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THE COUNCIL
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THE CITY OF NEW YORK
VINCENT J. GENTILE
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To the Department of Sanitation and the Environmental Control Board:

I am in support of promulgating rules by the City Department of Sanitation for the state's "Lawn Litter" law (Chapter 3 laws of 2008 and Chapter 585 laws of 2007) and in support of Environmental Control Board's proposed rule to establish a \$250 civil penalty.

However I am opposed to one aspect in the proposed rule that makes this law nearly unworkable unless the sections in question, Section 16-02 of Chapter 16 of the Rules of the City of New York, is amended.

Section 16-02 predicates the issuance of a notice of violation of the lawn litter law the submission of a notarized complaint affidavit form submitted by the property owner along with the unsolicited advertisement. This need for a notarized form as a predicate to filing a complaint and issuance of a violation is burdensome on the property owner and will result in far too many actual violations being overlooked and forgotten because of the effort required to file a complaint. This burden of obtaining a notary will put a damper on the effort to curb this type of unsolicited advertising and will significantly lessen, if not eliminate, the significance of this new law. Rather this proposed rule should be amended to require a signature of the property owner who attests to the validity of the information on the complaint and to his/her signature based on information and belief.



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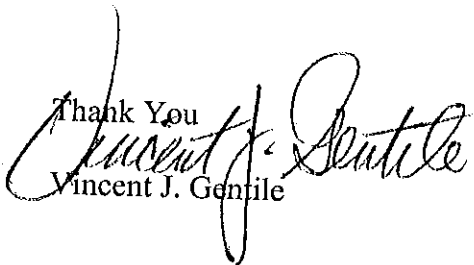
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This affirmation should further state that false statements or supplying a false identification could result in criminal charges against the signatory.

This affirmation instills the same concern for the affidavits veracity as the proposed rule for a notarized complaint yet allows the homeowner or owner's designated agent the ability to easily comply with the rules for submission of a complaint form. The need for a convenient, yet verified process, is even more necessary and evident when one location is beset by a series of violations of this law over a period of days or weeks. There must be an easy and efficient way for petitioner's to file a complaint while still maintaining the affidavit's legal status and veracity or else homeowners or their agents will not use this new law to it's fullest. This provision, if not amended, would serve to undercut the law's intent and the number of complaints filed.

Accordingly, this provision must be amended in the way suggested or in some other way that would not deter petitioners.

Thank You

 Vincent J. Gentile