



sanitation

ENFORCEMENT

1824 Shore Parkway
Brooklyn, New York 11214

LAWN LITTER PROGRAM

IT'S THE LAW

Section 397-A of the New York State General Business Law states:

“No person shall place, or cause or permit to be placed on private property any unsolicited papers, fliers, pamphlets, handbills, circulars, or other materials advertising a business or soliciting business where the owner has posted, in a conspicuous location, a sign stating that the placement of such materials shall be prohibited.” Excluded from this prohibition are any materials containing a minimal amount of nonadvertising content.

The sign must be at least 5 inches tall and 7 inches wide, and must state, in legible letters at least 1 inch in size, “Do not place Unsolicited Advertising Materials On This Property.”

There are additional requirements for most multiple dwellings. The sign described above may be posted only if consent is obtained from at least one owner, tenant or occupant over eighteen years of age from each dwelling unit. As an alternative, if the property owner does not obtain consent for all dwelling units, the property owner may post a sign at least 5 inches tall and 7 inches wide, written in legible letters at least 1 inch in size, that states how many units wish to receive unsolicited advertising materials, and the location where the materials must be placed.

I. REQUESTING CITIZEN COMPLAINT FORMS:

You may get them by calling the **NYC Citizen’s Service Center at 311** or by visiting the **Department of Sanitation’s website** at: <http://www.nyc.gov/html/dsny/html/home/home.shtml>

PLEASE READ — IMPORTANT INFORMATION FOR PROPERTY OWNERS:

Section 397-a(3) of the New York State General Business Law establishes presumptive liability for violating this state law for a person whose name, telephone number, or other identifying information appears on unsolicited advertising materials placed “at two or more premises” where the property owner has posted a conspicuous sign as described above. In order for the Department to take enforcement action against the advertiser in accordance with this requirement, the Department recommends, whenever possible, that you submit your complaint form to the Department’s Enforcement Unit jointly with the complaint form of your neighbor or another property owner in your neighborhood who posted the required sign and received the same unsolicited advertising materials.

Please be sure that the unsolicited advertising materials you received are attached to your complaint form. Please be sure to submit the proper complaint form to the Department of Sanitation. Complaints submitted on the wrong form will not be considered by the Department.

Note: Owners of three family homes that do not reside in such home MUST fill out the multiple dwelling complaint form.

www.nyc.gov/sanitation

KEEP NYC CLEAN  REDUCE, REUSE, RECYCLE  DON'T LITTER

 printed on paper with no less than 30% post consumer recycled material

DS 700 (7-08)

II. COMPLETING A CITIZEN COMPLAINT FORM:

Top Section

Print or type your full name and complete address, telephone numbers, particularly the one where you can be reached during the day, e-mail address, and all relevant information as requested on the complaint form.

Mid Section

Fill in information as requested on the complaint form regarding the location of the material left, the description of the material left, and other information as required.

Bottom Section

Lawn Litter cases are heard at Environmental Control Board (ECB) offices in the borough where the violation occurs. ECB Hearing Locations:

Manhattan

66 John Street
10th Floor
NY, NY 10038
(212) 361 –1400

Brooklyn

233 Schermerhorn, St.,
11th Floor
Brooklyn, NY 11201
(718) 858 –7428

Queens

144-06 94th Avenue
Main Floor
Jamaica, NY 11435
718 – 298 – 7300

Bronx

3030 3rd Avenue
Bronx, NY 10455
(718) 993 – 6110

Staten Island

350 St. Mark Place Main Floor
Staten Island, NY 10301
(718) 815 – 8385

Please review the form for accuracy and completeness, sign the form and mail it to:

Director of Enforcement
NYC Department of Sanitation
c/o Unsolicited Advertisement Enforcement
1824 Shore Parkway, Brooklyn, NY 11214

Please be sure that the unsolicited advertising materials that you received are enclosed with your complaint form.

III. STATUS OF THE COMPLAINT PROCESS

In a few weeks you will be notified by mail of the status of the complaint. If no action was taken, you'll receive a letter stating the reasons why not. If action was taken, the party deemed responsible for leaving the unsolicited advertising materials (the respondent) will be served with a Notice of Violation. If the respondent pleads not guilty, you, as the complainant, may be required to testify at the Environmental Control Board hearing.

Citizen Complaint Process for Lawn Litter Violations

What is the Environmental Control Board?

The Environmental Control Board (ECB) is an administrative tribunal, which means that it is a decision making body that hears disputes like a court, but with a few important differences. ECB only hears cases in which people are charged with violating New York City's quality-of-life laws - the laws that protect the health, safety, and cleanliness of our environment and neighborhoods. Quality-of-life violations are not criminal offenses. For this reason, ECB issues only monetary penalties and/or orders to correct violations when it finds people in violation of the City's quality-of-life laws.

ECB is like a court in many ways. Like a court, ECB conducts hearings to resolve quality-of-life violations. At these hearings, parties can present evidence in order to prove or disprove alleged violations. Cases are heard by lawyers with specialized training called Administrative Law Judges (ALJs), who act as impartial decision makers. However, ECB is less formal than a court. Legal counsel is not required, and most people choose to represent themselves. Cases are not presented in a courtroom and the ALJs do not wear robes.

What happens when I fill out a citizen complaint form?

The citizen complaint form for unsolicited advertisements represents the account of a property owner who has unsolicited advertising material left on his or her property, without the property owner's authorization. Once such a complaint is made, the Department of Sanitation issues a notice of violation to the person responsible for leaving the unsolicited advertisement based on the complaint. Typically, a notice of violation is issued by an agent of the Department of Sanitation based upon the personal observation of that agent. For tickets issued in response to a citizen complaint form, however, the burden may rest on the citizen complainant to "make the case" for the department. In some instances violations issued pursuant to a complainant's form **may** necessitate the complainant's appearance at the hearing for the purpose of testifying. If ECB decides this is necessary, the matter will be adjourned and the complainant will be contacted to arrange an acceptable time and date to appear.

What should I expect when I come in for a hearing before the Environmental Control Board?

When you arrive at the ECB office designated to hear this case, you should proceed to their 'reception' area and fill out a 'notice of appearance'. ECB will then assemble the case file and inform the citizen that they are to take a seat in the waiting room until the matter is ready for a hearing. When the respondent arrives, they too will fill out a notice of appearance. At this time the case will be given to an Administrative Law Judge (ALJ), who will call the parties into his/her room and conduct the hearing. Please be advised that in some instances the ALJ may need to adjourn the matter to a future date. This will require you to come back at some future date. ECB will notify you of this new date and time.

In addition, in some instances the respondent may fail to appear for their hearing. This will result in a "default decision and order" being issued against the respondent. This is a finding of violation at the maximum penalty amount allowed by law. In certain circumstances, for a limited period of time subsequent to issuing a default decision and order, the respondent **may** be entitled to a new hearing. If this is the case you will be notified by ECB on how to proceed.