

New York City Department of Sanitation

Notice of Adoption of Final Rule Relating to Set-out Times for Collection

NOTICE IS HEREBY GIVEN in accordance with the requirements of sections 1043 of the New York City Charter and pursuant to the authority vested in the Commissioner of the Department of Sanitation by sections 753 and 1043(a) of the New York City Charter and section 16-120 of the New York City Administrative Code, that DSNY adopts the following rule relating to set-out times for collection. DSNY published a Notice of Opportunity to Comment on the proposed rule in the *City Record* on December 4, 2025. On January 7, 2026, DSNY held a public hearing on the proposed rule. DSNY did not receive any substantive comments regarding the proposed rule.

Statement of Basis and Purpose

DSNY currently requires residences using receptacles with tight-fitting lids to place such receptacles containing solid waste and recyclables at the curb for collection by DSNY no earlier than 6:00 p.m. on the day before their scheduled collection. Residences using bags must place their materials at the curb for collection by DSNY no earlier than 8:00 p.m. on the day before their scheduled collection. In both cases, solid waste and recyclables must be set out before midnight to allow for Department collection beginning at 12:01 a.m. on the scheduled collection day.

DSNY recognizes that every community has different needs. DSNY's proposed rule would have allowed individual Community Boards, upon written notification to DSNY, to opt into an alternate schedule that would permit residences in their districts that receive collection service on Saturdays to place materials for collection at the curb no earlier than one hour before sunset on Fridays, provided that such materials are placed out in receptacles with a tight-fitting lid.

Since this proposed rule was published, the New York State legislature and the Governor reached an agreement to amend Administrative Code section 16-120(c)(4) to provide that Community Boards may adopt a resolution to opt into an alternate schedule for residences in their districts that receive collection service on Saturdays that would permit such residences to place materials for collection at the curb no earlier than 3:00 p.m. on Friday, and that DSNY must implement such change within thirty days of such a resolution being adopted. DSNY has revised the proposed rule to make it consistent with these forthcoming amendments to the Administrative Code. The requirement that materials for collection be placed out in receptacles with a tight-fitting lid remains unchanged. The rule has also been revised to provide for additional clarity as to the notice to be provided to Community Boards and residents when an alternate collection schedule is adopted.

DSNY's authority for this rule is found in sections 753 and 1043(a) of the New York City Charter and section 16-120 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

“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.

§ 1. Subdivision (a) of section 1-02.1 of Title 16 of the rules of the city of New York is amended to read as follows:

(a) Except as otherwise authorized in section 1-02.3 of this chapter, occupants of residential buildings, public buildings, and special use buildings, except commercial occupants of residential buildings where Department collection service is not otherwise authorized by section 1-03 of this chapter, shall place their receptacles or bags containing solid waste or recyclables out at the curb for collection by the Department as follows:

1. Except as provided in paragraphs (2) and (3) of this subdivision, materials must be placed out at the curb no earlier than 8:00 p.m. on the day before scheduled collection and no later than 12:00 a.m. on the scheduled collection day;

2. The following materials must be placed out at the curb no earlier than 6:00 p.m. on the day before scheduled collection and no later than 12:00 a.m. on the scheduled collection day: (i) materials placed out for collection in receptacles with a tight-fitting lid; and (ii) designated recyclable paper that is tied and bundled securely without a container and set out in accordance with the requirements found in section 1-08(h) of Title 16 of the rules of the city of New York;

3. For those areas within sanitation districts that have collection scheduled for Saturdays, such material may be placed out no earlier than 3:00 p.m. on the day before scheduled collection provided that:

(i) materials are placed out for collection in receptacles with a tight-fitting lid;

(ii) designated recyclable paper is tied and bundled securely without a container and set out in accordance with the requirements found in section 1-08(h) of Title 16 of the rules of the city of New York; and

(iii) the Community Board for the community district in which such sanitation district is located has adopted a resolution requesting early Friday set out of solid waste or recyclable material for areas that have collection scheduled for Saturdays, as described in this paragraph, and submitted such resolution to the Department. The Department shall implement the alternate schedule within thirty (30) days of such a resolution being adopted by the Community Board. The Department shall notify the Community Board Chair and District Manager of the effective date for such alternate schedule and request that the Community Board notify the residents of the sanitation district of the requirements set forth in this paragraph.

4. Receptacles containing solid waste that are set out at the curb must not exceed fifty-five gallons in size, except for those receptacles that are authorized for use pursuant to 16 RCNY §§ 1-02.5 and 1-02.6;

[4.] 5. Receptacles containing designated recyclable materials that are set out at the curb must comply with the container specifications found 16 RCNY § 1-08; and

[5.] 6. All receptacles shall be removed before 9:00 p.m. on the day of collection, or if such collection occurs after 4:00 p.m., then before 9:00 a.m. on the day following collection.