not directly discharged into City waters. As part of a comprehensive review of the Health Code to assess its efficacy in protecting the public health, in 2009, the Board amended and repealed various sections of Article 143, covering the disposal of sewage, repealing provisions for construction of private sewage disposal systems, and the issuance of permits for site and sub-soil evaluation related to such construction, in order to better reflect practice and the current regulatory environment. Definitions in §143.01 were maintained and §143.01(c) was amended to make clear that the Department does not regulate portable toilets (such as those found on street locations or at construction sites), and a new subdivision (e) was added to §143.01 defining “community private sewage disposal systems” as this term was not previously defined in the Health Code; the Department currently regulates such sewage disposal systems under §143.11.

**Amendments to Article 143**

The Board amended §143.11, subdivisions (b) and (d), in order to remove repealed and/or superfluous legal references. The amendments are described below:

- Subdivision (b)
  - The current references to Health Code §145.03 and Article 12 of the State Public Health Law will be removed as such legal provisions no longer exist.
  - On September 22, 2009, the Board of Health repealed Article 145 of the Health Code. On April 1, 2011, the State Legislature repealed Article 12 of the Public Health Law.
- Subdivision (d)
  - The current reference to Article 145 relating to a professional engineer is superfluous.
  - The current reference to Article 147 relating to a licensed architect in the State Education Law is redundant.

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The resolution is as follows:

Matter that is underlined is new.  
Matter in [brackets] is deleted.

**RESOLVED**, that subdivisions (b) and (d) of §143.11 of Article 143 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, and last amended on July 1, 1991 be, and the same hereby is, amended to remove repealed and/or redundant legal references, to be printed together with explanatory notes, as follows:

**ARTICLE 143  
DISPOSAL OF SEWAGE**

**§143.11 Community private sewage disposal systems.**

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(b) No community private sewage disposal system shall be constructed and maintained without a permit issued by the Commissioner. The permit may contain such conditions as the Commissioner may impose for the protection of public health. [No permit is required and this article shall not apply if a permit must be obtained for a disposal facility pursuant to §145.03 of this Code or pursuant to Article 12 of the Public Health Law.]

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(d) The Department may prescribe the number of copies of and the format in which the information required by sub[~~section~~]division (b) of this section shall be submitted. Plans, specifications and other information shall contain the signature, seal and address of a professional engineer or licensed architect [licensed and registered pursuant to Article 145 or Article 147, respectively, of the Education Law].

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Notes: At its March 13, 2012 meeting, the Board of Health amended §143.11 of Article 143 to remove certain repealed and/or superfluous legal references in subdivisions (b) and (d).