

**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 Chapter 6 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 and Appendix 6-C-2, as detailed below in the Statement of Basis and Purpose. This notice replaces the notice published in the City Record on December 23, 2021.

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 Department adopted section 6-13 of Chapter 6 of Title 24 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 will remove the requirement that any applicant for a disabled veterans mobile food unit vending permit 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 requirement 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.

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. Subdivision (k) of section 6-11 of Chapter 6 of Title 24 of the Rules of the City of New York is amended to read as follows:

(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:

(1) Persons operating each unit as indicated on the form described in 24 RCNY § 6-12(c), or

(2) Commissary used. Permittees must provide a copy of an agreement from the new commissary with such notice.

§ 2. The opening paragraph of section 6-13 of Chapter 6 of Title 24 of the Rules of the City of New York is amended 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:

§ 3. The Mobile Food Vending Unit (MFVU) Penalty Schedule Unscored Violations entry for violation code 22-06, located in Appendix 6-C-2 of Chapter 6 of Title 24 of the Rules of the City of New York, is amended to read as follows:

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