

**NEW YORK CITY  
DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

**Notice of Adoption of Amendments  
to Chapter 6 of Title 24 of the Rules of the City of New York City**

In compliance with section 1043(b) of the New York City Charter (“Charter”), a notice of intention to amend Section 6-13 of Title 24 of the Rules of the City of New York was published in the New York City Record on January 15, 2020, and a public hearing was held on June 3, 2020. At the hearing, one person testified, and the same person also submitted a written comment. In response to the testimony and comment received, no changes have been made to the proposed amendment. However, on its own initiative, the Department is making certain technical, corrective amendments to other parts of Chapter 6, specifically to section 6-11, Appendix 6-C and Appendix 6-C-2, as detailed below in the Statement of Basis and Purpose.

**Statement of Basis and Purpose**

***Background***

In 1998, New York State enacted a law that allowed cities having a population of one million or more to issue specialized vending licenses to honorably discharged members of the armed forces of the United States who were physically disabled as a result of injuries received while in service of the armed forces. Such specialized vending licenses authorized holders to hawk or peddle within the city issuing the license in accordance with the provisions of New York General Business Law section 35-a.

In 2013, the City of New York adopted section 6-13 of the Rules of the City of New York. Section 6-13 provides the requirements for disabled veterans with specialized vending licenses to obtain disabled veterans mobile food unit vending permits. These permits allow the operation of mobile food vending units on sidewalks surrounding parks under the jurisdiction of the New York City Department of Parks and Recreation.

The amendment of section 6-13 removes subdivision (ii), which required any applicant for a disabled veterans mobile food unit vending permit to also hold a currently valid general vendor license from the New York City Department of Consumer Affairs (“DCA”) (now known as the Department of Consumer and Worker Protection). This subdivision is being removed to conform the permit requirements applicable to disabled veterans to those requirements applicable to food vendors generally, who are not required to hold a DCA general vendor license to sell food from a mobile unit.

In addition to the above amendment to section 6-13, the Department has identified several technical amendments that are required to correct other parts of Chapter 6, specifically, correcting typographical errors in section 6-11 and Appendix 6-C-2 and removing use of full capitalization for the title of certain violation categories (i.e., General and Critical) by amending the spelling of these violation categories to use of title case font in Appendix 6-C under the column “Category”.

### ***Statutory Authority***

The Department's authority to adopt this amendment is found in section 1043 of the Charter and section 17-307 of the Administrative Code.

The amendments are as follows:

Underlined text is new.

Deleted text 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.

**Section 1.** Section 6-13 of Chapter 6 of Title 24 of the Rules of the City of New York is amended to remove the requirement for a general vendor license in order to apply for a disabled veteran mobile food vending permit, and to read as follows:

#### **§ 6-13. Disabled veterans mobile food unit vending permits.**

Disabled veterans who hold currently valid [(i)] specialized vendor licenses issued pursuant to General Business Law § 35-a[, (ii) general vendor licenses issued by the Department of Consumer Affairs] and [(iii)] mobile food vending licenses issued by the Commissioner[,] may apply for and be issued permits to operate mobile food vending units on sidewalks surrounding parks within the jurisdiction of the New York City Department of Parks and Recreation, or successor City agency, in accordance with the following conditions:

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**Section 2.** Section 6-11 of Chapter 6 of Title 24 of the Rules of the City of New York is amended to correct 2 typographical errors, specifically changing “services” to “serviced” and deleting “any” in subdivision (k) and to read as follows:

#### **§6-11 Inspections; permit issuance and renewal.**

No unit shall be approved for use and no permit shall be issued unless such unit has passed a pre-permit inspection by the Department and found to be constructed and equipped in compliance with this Chapter and Article 81 and Article 89 of the Health Code; and the permit-holder or permit applicant has submitted proof acceptable to the Department that the unit is service[s]d and stored by a commissary or other approved facility.

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(k) *Notification of changes in operations.* Permittees must notify the Department, in writing, on forms approved or provided by the Department, no later than ten business days after [any] there has been a change in:

**Section 3.** Appendix 6-C of Chapter 6 of Title 24 of the Rules of the City of New York is amended by deleting use of full capitalization of the “General” and “Critical” violation categories and replacing by use of regular title case font under the column “Category”.

**Section 4.** Appendix 6-C-2 of Chapter 6 of Title 24 of the Rules of the City of New York is amended to correct a typographical error, specifically by changing the violation citation for violation code 22-06 by removing subdivision (f) and replacing it with subdivision (b) and to read as follows:

**APPENDIX 6-C-2 MOBILE FOOD VENDING UNIT (MFVU) PENALTY SCHEDULE**  
**UNSCORED VIOLATIONS**

VIOLATION CODE	CITATION	VIOLATION DESCRIPTION	VIOLATION PENALTY*
22-06	24 RCNY 6-03[(f)] <u>(b)</u>	Vending non-food items	\$200

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