

The “Drink Some Water Act” of New York City:

A Local Law Proposal

An initiative for public health, consumer and worker protection, environmental protection, emergency management, small business, and disability justice.

Problem:

A-2 buildings are not required to have potable drinking water tanks, or a supply of potable drinking water, on-premises.

- NYC Rules 81.20(a) states it as a requirement, but it only pertains to food service establishments, and the wording is vague – does not list any specific water quantity minimums.

A-2 buildings are not required to have “alternative potable water access”

- According to Local Law 110, 2013 – Section 1, the only buildings with this requirement are:
 - Food service establishments
 - Residential care facilities
 - Residential/communal living spaces

There are no free drinking water requirements (period) for A-2 buildings or for outdoor events.

- NYC Administrative Code – Section PC 403.1’s 1:500 minimum ratio is far insufficient.
 - If a club’s official capacity by the DOB/FDNY is under 500, they are not technically required to have a single drinking fountain.
 - A “place of assembly” is only either 75+ people indoors, or 200+ people outdoors.

Lots of nightclubs exploit building codes by listing them under other classifications (ex: F-Factory, S-Storage warehouse), allowing them to evade important health and safety regulations.

Goals/objectives of this legislation:

- 1) Establish requirements for “fixed drinking water stations” and “mobile water stations” for bars, nightclubs, dancehalls. Ensure that:
 1. Regulations drafted include criterion pertaining to maintenance, sanitation, and structural requirements;
 - Office of General Services Guidelines
 - Structural requirements are aligned with New York City Plumbing Code Section PC 410 (also “Local Law 55 of 2010”).
 2. Said regulations are aligned with pre-existing New York City policies when applicable;
 3. Strategic requirements (station-to-guest ratios, minimum quantities of drinking water-on-premises on an amount-per-guest basis) are:
 - Crafted specifically for indoor places of assembly that don’t also sell/serve food;
 - Determined by appropriate city health officials, nightlife safety and harm-reduction authorities.

- 2) Require water stations at :
 1. Indoor venues that serve alcohol, but not food.
 2. Any indoor gathering with 75+ people (regardless of whether alcohol is served).
 3. Any outdoor gathering at which alcohol is served.
 4. Any outdoor gathering with 200+ people (regardless of whether alcohol is served).
 5. All NYC Open Streets events

- 3) Create a city-owned Mobile Water Stations/Services pilot program, with an initial investment adequate for a fleet of 6 trucks.

Establish definitions and guidelines for operation, maintenance, quantity, etc. for “fixed water stations” and “mobile drinking water stations” for A-2 places of assembly.

Department of Buildings (in collaboration with the NYC Department of Health and Mental Hygiene):

- Determine appropriate guidelines and requirements for FIXED water stations:
 1. Quantity of water stations required by:
 - Venue size
 - Minimum station-to-guest ratios
 - Amend NYC Administrative Code – Section PC 403.1
 - Current regulation: Fountain-to-person ratio: 1:500
 - **Amend to: 1:250, OR minimum of 2-per-place of assembly.**
 - Total quantity of potable drinking water on-premises required, determined by number of guests (expected, capacity, tickets sold) multiplied by minimum amount of water for each guest (6-8oz, 12-16oz).
 2. Require potable drinking water tanks
 - Aligned with NYC Rules 81.20(a)
DOB Authorizing statute: NYC Charter Section 643(6)
 3. Maintenance, sanitation, physical parameters (adherence to ADA guidelines regarding “wheelchair height” and “standing height”)
 - Adherence to New York City Plumbing Code Section PC 410 (also “Local Law 55 of 2010”) for drinking water fountains.
DOB Authorizing statute: NYC Charter Section 643(6)
 - Adherence to drinking water tank inspections, according to requirements within:
 - NYC Administration Code §17-194
 - §141.07 of Article 141, NYC Health Code
 - NYC Admin Code Section PC 312
DOH Authorizing statute: NYC Charter Section 558B, 558G
Inspections Authorizing statute: NYC Administrative Code § 28-116.1

Department of Environmental Protection (in collaboration with the NYC Department of Health and Mental Hygiene):

- Determine appropriate guidelines and requirements for MOBILE water stations:
 1. Evaluate private services companies to determine whether they are suitable “partners” for NYCDEP, according to environmental, safety, and service criterion.

DEP Authorizing statute: NYC Charter Section 1403 (a)(2)

2. Collaborate with equivalent agencies at out-of-state municipalities at which mobile water stations programs have been successfully implemented.

*Authorizing statute for collaboration: NY Gen Mun L § 119-O (2024)
Northeast Public Health Collaborative*

3. Require a total drinking water capacity determined by number of guests (expected, capacity, tickets sold) multiplied by minimum amount of water for each guest (6-8oz).

*DEP Authorizing statute: NYC Charter Section 1403 (a)(1)
DOH Authorizing statute: NYC Charter Section 558B, 558G*

*Tank inspection from health department: 17-194 of the Administrative Code;
24 RCNY Health Code § 141.07*

Require water stations at indoor venues that serve alcohol, but not food.

Department of Buildings (in collaboration with NYCDOHMH):

- Include above water stations requirements within inspection and certification processes for “Place of Assembly Certificate of Operations”.
 1. Limit in scope to Places of Assembly Buildings Codes Category A-2
 - Category A-2: defined within NYC Administrative Code § 28-701.2 chapter 3, Section BC 303.3
 - DOB Authorizing statute: NYC Charter Section 645(a)(3)(d)*
 - DOH Authorizing statute: NYC Charter Section 558(G)*

- Grant exemptions to occupancies that are:
 - “Restaurants” as categorized by Department of Buildings
 - “Food Service Establishments” as categorized by the DOHMH.
 - DOB Authorizing statute: NYC Charter Section 645(b)(1)*
 - DOH Authorizing statute: NYC Charter Section 558(G)*

- Create a process in which establishment owners can apply to waive their requirement to apply/obtain a Plumbing Permit (categorized as Work Permit), or a Permit of Alterations, provided that the venue *already* has water stations in place.
 - DOB Authorizing statute: NYC Charter Section 645(b)(1)*

Require water stations at any indoor gathering with 75+ people (regardless of whether alcohol is served).

Department of Buildings (in collaboration with NYCDOHMH):

- Include above water stations requirements within inspection and certification processes for “ Temporary Place of Assembly Certificate of Operations”.
- Grant water station requirement exemptions to occupancies/events that have been awarded “Temporary Food Service Establishment Permits”.

Authorizing Statute: NYC Administrative Code § 28 117.2

DOH Authorizing statute: NYC Charter Section 558(G)

Require water stations at any outdoor gathering at which alcohol is sold and consumed on premises.

Office of the Mayor (in collaboration with New York State Liquor Authority)

The Mayor, by his own initiative or at the request of the City Council, invokes “home-based message/rule” privileges to petition and request the NYSLA to allow New York City to impose requirements for “water services” needed to obtain:

- One-day temporary alcohol permits (ABC Law Section 97)
- Special permits to remain open during certain hours of the morning (ABC Law Section 99)

Powers of the Mayor Home-based message: NYS Constitution Article 9, Sect. 2

Alcoholic Beverage Control (ABC) CHAPTER 3-B, ARTICLE 7, Section 97 & 99

*Exempting events at which food is sold is an option, but health risks w/ heat illness and dehydration are magnified outdoors.

Require water stations at any outdoor gathering with 200+ people (regardless of whether alcohol is served).

Department of Buildings:

- Include above water stations requirements within inspection and certification processes for “ Temporary Place of Assembly Certificate of Operations”.

Authorizing Statute: NYC Administrative Code § 28 117.2

Office of the Mayor (in collaboration with New York State Department of Health)

- Include above water stations requirements within inspection and certification processes for:
 1. Public gatherings permits
 2. Mass gatherings permits

N.Y. Comp. Codes R. & Regs. Tit. 10 §§ 7-4.2

Authorizing Statute: Home-based message: NYS Constitution Article 9, Sect. 2

Office of the Mayor – Citywide Event Coordination and Management Department – Street Activity Permit Office

- Include above water stations requirements within inspection and certification processes for:
 1. Special events permits

Rules of New York Title 50 Chap 3

Department of Transportation:

- Include above water stations requirements within inspection and certification processes for all NYC Open Streets Events.

Authorizing Statute: NYC Administrative Code § 19-107.1

Definition of Open Streets : New York City Rules and Regs § 4-21 Open Streets.

Create a city-owned Mobile Water Stations pilot program, with an initial investment adequate for a fleet of 6 trucks.

New York City Department of Environmental Protection (in collaboration with DOHMH)

- By Commissioner's orders: create a Mobile Water Services Pilot Program to purchase and maintain **mobile water stations** and **water services**.
 1. The NYCDEP shall also spread mass awareness campaigns about these services, as well as risks of dehydration and heat-related illness.
 2. DEP should continuously research areas of need, particularly in lower-income areas throughout the months of May – August.

DEP Authorizing statute: NYC Charter Section 1403 (a)(1)

DOH Authorizing statutes – NYC Charter Section 555(a)(1)

DOH Authorizing statutes (to collaborate with DEP) – NYC Charter Section 555(a)(5)

DOH Authorizing statute – NYC Charter Section 555C(7)