

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

BOARD OF HEALTH

NOTICE OF ADOPTION
TO REPEAL ARTICLE 155 OF THE NEW YORK CITY HEALTH CODE

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 public hearing and notice of intention to amend Article 155 “Butcher’s Refuse” of the New York City Health Code (the “Health Code”) was published in the City Record on June 21, 2010, and a public hearing was held July 26, 2010. No comments or testimony were submitted at the public hearing and no changes have been made to the resolution. At its meeting on September 22, 2010, the Board of Health adopted the following resolution.

STATUTORY AUTHORITY

These amendments to the New York City Health Code (the “Health Code”) are promulgated pursuant to Sections 556, 558 and 1043 of the New York City Charter (the “Charter”). Section 556 of the Charter provides the Department of Health and Mental Hygiene (the “Department”) with jurisdiction to regulate all matters affecting the health in the city of New York. Section 558(b) and (c) of the Charter empower the Board of Health (the “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.

STATEMENT OF BASIS AND PURPOSE

As part of a comprehensive review of the Health Code to assess its efficacy in protecting the public health, the Department of Health and Mental Hygiene (the Department or DOHMH) is requesting that the Board of Health repeal Article 155 as no longer necessary. The removal of butchers’ refuse or offal which requires permits for haulers is now regulated by the New York City Business Integrity Commission pursuant to section 2101(b)(6) of the New York City Charter, section 16-504 of Chapter 1, Title 16-A of the New York City Administrative Code, and Title 17, Chapter 1 of the Rules of the City of New York. The Department does not regulate the permitting of haulers engaged in the removal of butchers’ refuse and has not enforced this provision for many years. Accordingly, the Department requests the Board to repeal Article 155.

The resolution is as follows:

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

RESOLVED, that Article 155 (Butchers’ Refuse) and the list of section headings in Article 155 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby are, REPEALED.