

SANITATION

A GUIDE TO COMMUNITY BOARD PARTICIPATION IN PLANNING THE DELIVERY OF SANITATION ENFORCEMENT SERVICES



THE CITY OF NEW YORK
Edward I. Koch, Mayor
Brendan Sexton, Commissioner

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GLOSSARY

ACKNOWLEDGEMENTS

This GUIDE was prepared and printed by the Department of Sanitation for use by Community Boards. It has been revised at the request of Commissioner Brendan Sexton who understands the continuing concerns of many New Yorkers regarding the Sanitation Enforcement Program and the need for a document that provides the Community Boards with a method to address those concerns.

This GUIDE was originally prepared under the direction of Deputy Commissioner Vincent P. Whitfield and Assistant Commissioner for Operations Planning Lucius Riccio. The primary staff members responsible for its production were Chief Charles Leal and Maria Termini-Miller.

The Department acknowledges the efforts of the members of the Department of Sanitation/Community Board task force who provided their insights, comments and contributions. Serving in the task force with Chief Leal and Ms. Termini-Miller were Lydia Brown, District Manager Community Board 6 Manhattan, Bernard Englander, District Manager Community Board 7 Bronx, Joannene Coppinger, District Manager Community Board 5 Queens, Robert Acito, District Manager Community Board 6 Brooklyn, Rosemary Palladino, District Manager Community Board 1 Staten Island, Henry Ehrhardt, Mayor's Community Assistance Unit, Sheldon Mann, Mayor's Office of Operations, Lt. Robert Morris, Sanitation Enforcement, Deputy Chief John Beal, Bureau of Cleaning and Collection, and Elaine Soffer, Operations Planning, Evaluation and Control.

Special thanks to Ms. Joannene Coppinger of Queens Community Board 5 for sharing with the Department her experiences in the development of the Queens plan.

Layout, graphics, and typesetting provided by the Department's Reprographics Unit under the direction of Dale Jones and Mickey Weick. Photographs were provided by the Department of Sanitation's Photo Unit, Dan DeLuise and Edward Miller. Printing and binding accomplished by the Department's Print Shop supervised by John Arrigo. Revisions made by Lisa Daglian from the Department's – Office of Community Services and typesetting performed by Richard Ariya.



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

To Community Boards and the Department of Sanitation:

The challenge to create a cleaner City remains one of the highest priorities of my administration.

As New Yorkers know, this challenge faces us daily and requires the Department of Sanitation to use the resources available for that purpose wisely and effectively. In addition, each New Yorker has a role to play, working with the Department of Sanitation, toward meeting the objective.

The Community Boards play an important part in the service delivery process. They are aware of the needs and concerns of the communities they represent and are the link between the agencies responsible for a service and the residents of our City.

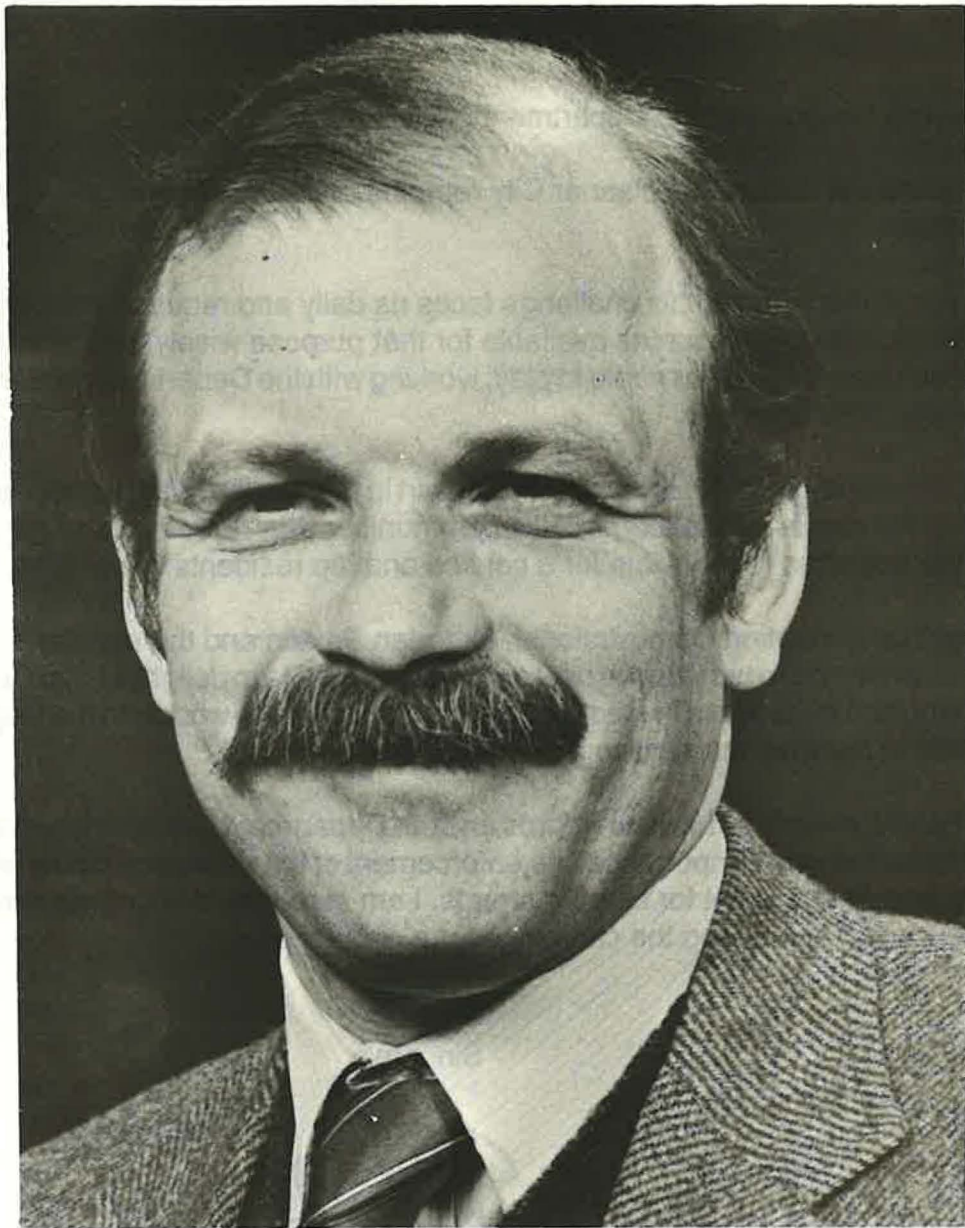
I know that Sanitation Commissioner, Brendan Sexton and the members of his Department are trying to provide the best service they can. I am delighted that Commissioner Sexton has once again invited the Community Boards to work with the Department of Sanitation to improve the service they provide.

This GUIDE describes how the Boards and the Department, working together, can address an issue of great importance: the enforcement of the Sanitation Code, which is an integral part of our quest for cleaner streets. I am sure that, working as a team, you will find new ways of meeting the challenge for a cleaner city.

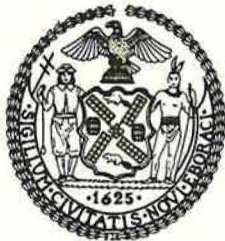
Sincerely,

A handwritten signature in black ink, appearing to read "E. I. Koch".

Edward I. Koch
Mayor



Brendan Sexton, Commissioner of Sanitation



125 Worth Street
New York, N.Y. 10013

To the Members of the Community Boards:

This GUIDE, which was prepared by the Department of Sanitation with the assistance of a committee composed of five district managers (one from each borough), and representatives from the Mayor's Community Assistance Unit, the Mayor's Office of Operations as well as the Department of Sanitation's Enforcement and Operations Units is designed to address the specific enforcement concerns of each Community Board. It explains what a Community Board must do to develop an enforcement plan which can help the Department to direct its efforts where they are needed most.

The Department of Sanitation's intention is to do the best job possible to make New York City clean. Enforcement is an important part of that effort everywhere in the City. However, we recognize that there are issues of specific importance to you and the communities you represent.

As with the Department's previous publication, "A Guide to Community Board Participation in Planning the Delivery of City Services," this GUIDE is intended to serve as a reference document and as a catalyst for the development of an enforcement plan tailored to meet the needs of your community.

This GUIDE describes the enforcement program, provides a case study of an enforcement improvement plan, and explains the tasks that must be done to develop a plan for your Board.

This book reaffirms my policy of working closely with the Community Boards by maintaining an open dialogue. Our mutual goals for improved services and cleaner streets remain the same. As in the past the Department of Sanitation is ready to work with you to meet those goals.

Sincerely,

Brendan Sexton
Commissioner

NEW YORK
LET'S CLEAN UP
NEW YORK.



OBJECTIVES

The purpose of this guide is to explain how Community Boards can work with the Department of Sanitation in the planning of the delivery of Health and Administrative Code enforcement in their districts. This guide will provide Community Board members with an understanding of how to prepare an enforcement service improvement plan.

ORGANIZATION OF THE GUIDE

Chapter I describes the enforcement program, including training and organization; gives a brief history of the civilianization of this program; and answers questions frequently raised by the public.

Chapter II explains techniques for effective Community Board participation; suggests how to develop a plan; lists examples of the types of changes a Board can recommend; and describes the approval process.

Chapter III describes the problems facing one Community District and how that Community Board and the local Sanitation Service Chiefs developed a plan for enforcement that reflects their community's specific enforcement needs.

Chapter IV provides the most common violations cited by Sanitation Enforcement Agents and Sanitation Police with photographs depicting various types of violations; includes a sample of a notice of violation and the Department's issuance policy.

DEPARTMENT MISSION

The primary mission of the Department of Sanitation is to make New York City as clean as possible. It does this in many ways: collection of household refuse, the cleaning of the streets through mechanical brooms, manual sweeping and flushing, and enforcement of the Health and Administrative Code.

Enforcement is a vital and critical part of our job. Approximately 100 tons of litter are deposited on New York streets every day. Compliance with

laws, codes and regulations by the general public is not always spontaneous. Failure of the public to follow the established legal requirements severely hampers the Department's efforts to keep the City clean and creates the need for enforcement. According to a study conducted by the Fund for the City of New York, over 40,000 violations of the Health and Administrative Code occur in the City every day. To ignore these facts and simply try to clean the streets after the litter has been created would not be prudent. The Enforcement Program very wisely seeks to halt the production of litter in the first place.

Clean streets and sidewalks are the result of a partnership between the public and the Department. The purpose of this guide is to facilitate that partnership. It attempts to show the Community Boards how they can participate in shaping enforcement services to suit their needs, in much the same way as our book "Sanitation: A Guide to Community Board Participation in Planning the Delivery of City Services" enables Community Boards to work closely with the Department to improve other services.

The Department currently has fewer than 200 enforcement agents fighting the "battle" to reduce the 100 tons of litter and 40,000 violations per day. Obviously, the wise utilization of these agents is in everyone's best interest. Over the long term the program should be expanded. For the moment, however, the question facing Community Board members should be: given that my district has a certain number of agents, what is the best and most effective use of them?

This guide seeks to answer that question while recognizing that each district has unique needs and varying levels of cleanliness. In designing the most effective enforcement program possible, the Department seeks the assistance of Community Board members who understand the specific cleanliness problems of their district.

CHAPTER I

SANITATION CODE ENFORCEMENT PROGRAM

HISTORY OF THE SANITATION ENFORCEMENT PROGRAM

In 1936, 100 men were taken from the New York City police patrolman's civil service list and appointed as Sanitation patrolmen, thereby establishing the Sanitation Police. These patrolmen wore police-type uniforms, carried firearms, and were empowered to issue summonses for Health and Administrative code violations.

On February 22, 1955, approximately 250 men were taken from the Assistant Foreman civil service list, screened, and appointed as Sanitation Patrolmen. This brought the total Sanitation Police complement to 300 men. Since 1955, all candidates for the position of Sanitation Patrolman have been taken from the ranks of the Department's Sanitation Workers.

In 1975, due to a fiscal crisis, Sanitation enforcement was reduced to 58 patrolmen, one for every Sanitation District, plus a "flying squad" of ten patrolmen who could be moved into the most troublesome areas. Only a small number of violations were ticketed out of the total number of violations in the city.

The City clearly needed more patrolmen to enforce the number of violations that existed. In early 1980, the Department requested additional enforcement personnel, but the proposal was rejected by a Board of Estimate concerned about costs. The Department demonstrated that enforcement could pay for itself if new civilian enforcement personnel were employed. The total cost of a Sanitation officer is about \$10,000 a year more than a civilian agent. The economic savings inherent in the proposal were startling. Thus, in 1981, the Department began hiring civilian agents, thereby freeing the officers to do other tasks.

In addition, the Department successfully requested legislation authorizing alternate service (Nail and Mail) of the notice of violation. This legislation assisted the Department in its enforcement function by eliminating the need for personal service in cases in which the responsible party was not on the premises at the time when the agent saw the violation or in cases in which the responsible party refused to provide identification. In all cases, however, the agent must first attempt personal service.

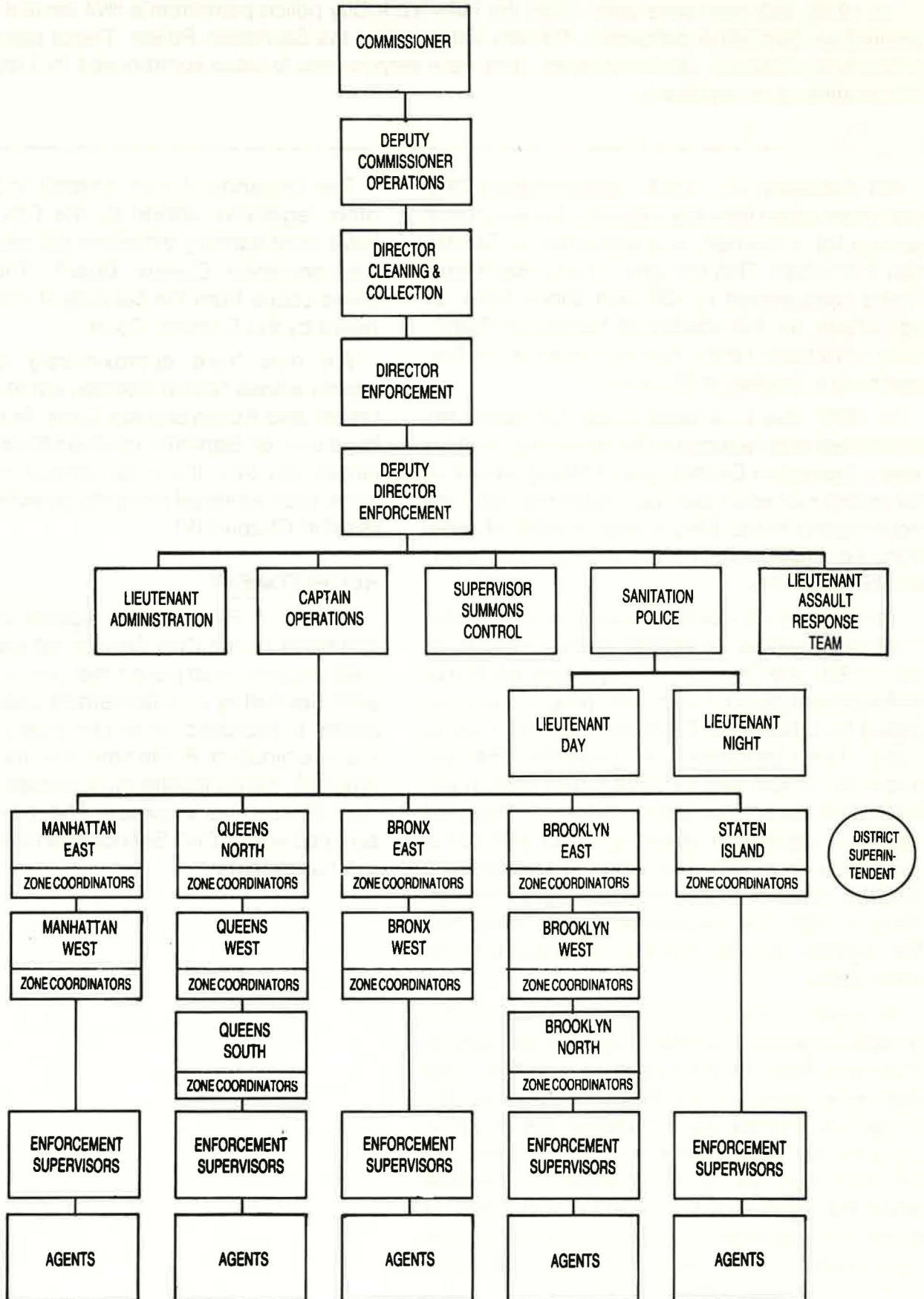
The Department also initiated and supported other legislative efforts by the City Council to have most sanitary violations adjudicated by the Environmental Control Board. This removed these cases from the backlog of criminal cases heard by the Criminal Court.

We now have approximately 200 civilian agents whose responsibilities are to enforce the Health and Administrative Code. In addition, we have over 60 Sanitation police officers who have jurisdiction over the most serious H & A violations, such as illegal dumping (specific codes are listed in Chapter IV).

RECRUITMENT

Sanitation Enforcement Agents are recruited and hired from a Civil Service list since summer 1985. Agents must pass a test geared toward the skills needed by an enforcement agent. If the applicant is accepted, he or she must pass a medical examination. At the time of entrance into the program, the candidate must possess a valid New York State driver's license. The job security associated with a Civil Service title raises the quality of applicants.

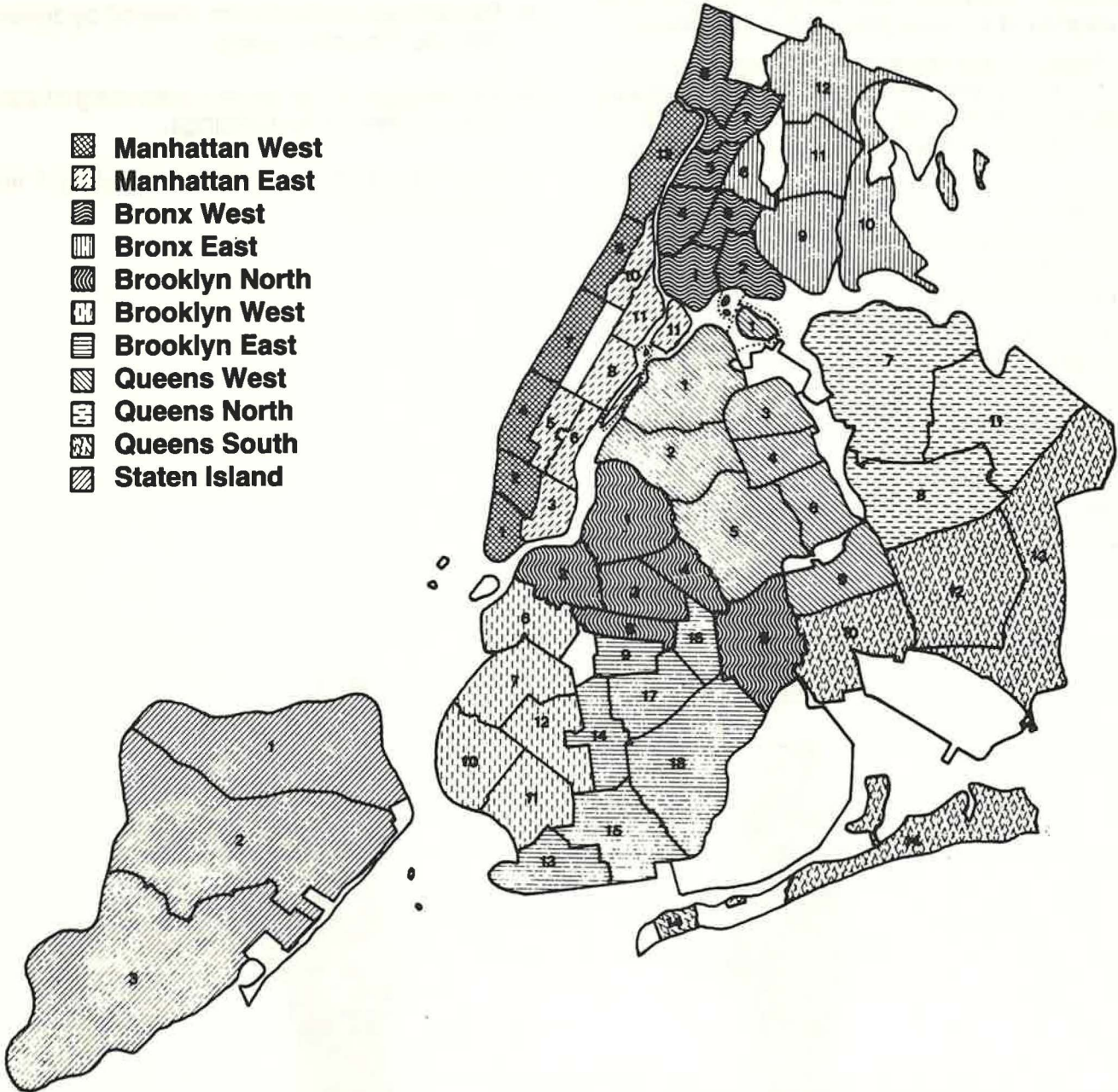
ENFORCEMENT DIVISION ORGANIZATION CHART



* District Superintendents and Zone Coordinators communicate daily on the assignment of agents and special issues.

COMMUNITY BOARDS BY SANITATION BOROUGH

- ▨ Manhattan West
- ▨ Manhattan East
- ▨ Bronx West
- ▨ Bronx East
- ▨ Brooklyn North
- ▨ Brooklyn West
- ▨ Brooklyn East
- ▨ Queens West
- ▨ Queens North
- ▨ Queens South
- ▨ Staten Island



TRAINING

The training program for civilian enforcement agents consists of three phases and lasts six weeks.

Phase I consists of classroom instruction. This includes an introduction to the Department's role and policy regarding enforcement, to the Health and Administrative Codes, to criteria for citing a violation, and to the proper way to write a notice of violation. Trainees also engage in extensive role playing of various general field situations.

In Phase II, agents are taught defensive driving and radio communication. They do intensive one-to-one role playing to learn how to address difficult situations they may confront in the field.

During Phase III, agents go into the field for approximately one week and practice writing mock summonses. Under close supervision, for a two week period, agents begin writing and issuing real summonses.

Throughout the six week training cycle the agents are intensively instructed in the use of discretion when issuing summonses.

Upon successful completion of this course, trainees are assigned to a district. If they fail to meet the standards, they are retrained. If they are still unsuccessful, they are either asked to resign or are dismissed.

DISTRICT ASSIGNMENTS

The number of Sanitation Enforcement Agents assigned to a district is determined by the particular characteristics of a district. Under the current allocation plan, each district is assigned from 1 to 6 agents. The criteria used for allocating agents are:

- Street and sidewalk cleanliness levels.
- Percentage of the district covered by commercial and industrial areas.
- Percentage of the district consisting of vacant lots or abandoned buildings.
- Percentage of the district covered by 1 and 2 family homes.



QUESTIONS FREQUENTLY RAISED BY THE PUBLIC

Q. I am a shopowner who generates less than 20 gallons of refuse a week. Therefore, I don't have a private carter. What can I do?

A. A shop owner who generates less than 20 gallons of refuse over seven (7) consecutive days can share private carter service with one or more shops in a similar situation (see below). In cases where sharing is not possible, shop owners may hire a private carter on their own. For a small fee, the merchant will receive once a week pick-up of one 20 gallon container of refuse. Merchants may also transport their own refuse (in order to do this, the establishment must have a vehicle with commercial license plates and obtain a waste conveyance license from Consumer Affairs. The merchant must also purchase dump tickets from the Department of Sanitation's Chief Clerk's office – Tel. 212-566-1006).

Merchants who generate less than 20 gallons of refuse over seven (7) consecutive days may make a private arrangement with a neighboring commercial establishment that has private carter service. To obtain information about how to proceed with this arrangement, and to obtain proper documentation stating that waste is legally disposed of, call the Department of Consumer Affairs' Trade Waste Unit at (212) 566-5584.

Two or more merchants, each generating less than 20 gallons of refuse over seven (7) consecutive days, may arrange to share a private carter. To accomplish this, the involved merchants should all enter into a "Memorandum of Contract" (see below) with the private carter. The concerned parties, including the private carter, should meet to establish a point of collection, which should be in front of one of the merchant's establishments, and to ensure that each merchant will receive a private carter decal. For more information on sharing private carter service, call the Department of Consumer Affairs' Trade Waste Unit at (212) 566-5584.

Provided a "Memorandum of Contract" has been entered into, the merchant(s) involved

may bring their refuse to the agreed upon collection location. This designated location should be within walking distance of the other merchants' establishments to avoid the possibility of being construed as the illegal transport of waste over city streets.

Contracts between private carting companies and their customers are regulated by the City's Department of Consumer Affairs. A "Memorandum of Contract" card must be filed with that agency within 30 days. The card should indicate the quantity of refuse and the charges to the customer and be signed by both parties. Consumer Affairs sets the rates and protects merchants against excessive charges. Call (212) 566-5584 for additional information or to make a complaint.

Q. What is a Nail and Mail and under what circumstances is it used?

A. A Nail and Mail summons is issued to a location when a violation exists if the enforcement agent cannot locate the responsible party or if the party refuses to provide proper identification. Under these circumstances, a summons is taped or posted in a conspicuous area so that it is clearly visible to a respondent. A copy of the summons is mailed to the address where the violation was cited as well as to the address of the owner and the managing agent of the property in cases in which the addresses do not coincide.

Q. Agents do not issue Nail and Mail notices of violations to one and two family homes, not even for snow and ice conditions. In our area we have a few locations that deserve notices for this type of violation. What can be done?

A. You can report the conditions to your local Community Board which will contact the District Superintendent. District Superintendents and the Enforcement Supervisors have the authority to issue such notices and to instruct their officers or agents to issue them.

QUESTIONS FREQUENTLY RAISED BY THE PUBLIC

Q. Does the Department of Sanitation adjudicate the notices of violations its employees issue?

A. No. The Environmental Control Board (ECB), which is a separate civil tribunal, conducts legal hearings for notices of violations issued by enforcement personnel from various City agencies.

Q. What exactly is the ECB?

A. The ECB is composed of a governing body comprised of seven members: Commissioners of the Departments of Sanitation, Housing, and Environmental Protection (DEP), Deputy Commissioner of DEP, and three citizens appointed by the Mayor. The Board sets policies and procedures for the adjudicating unit, which consists of Administrative Law Judges and support staff. An executive director manages day-to-day operations of the unit. This unit adjudicates notices of violations issued by the departments of: Sanitation, Environmental Protection, Police, Consumer Affairs, Health and Transit.

Q. I have just received a notice of violation (summons). What do I do?

A. You have the following options:

1. Plead guilty and pay the penalty to ECB (either in person or by mail).
2. Plead innocent and present a defense to ECB (either in person or by mail).

Q. What happens in a case when a summons is issued in error?

A. When the issuing agent realizes that he/she has prepared a notice of violation in error he/she reports the error to the immediate supervisor for an investigation. If the investigation indicates that the summons should be voided, it is then submitted to proper channels for appropriate action.

Q. I'm a District Manager and I need to discuss some enforcement concerns with the Zone Coordinator. How can I get him/her to attend my service cabinet meeting?

A. You can write a letter of request, with a justification, describing your problems or concerns to the Director of Enforcement, who will decide whether to instruct the Zone Coordinator to attend.

Q. My neighbor's sidewalk is always dirty. To whom can I report this condition?

A. You can contact your local Community Board, which will report it to the District Superintendent, or you can call the Department of Sanitation's Action Center at (212) 334-8590.

Q. There are many non-English speaking residents and merchants in our area. How can we educate them to comply with the health codes?

A. You can contact your local Community Board or the Department of Sanitation's Office of Community Services at (212) 566-6294 to obtain written material in the language required.

Q. Do agents issue notices of violations to shop owners when the shop is closed?

A. No. In addition, a merchant is given a one hour grace period from the time a responsible party is on the premises. During this time, no summonses for dirty sidewalk and 18 inch law violations are issued.

Q. Can government-owned buildings receive notices of violations?

A. Yes. However, ECB does not collect fines from the violating public agencies. Instead, the agencies (HPD, OTB, etc.) issue quarterly compliance reports. These reports indicate whether or not compliance has been attempted and violations have been corrected.

HOW TO HANDLE A COMPLAINT

The following is a list which will help Community Boards channel complaints to the proper authorities:

1. Environmental Control Board (ECB) - (212) 971-3600

ECB staff handles complaints or inquiries regarding appearance dates, fine schedules, postponements, and appeals about the legitimacy of a summons.

2. Inspector General's Office - Department of Sanitation - (212) 566-5632

This office handles all allegations of corruption or official misconduct by employees of the Enforcement Division.

3. Sanitation Police - (718) 373-3870

If you notice illegal dumping taking place, report it to this number to get immediate action. This unit will dispatch a Sanitation police officer to the site.

Note: Where information furnished by an individual to the Department of Sanitation has, in the opinion of the Commissioner, resulted in a fine or civil penalty for unlawful dumping, 25 percent of the amount collected will be offered as a reward to the individual.

4. Community Services - Department of Sanitation - (212) 566-6294

If you have witnessed illegal dumping and wish to file a complaint, you can contact this office to obtain an affidavit. When observing the dumping, write down the truck's license plate number, the company name, the time and the date. This office will also supply pamphlets (available in languages besides English) explaining responsibilities of landlords, citizens, and merchants. The staff can also provide community groups with speakers knowledgeable about the Health and Administrative laws.

5. Sanitation Action Center - (212) 334-8590

You can contact this office regarding any complaint such as missed collection, dirty areas, or improper containers.

The following is a list of steps which Community Board members should follow in handling complaints.

1. Environmental Control Board (ECB) - (312) 921-5000

ECB staff usually coordinate the initial response to complaints. The following steps should be followed when the ECB is contacted:

CHAPTER II COMMUNITY BOARD PARTICIPATION

2. Community Board - (312) 921-5000

You may wish to contact the ECB staff to determine if the complaint is within the jurisdiction of the Community Board. If the complaint is within the jurisdiction of the Community Board, the following steps should be followed:

When the complaint is received, the Community Board should be notified. The Community Board should then determine if the complaint is within the jurisdiction of the Community Board. If the complaint is within the jurisdiction of the Community Board, the following steps should be followed:

3. Community Board - (312) 921-5000

You may wish to contact the ECB staff to determine if the complaint is within the jurisdiction of the Community Board. If the complaint is within the jurisdiction of the Community Board, the following steps should be followed:

4. Community Board - (312) 921-5000

You may wish to contact the ECB staff to determine if the complaint is within the jurisdiction of the Community Board. If the complaint is within the jurisdiction of the Community Board, the following steps should be followed:

COMMUNITY BOARD PARTICIPATION

Some Community Boards may now feel that the Department of Sanitation's Enforcement Program is not addressing their district's specific needs. The best way to resolve this problem is for each Community Board to develop its own enforcement service delivery plan. Below is a summary of the process for developing a plan and receiving approval. A description of the items mentioned in the summary will follow.

SUMMARY OF PROCESS

1. Community Board forms a Sanitation Enforcement Plan Committee.
2. Committee conducts appropriate analyses.
3. Committee prepares a plan.
4. Plan is reviewed by the District Superintendent and the Enforcement Zone Coordinator.
5. Community Board submits the plan to the Department of Sanitation review team.
6. The team reviews the plan, makes a decision, and informs the Board of that decision.

ORGANIZING THE BOARD

Most Boards will want to form a broad-based project committee to coordinate the Board's involvement. If your Board has functional committees, the committee normally responsible for Sanitation is a logical choice to coordinate this project. The familiarity that members of this committee have with Department of Sanitation procedures and personnel will prove useful.

Some Boards have neighborhood, rather than functional, committees. These Boards have divided their community district into sub-districts composed of one or more local neighborhoods. Board committees correspond to neighborhoods, with each committee monitoring all city services delivered to its area. If your Board has geographic committees, a project committee composed of representatives from each geographic area should be formed. This will insure a wider perspective when the committee considers service shifts from one part of the district to another.

A third option is a specially organized project committee. This committee may be the executive committee of the Board or a committee composed of volunteers specifically interested in this project.

OUTREACH TO COMMUNITY GROUPS

The project coordinating committee must earn the confidence of all parts of the district. The community as a whole must be assured that proposed changes in levels and deployment of services will be based on careful analysis. One way of developing this confidence is to invite community residents concerned with Sanitation services to participate at the beginning of the service improvement process. The project committee may want to invite representatives of elected officials, block associations, neighborhood associations, Sanitation councils, religious institutions, civic groups and merchant associations to a kick-off meeting. At this meeting, the objectives of the Sanitation service improvement project can be explained. The Committee can ask the people who come to the meeting whether they would like to help the project committee formulate the proposals. The more involvement the community has at the beginning of the process, the easier it will be to secure widespread community acceptance once a plan is produced.

ORGANIZING THE PROJECT COMMITTEE

It may be a good idea to designate one Board member, possibly the Sanitation Committee chairperson, to act as an overall project manager. He/she would be responsible for assigning people to sub-committees and choosing an action-oriented chairperson for each sub-committee. Each chairperson would create a work plan listing the activities that must be accomplished, the person responsible for the action, and a scheduled completion date. The project manager would also serve as the Board's liaison with the Department of Sanitation.

Another possible approach is to have the District Manager act as the coordinator of the Board's enforcement improvement effort. Because of the amount of time needed to plan and coordinate, the District Manager will, in any case, have to be involved in the process either as the Project Manager or as the technical advisor to the Board member designated as project manager.

DEVELOPING A PLAN

The first step is to familiarize the committee members with the Enforcement Program and violation codes. The Department of Sanitation can assist the Board in training Board members on the Health and Administrative Codes.

Secondly, the committee should prepare a map of the community, outlining commercial, residential, industrial and special areas of concern, such as schools with a lunch program, chronic violation sites where an agent should pay special attention, and illegal dumping locations.

Thirdly, the Department will provide data to the committee on issuance patterns in the district on a monthly basis. Historical data on issuance by month broken down by violation code, type of service (Nail and Mail vs. personal), type of premises issued a violation, (commercial, multiple-dwelling, single-family), and number of mandays worked will be distributed to each Board interested in developing a plan. The Department produces automated monthly reports that include these data, plus more detailed data on mandays on patrol and amount of lost time on patrol.

The committee should use these data, along with any other information members themselves gather on violations in their district, to determine what the district's cleanliness and enforcement problems are and whether the Department is addressing these problems. For example, by examining summons data, the committee may see that the vast majority of summonses are given to residential properties. Committee members may have observed, however, that commercial areas are dirtier. They would then develop a plan to address this issue by suggesting that agents concentrate their efforts in commercial areas. Similarly, members can use data on summonses by violation to determine whether agents are targeting the conditions community people believe to be most serious. If a discrepancy is found, the committee can recommend, through its plan, a new focus for agents (i.e., concentrate on insufficient receptacles, not private carter decals).

Fourth, Community Board members should examine Scorecard rating reports for their district. The Mayor's Office of Operations, which ad-

ministers Scorecard, employs trained evaluation teams to rate a sample of streets and sidewalks in each of the City 229 Sanitation sections. Streets and sidewalks are rated on a scale which ranges from 1.0 (cleanest) to 3.0 (dirtiest). When a street or sidewalk is rated, it is divided into two to four segments depending on the length of the street. Each segment is rated, and the average of those ratings is the street's rating. Blocks with average ratings of lower than 1.5 are considered acceptably clean. The Mayor's Office of Operations prepares monthly reports of these ratings listed by sections which are available to the Department and the public.

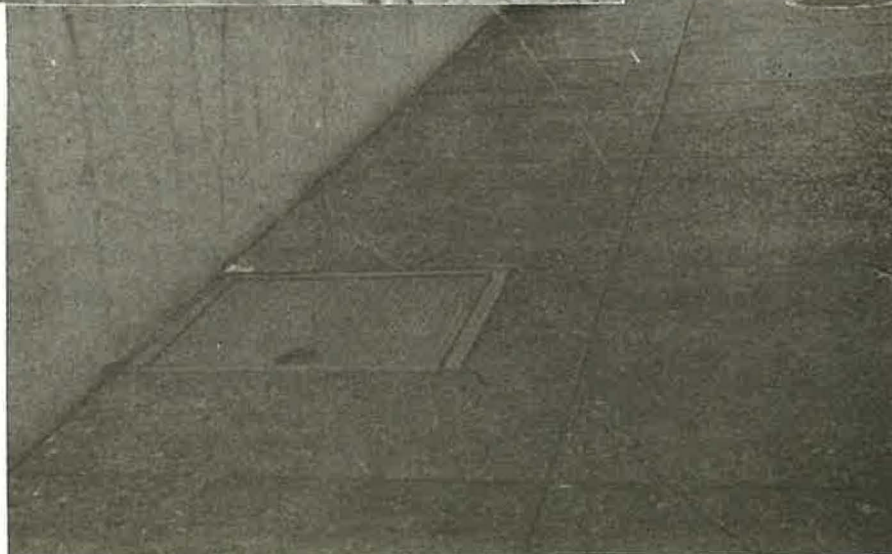
The first step in creating a plan would be to clarify which areas most need enforcement by studying the section by section Scorecard breakdown and the cleanliness ratings of the different types of streets: commercial, residential, mixed. By looking at these two reports, board members can determine where the problems lie, for example, in commercial areas in section 87.

Because ratings fluctuate monthly, it is important not to place too much weight on a single month's Scorecard report. When determining an area to be targeted, you should average ratings of several months or compare several months this year to the same months last year to see if an area has improved or deteriorated. (You need to compare the same months from different years because there is also a seasonal fluctuation in Scorecard ratings. Summer is usually dirtier than winter.)

Before you implement your plan, you should determine some means of judging whether your enforcement plan is a success. Community Board members may wish to use the Scorecard standards and rate individual streets in the district themselves before and after implementing an enforcement plan. The committee's Scorecard evaluations will give a sense of the relative cleanliness of different streets and sidewalks. They should not be taken as an absolute. One-shot determinations of cleanliness may be misleading, because street and sidewalk conditions can change. You should sample each street and sidewalk at various times on various days.

Since the Mayor's Office of Operations Scorecard Report rates a sample of streets and sidewalks in each section, you should not necessarily expect the official rating of that section to go up as a result of your plan. The streets on which you choose to focus your enforcement changes may not be in Scorecard's sample. However, you should be able to see changes in your own cleanliness ratings of those streets and sidewalks and in the number of violations you can see.

The next pages contain copies of pictures actually used by Scorecard as photographic standards. The first picture shows a perfectly clean street and sidewalk, which would be rated 1.0. The second picture shows a street and a sidewalk which would be rated 1.2, an acceptable level of street cleanliness. The third picture shows a street and sidewalk which would be rated 1.5, marginally unacceptable. This street and sidewalk has a few scattered pieces of refuse with gaps between the pieces. The remaining pictures illustrate varying degrees of unacceptable streets and sidewalks.

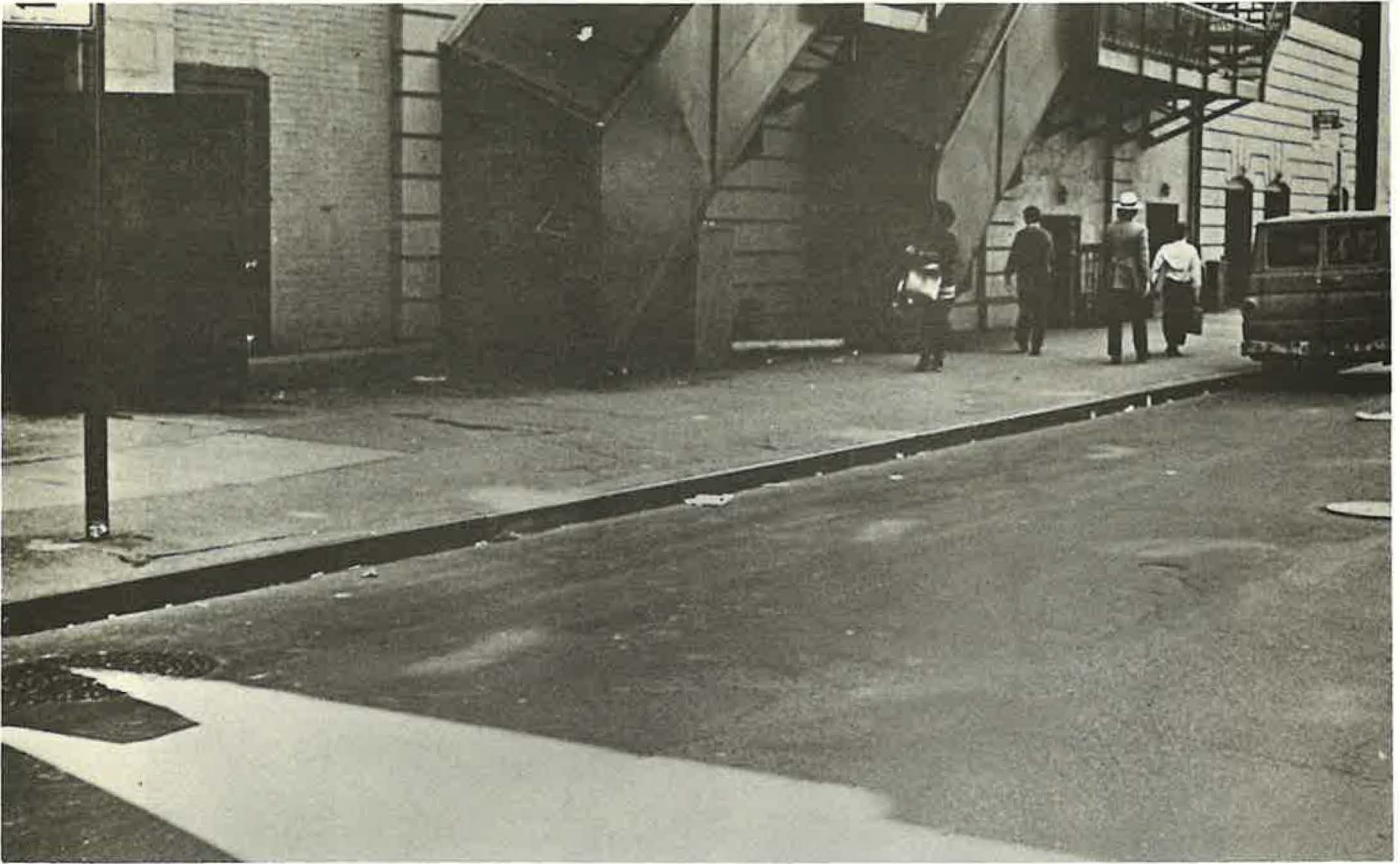


1.0 – A clean street and sidewalk,
no litter.



1.2 – A clean street and sidewalk except for a **few traces** or **pieces** of litter.





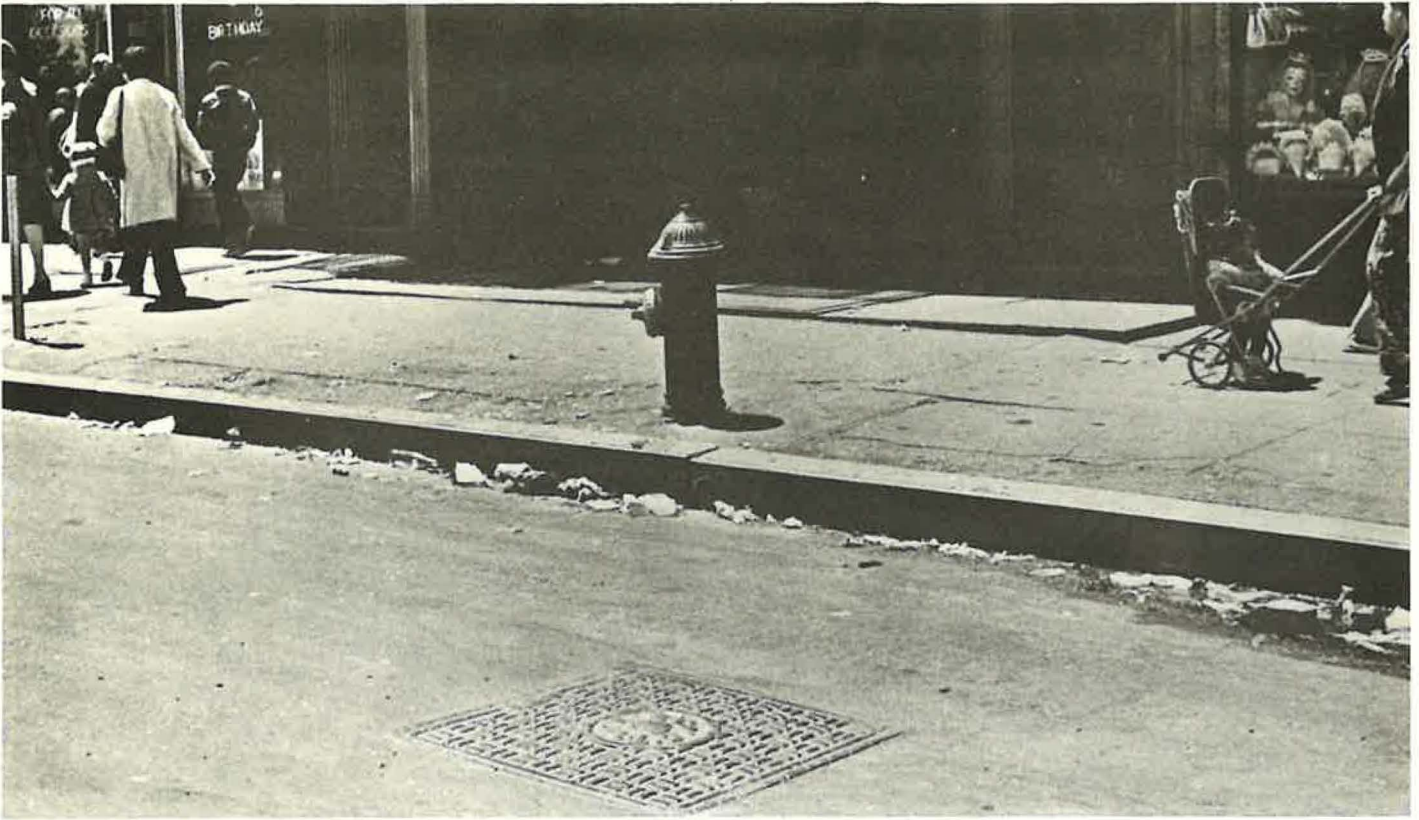
1.5 – Street and sidewalk unacceptable. No concentration of litter. There are **no piles** of litter, and there are **large gaps** between **pieces** of litter.





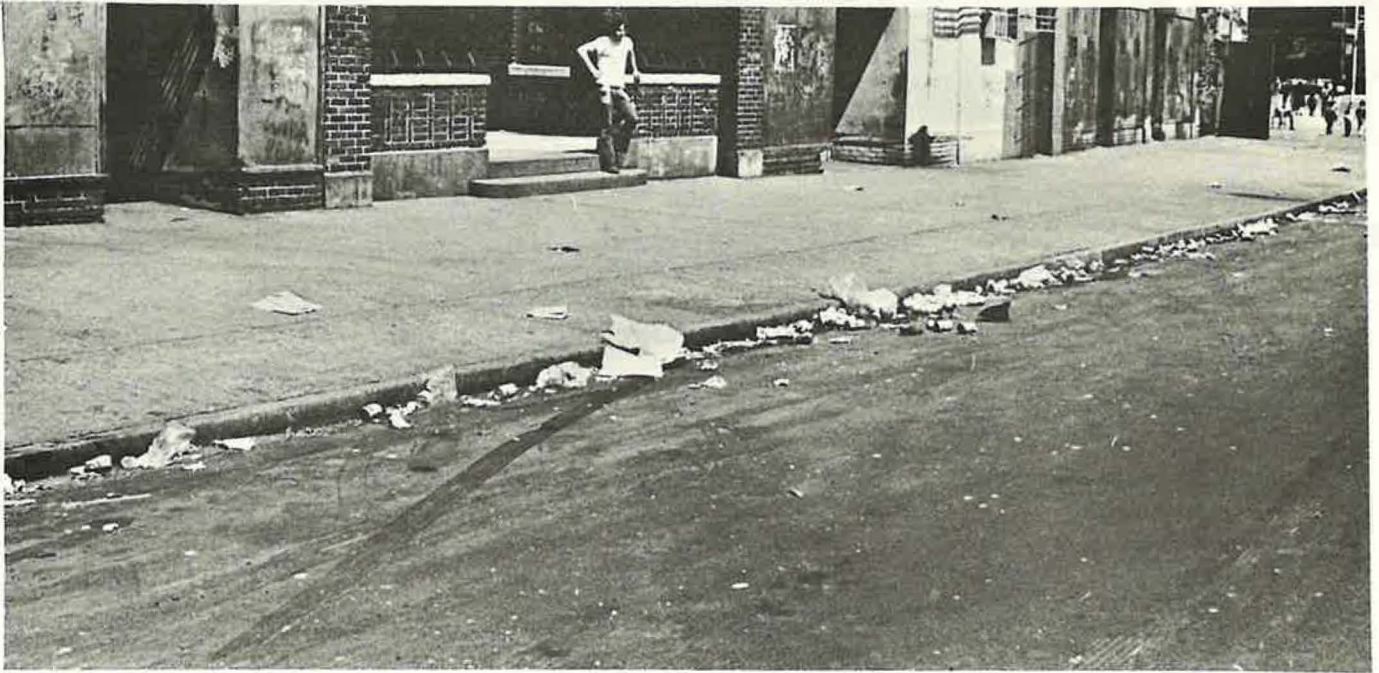
1.8 – Filthy street and sidewalk. Litter is concentrated in spots. There may either be **large gaps** between **piles** of litter, or **small gaps** between **pieces** of litter.





2.0 – Filthy street and sidewalk. Litter is concentrated. There are **small gaps** between **plies** of litter.





2.5 – Filthy street and sidewalk. Litter is highly concentrated. There are **no gaps** of litter. The litter is a straight line along the curb.





3.0 – Filthy street and sidewalk. Litter is highly concentrated. There are **no gaps** in the piles of litter. The litter is a straight line **along and over** the curb.



INPUT FROM LOCAL SANITATION PERSONNEL

The best plans to improve sanitation services will come from joint efforts of Community Boards and local Sanitation staff. As a plan is being prepared, the project committee should notify the District Superintendent, who will coordinate input from the Zone Coordinator and the Community Services officer. Each of these Sanitation staff members can assist the committee in the following ways:

DISTRICT SUPERINTENDENT

The District Superintendent is both a technical resource and a keen observer of the district. He will be able to identify which areas most need enforcement efforts, determine the plan's feasibility and its impact on the district's cleanliness level, assist in interpreting Scorecard data and suggest sensible allocation plans for resources.

COMMUNITY SERVICES REPRESENTATIVE

The Community Services Representative can assist in organizing the committee and can educate members about Sanitation Enforcement, help the committee to interpret data supplied by the Department of Sanitation (what kinds of summonses and where they are being issued), inform the committee of departmental policies, and investigate problems raised by various community groups, and assist Community Boards in reactivating the Citizens Patrol. This patrol is a group of resident volunteers who assist the Community Board in the recognition of Health and Administrative code violations. The Community Services Representative can also help develop programs such as Adopt-a-Basket and special clean-up campaigns.

ZONE COORDINATOR

The Zone Coordinator will provide the committee with information regarding issuance policy, deployment of enforcement agents, and policy on supervision and workshifts. The Zone Coordinator will evaluate the needs for manpower and equipment, analyze the plan's impact on the Department's enforcement goals, determine if the plan is operationally feasible and assist the committee in interpreting the Health and Administrative Code and summons data.

POSSIBLE COMMUNITY BOARD RECOMMENDATIONS

Listed below are some examples of the kinds of changes in departmental operations that Boards can recommend. Specific examples will be reviewed in the next chapter, where the plan operating in Queens Community Board 5 is discussed.

1. Recommend changes concerning what types of violations are emphasized in a particular area of the City. For example, one Board's priority may be "A" frames, whereas another's may be pedestrian littering, placement of dumpsters, or additional enforcement for government-owned properties.
2. Recommend changes for the time of agent coverage. If Board members prove that particular types of violations that are very important to them can only be addressed at hours other than 11 a.m.- 7 p.m., they can recommend a work shift change. Of course, they must remember that the Department's policy is that, due to the need for supervision, an agent must begin work no earlier than 6 a.m. and stop no later than 8 p.m. Also due to the need for supervision, this type of change can only occur if it is done for the whole zone or for a major portion of that zone. Lastly, agents normally do not work on Sundays.
3. Recommend improved education of agents and merchants regarding laws unique to a particular community. For example, there are areas throughout the City that participate in the "zero display law," where a merchant cannot display merchandise outside the store unless properly licensed.
4. Recommend altered enforcement efforts during religious holidays. Some Boards do not think that agents should work in parts of the community where the sabbath is being observed. Board members can suggest that agents take chart days on holidays or that on holidays agents work in areas of the district unaffected by the holiday.

5. Recommend other types of enforcement that are not within the Enforcement Agent's jurisdiction. Some Boards may have problems that a civilian enforcement agent cannot address, such as illegal dumping or car stripping. These problems can only be addressed by Sanitation Police, but Boards should identify those areas and indicate times and days when the problems are most evident so that Sanitation Police can do follow-up.
6. Recommend that some departmental enforcement policies not be applied to the district or part of the district because of extenuating circumstances, (i.e.; snow and ice enforcement in predominantly one family home areas).
7. Recommend changes of the Health and Administrative Code. Of course it must be recognized that the legislature must act to change the Code. The Department can lobby for modifications, however.
8. Recommend routes (developed by the committee, the district superintendent and the zone coordinator) for the agents to follow. These routes should be broken out by commercial, industrial and residential areas. They should indicate where and when the agent should be deployed into those areas, and on what he/she should concentrate his/her enforcement efforts.

PLAN APPROVAL AND IMPLEMENTATION PROCESS

Before a final copy of the service plan is submitted to the Department of Sanitation, a draft copy should be sent to the District Superintendent who will review it with the Zone Coordinator and the Community Services representative and submit a response. This response should list and explain any objections to the plan and suggest, where possible, alternate ways of accomplishing the requested changes.

Once a final plan is prepared, the Community Board should submit it to the Department of Sanitation's review team. This team is composed of members representing Operations Planning, Evaluation and Control (OPEC), Operations, the Enforcement Division, and Community Services, who will analyze the plan's impact on code en-

forcement services, department-wide policies, contractual obligations and current staffing levels. This review team may adopt the plan, recommend modifications, or reject it. The chairperson of the review team, the Assistant Commissioner/Director of Community Services, will notify the Community Board in writing of the team's decision.

If a Community Board objects to the review team's decision, it can appeal to the Commissioner of Sanitation. All appeals must be submitted within 30 days of the review team's written decision. The Commissioner will rule on any appeal within 30 days after receiving the appeal.

Copies of the plan should be sent to:

Commissioner

Department of Sanitation
125 Worth Street Room 722
New York, New York 10013
Attn: Executive Assistant

Director, Bureau of Cleaning and Collection

Department of Sanitation
125 Worth Street Room 716
New York, New York 10013

Assistant Commissioner, Operations Planning, Evaluation and Control

Department of Sanitation
125 Worth Street, Room 715
New York, New York 10013

Director of Enforcement

1824 Shore Parkway
Brooklyn, New York 11214

Assistant Commissioner, Community Services

Department of Sanitation
125 Worth Street, Room 714
New York, New York 10013

Monitoring Process

The committee formed to develop an enforcement plan should monitor the implementation of the plan once it is approved. One indicator of the plan's success would be improved sidewalk and street Scorecard ratings – both official ratings and community ratings. If cleanliness improves, the Department's and the Community Board's goals will have been realized. The Community Board committee should also track enforcement complaints on a monthly basis to determine if the district's plan is leading to more community satisfaction. The Community Board's own complaint records plus data available monthly from the Sanitation Action Center on enforcement complaints by district will facilitate this monitoring.

The Enforcement Division will, on a monthly basis, provide automated reports on issuance and type of premises issued summonses. This information will allow the committee to evaluate whether, according to the district's criteria, the agents are focusing on the kind of problem areas specified in the plan and whether changing conditions demand alterations in the plan. For example, the committee's plan may have recommended that agents concentrate on dirty sidewalk violations, but the data on summonses issued by violation may show no increase in this category. Such a discrepancy between the plan and results of the plan would be grounds for a meeting with the enforcement Zone Coordinator and District Superintendent. Similarly, a marked increase in residential summonses in a district that had a plan recommending a commercial focus would also prompt an investigation of the plan's implementation. Even if no specific problems exist, the committee members can request an annual meeting with Departmental representatives to discuss the progress of enforcement in the district.

The Department will, of course, itself monitor the progress of the plan's implementation. Analysts will use the same data sources as provided to the Community Boards. In addition to evaluating whether the changes fulfill the goals of the Community Board, the Department will monitor agent productivity, percentage of personal issuance, and Scorecard ratings to insure that the changes in enforcement do not lead to a significant reduction in issuance per manday, quality of issuance, or cleanliness ratings. If the Department's monitoring reveals such a decline, the Department will review agent performance to determine the cause of the decline. If the plan itself appears to have led to the decline, and at the same time there are no indications that cleanliness conditions have improved or citizen complaints have dropped, the Department reserves the right to change operations and request the community to submit a new plan.

**CHAPTER III
MODEL PLAN IN
QUEENS COMMUNITY BOARD 5**

VINCENT ARCURI
CHAIRMAN

JOANNENE COPPINGER
DISTRICT MANAGER

MODEL PLAN IN QUEENS COMMUNITY BOARD 5

This guide was inspired by the diligent work of Joannene Coppinger, District Manager of Community Board 5 in Queens, and Paul Kerzner, the Board's Sanitation Committee Chairman. Ms. Coppinger's feeling is that creation of an effective program requires commitment, involvement, communication, and understanding on the part of both the Department of Sanitation and the Community Board. As such, she met with the Board's Sanitation committee and discussed possible solutions to the Board's Sanitation enforcement concerns.

The committee's first step was to organize a "volunteer Sanitation civilian patrol." The patrol consisted of citizens representing various parts of the community. Members reported to the Sanitation committee chairperson. Residents, merchants and industrialists represented each of Community Board 5's four neighborhoods: Ridgewood, Glendale, Maspeth and Middle Village. The Sanitation committee and the patrol team was a success because of its balanced representation.

Representatives of the Department educated this team on various enforcement issues, the most important being: "What constitutes a violation?" The members were now well aware of the Health and Administrative Codes and Departmental enforcement policies. They then educated the residents about such codes, through issuing Community Board warnings to violators, communicating verbally with store owners and residents, or making formal educational presentations sponsored by civic and merchants' associations.

The District Manager obtained data from the Department of Sanitation which indicated the types of summonses issued and where they were issued. The Committee compared these to Community Board data on where summonses should be issued and where supposedly unjust summonses had been issued. Upon analyzing these data, members discovered that lack of communication was a major concern. They noted that the Board had some special situations of which the Department was not aware and that some non-English speaking residents and merchants were not aware of the law. Their first task was to prepare a kit containing a description of the characteristics of the community. It also emphasized special situations and included a map indicating where these situations were located.

The following are examples of the items of concern described in the kit.

1. **Knitting Mills Business Procedure.** The mills put out several cartons of finished goods during the day for pick-up by a trucking company. During specified hours, agents should use discretion when issuing "sidewalk obstruction" and "improper packaging" summonses, taking care not to mistake the goods for refuse. On the other hand, the mill owners were allowed to leave out the merchandise only during these specified hours and understand that they were to keep a clear passageway for pedestrians and clean sidewalks (including three pits) and gutters.
2. **Problem Location.** There was a location on the commercial strip which over the years became a place for young people to congregate at night, resulting in a horrendous litter condition before 10 a.m. The stores at this location were receiving summonses for dirty sidewalks, but the owner of the property, who's office was on the premises, did not arrive until 10 a.m. Therefore, he was unable to sweep until that time. It was agreed that the agent visit this location after 11:00 a.m. (In Queens West the enforcement agents were assigned 9 a.m.-5 p.m.)
3. **Zero Display Law.** Queens 5 is one of the districts where the "Zero Display Law" is in effect. In the locations where this law applies, merchants cannot display anything outside the store unless properly licensed. Agents are given a tour of the area and are made aware that they are to issue summonses for sidewalk obstruction.

4. **Dog Problems.** Dog nuisance is a problem in Juniper Valley Park (the largest park in this district). The Committee wanted enforcement in the park between 7 a.m.-9 a.m., or 6 p.m.-8 p.m. The zone coordinator informed the committee that this could only be done if the park's local service chief submitted a formal request to the Sanitation Department. Once the Department received the request, the hours would be arranged.
5. **Private Carter Decals.** There are often shopkeepers who do not generate enough refuse to warrant a private carter. The merchants' association was informed that in such cases those shopkeepers can band together and share private carter pick-up and fees at which time they will receive a decal and avoid summonses.
6. **Sale Days Discretion.** The kit included notification of semi-annual promotional sale days sponsored by the local development corporation. The agents were asked to use discretion, particularly regarding the "Zero Display Law," but, at the same time, the Board instructed the merchants to increase their cleaning efforts.

Special tours were arranged for the agent and Zone Coordinator by the District Manager to familiarize them with special circumstances particular to items 1, 3, 5 and 6.

The civilian patrol team, which was originally formed to develop a plan, developed an ongoing role in the Community Board. Member's responsibilities included reporting violations to the District Manager on a daily basis. The District Manager continues to receive a report prepared by her staff listing violations that have been reported to the office by complainants. In order to insure that complaints are reliable, the Board requires the complainant to leave his or her name. The complainant's name is kept in strict confidence and is never made known to the violator.

The District Manager talks to the District Superintendent every morning of various Sanitation concerns and gives him the list of violations so he can relate them to the Zone Coordinator who assigns the agents. In addition, the District Superintendent also informs the Zone Coordinator of the location of collection backlogs, especially during a holiday week, so that material

that is properly packaged and placed out for collection will not be cited and summonsed for being out on the wrong day.

The Community Board office prepares a list of the summonses issued and has it published in the local newspaper twice a month. Also the Board has developed a "Rotten Apple" award program. Chronic violators are first formally warned that they are candidates for this award. After a reasonable period of time, awards are publicly issued. Board members believe that this will have a psychological effect on the offenders by embarrassing them into correcting the conditions and will be used as a lesson to other residents in the district.

Another technique used by this Board is to have the District Manager represent the community as a whole (merchants, civic associations, etc.) and be the only one who deals directly with the enforcement office. This gives her an awareness of all the problems, conditions, and possible solutions in the district. Dealing with one person enhances communication and makes it easier for the enforcement office to work on problems that need to be resolved.

As a result of all this, Queens Community Board 5 has achieved a good working relationship with the enforcement office and with the community as a whole. Most importantly, this successful enforcement program has led to a cleaner community.

Rotten Apple Award

Certificate of Notariety

WHEREAS, *Queens Community Board 5 in conjunction with the New York City Dept. of Sanitation has been consistantly in the forefront of diligent sanitation code enforcement for the communities of Ridgewood, Glendale, Maspeth and Middle Village, in order to maintain our communities' traditional high standards of cleanliness;*

NOW, THEREFORE, *Queens Community Board 5, by virtue of the authority vested in this body under the New York City Charter, hereby proclaims:*

a recipient of our communities'

Rotten Apple Award

*for maintaining sanitary standards at this location at less than minimum sanitary standards on a consistant basis. Given under my hand, this day of ,
in the year one thousand, nine hundred eighty-*

CHAPTER IV
HEALTH AND ADMINISTRATIVE CODES

Health and Administrative Codes

The following is a list of some of the violations that can be cited by Sanitation Enforcement Agents.



FAILING TO REMOVE CANINE WASTE (PUBLIC HEALTH LAW-SECTION 1310)

It shall be the duty of each person who owns, possesses or controls a dog to remove any feces left by his dog on any sidewalk, gutter, street or other public area.

- (a) The person may remove the feces and carry it away with him or her for disposal in a toilet.
- (b) The person may place the feces in a non-leaking container and deposit in a litter basket. The container may be, but is not limited to, either a paper or plastic bag.
- (c) The provisions of this law do not apply to a guide dog accompanying any blind person.

UNLEASHED DOG (HEALTH CODE SECTION 161.05)

A person who owns, possesses or controls a dog shall not permit it to be in any public place or in any open or unfenced area abutting on a public place, unless the dog is effectively restrained by a leash or chain not more than six (6) feet long.

REMOVAL OF SNOW AND ICE AND DIRT FROM SIDEWALKS; PROPERTY OWNERS DUTIES

(SANITATION CODE SECTION 16-123)

- a. Every owner, lessee, tenant, occupant, or other person, having charge of any building or lot of ground in the city, abutting upon any street where the sidewalk is paved shall, within four hours after the snow ceases to fall, or after the deposit of any dirt or other material upon such sidewalk, remove the snow or ice, dirt or other material from the sidewalk and gutter, the time between nine p.m. and seven a.m. not being included in the above period of four hours. Such removal shall be made before the removal of snow or ice from the roadway by the commissioner or subject to the regulations of such commissioner or subject to the regulations of such commissioner. In the boroughs of Queens and Richmond, any owner, lessee, tenant or occupant or other person who has charge of any ground abutting upon any paved street or public place, for a linear distance of five hundred feet or more, shall be considered to have complied with this section, if such person shall have begun to remove the snow or ice from the sidewalk and gutter before the expiration of such four hours and shall continue and complete such removal within a reasonable time.
- b. In case the snow and ice on the sidewalk shall be frozen so hard that it cannot be removed without injury to the pavement, the owner, lessee, tenant, occupant or other person having charge of any building or lot of ground as aforesaid, may, within the time specified in the preceding subdivision, cause the sidewalk abutting on such premises to be strewn with ashes, sand, sawdust, or some similar suitable material, and shall, as soon thereafter as the weather shall permit, thoroughly clean such sidewalks.



**DIRTY SIDEWALK
(SANITATION CODE SECTION 16-118(2))**

Every owner, lessee, tenant, occupant or person in charge of any building or premises shall keep the sidewalk, flagging and curbstone abutting said building or premises, free from garbage, refuse, rubbish, litter, and other offensive material.

FAILING TO CLEAN 18 ICNHES INTO STREET (SANITATION CODE SECTION 16-118(2))

Every owner, lessee, tenant, occupant, or person in charge of any building or premises shall remove garbage, refuse, litter, debris, and other offensive material between the curbstone abutting the building or premises and roadway area extending one and one-half feet from the curbstone into the street on which the building or premises front.



NOTE: *It is the policy of the Department of Sanitation to allow commercial establishments a one hour grace period from the time a responsible party is on the premises before enforcing this section of the law. Such persons shall not, however, be responsible for cleaning the garbage, refuse, rubbish, litter and other offensive material which accumulates at catch basins located within the one and one-half foot distance from the curbstone into the street.*

LITTERING, SWEEP OUT, THROW OUT (SANITATION CODE SECTION 16-118 (1))

No person shall litter, sweep, throw or cast, or direct, suffer or permit any servant, agent, employee, or other person under his control, to litter, sweep, throw or cast any ashes, garbage, paper, dust or other rubbish and refuse of any kind whatsoever, in or upon any street or public place, vacant lot, air shaft, areaway, backyard, court or alley.

NOXIOUS LIQUIDS – (SANITATION CODE SECTION 16-118(6))

No swill, brine, offensive animal matter, noxious liquid, or other filthy matter of any kind, shall be allowed by any person to fall upon or run into any street, or public place or taken to or put therein.

FAILING TO REMOVE LOCK DEVICE FROM REFRIGERATORS THAT ARE DISCARDED (HEALTH CODE SECTION 131.041)

Every person who discards a gas-fired, electric or other refrigerator shall, before removing such refrigerator from the room in which it was installed, remove the locking device or hinges of the refrigerator.

FAILING TO POST SIGN OR PERMIT – (SANITATION CODE SECTION 16-118(b))

Every owner, lessee or person in control of a commercial establishment shall post a sign which states clearly and legibly the trade or business name, address, telephone number and the day and time of the pick-up of the private cartman presently serving the establishment.

Note: A commercial establishment that disposes of its own waste will post a trade waste permit issued by the Department of Consumer Affairs. Such sign or permit shall be prominently displayed by affixing it to a window near the principle entrance to the commercial establishment so as to be easily visible from outside the building. If this is not possible, such sign or permit shall be prominently displayed inside, near the principle entrance.

Any commercial establishment generating an amount of waste over a period of seven consecutive days that may be contained in one twenty (20) gallon container or less shall be considered insignificant or infrequent waste and not subject to Section 16-116(a) and 16-116(b) of this law. However, the establishment must disposal of the waste in a manner legal for commercial establishments.



**SIDEWALK OBSTRUCTION
(SANITATION CODE SECTION 16-120(2))**

Every owner, lessee, tenant, occupant or person in charge of any building or premises shall keep and cause to be kept the sidewalk, flagging and curbstone, abutting said building or premises free from obstructions and nuisances of every kind.

Merchants are required to keep the sidewalk along their premises free from any obstruction that could impede pedestrian traffic. Obstructions may include, among other things, refuse, refuse containers, merchandise, bins, racks, etc. Sandwich or A-frame signs sitting on the sidewalk are a violation, as is a merchant's garbage which obstructs the walkway.

Stores are permitted to display merchandise available for sale inside the store, and all selling must occur inside the premises. Structures for this merchandise may extend no more than 3 feet into the sidewalk, and no higher than 5 feet. Stands displaying fruits and vegetables, cigars, cigarettes, tobacco, confectionary, ice cream, soft drinks, flowers, and shoe shine stands may extend 4 feet deep by 10 feet wide by 7 feet high, and *must* be licensed by the Department of Consumer Affairs.

During the month of December, display and sale of coniferous trees (Christmas trees) is legal, except where specifically stated by law. Additionally, palm branches, willow branches, myrtle branches, and citrons may be displayed and sold in the months of September and October. These stands may exceed the 3' by 5' law.

Only goods or merchandise belonging to the store which is adjacent to the sidewalk may be displayed on the sidewalk. The merchandise displayed on the sidewalk must be the same as the merchandise sold in the store. Stands and displays are not permitted in front of houses or buildings.

RECEPTACLES FOR THE REMOVAL OF WASTE MATERIAL

(SANITATION CODE SECTION 16-120))

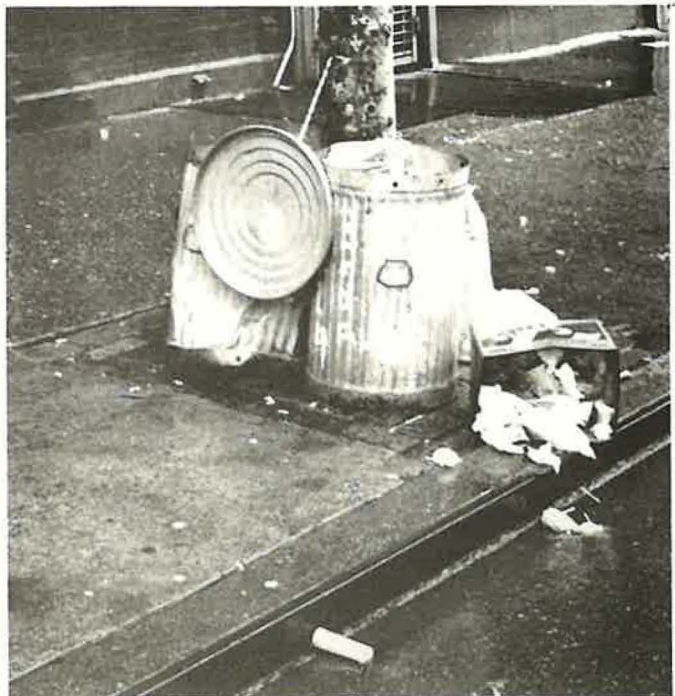
The following violations are covered under subdivision (a) of this section: improper disposal, improper receptacle, insufficient receptacle and broken receptacle.

- a. **Maintenance.** The owner, lessee, agent, occupant or other person who manages or controls a building or dwelling shall provide and maintain in accordance with this section separate receptacles for the deposit of incinerator residue and ashes, refuse, and liquid waste. The receptacles shall be provided for the exclusive use of each building or dwelling and shall be of sufficient size and number to contain the wastes accumulated in such building or dwelling during a period of seventy-two (72) hours. The receptacles shall be made of metal or other material of a grade and type acceptable to the department of sanitation, the department of health and department of housing preserving and development. Receptacles used for liquid waste shall be constructed so as to hold their contents without leakage. Metal containers shall be provided with tight fitting metal covers.
- b. **Mixed Material.** Ashes and incinerator residue, refuse and liquid wastes shall be separated and placed into separate receptacles. No receptacle when filled shall weigh more than one hundred (100) pounds. Yard sweepings, hedge cuttings, grass, leaves, earth, stone, or bricks shall not be mixed with household waste.
- c. **Failure to Store Receptacles.** Incinerator, residue, ashes, refuse and liquid waste shall be stored in the building or dwelling or at the rear of the building or dwelling as may be required by the department of health or the department of housing preservation and development until time for removal and kept in tightly covered metal receptacles or containers made of other material of a type and grade acceptable to the department of sanitation, department of health, and the department of housing preservation and development. After the contents have been removed by the department of sanitation or other col-

lection agency any receptacles remaining shall immediately be removed from the front of the building or dwelling. The receptacle shall at all times be kept covered or closed and kept in a manner satisfactory to the department of sanitation, the department of health, and in the case of residential premises, the department of housing preservation and development. No receptacles, refuse, incinerator residue or ashes, or liquid waste shall be kept so as to create a nuisance.

- d. **Loose Rubbish.** Newspapers, wrapping paper or other light refuse or rubbish which is likely to be blown or scattered about the streets shall be securely bundled, tied or packed before being placed out for collection. Such material shall be kept and placed out for collection in the same manner as the receptacles.
- e. **Use of Litter Basket** No person shall deposit household or commercial refuse, incinerator residue or ashes, or liquid waste in an open mesh litter basket placed on the streets by the department of sanitation or other person.

NOTE: a. Persons picking up dog feces can use these receptacles, providing the feces are properly wrapped.





BROKEN RECEPTACLES 16-120(a)

Receptacles must be so constructed so as to hold their contents without leakage.

INSUFFICIENT RECEPTACLES 16-120(a)

Receptacles shall be of sufficient size and number to contain the waste accumulated in such building during a period of 72 hours.

FAIL TO STORE RECEPTACLES 16-120(c)

The receptacles shall be kept within the building or in the rear of the premises until the time for removal of their contents when they shall be placed in front of the building.

After the contents from the receptacles have been removed by the Department of Sanitation or other collection agency, the receptacles shall be immediately removed from the front of the building.



IMPROPER RECEPTACLES 16-120(a)

Garbage must be placed in metal or plastic receptacles. Garbage and rubbish may also be placed in plastic bags, which must be secured.

NOTE: Any garbage placed in paper bags, cardboard, or wooden boxes, without being placed in any of the above receptacles, will be considered placed in an improper receptacle.

MIXED MATERIAL 16-120(b)

Yard sweepings, hedge cuttings, grass, leaves, earth, stone, bricks or business waste shall not be mixed with household waste.



**VENDOR IMPROPER STORAGE OR REMOVAL
(HEALTH CODE SECTION 89.29(a))**

Vendor's garbage, refuse and other solid and liquid wastes shall be properly stored, removed, and disposed of as frequently as necessary and in a manner deemed appropriate by the Department of Health to prevent a nuisance.

**SPILLING FROM TRUCK OR ANY VEHICLE/RECEPTACLE
(SANITATION CODE SECTION 16-118(4))**

No one being the owner, or in charge or in control of any vehicle, or of any receptacle shall litter, drop or spill or permit to be littered, dropped or spilled any dirt, sand, gravel, clay, loam, stone or building rubbish, hay, straw, oats, sawdust, shavings or other light materials of any sort, or manufacturing trade or household waste, refuse, rubbish of any sort, or ashes, manure, garbage or other organic refuse or other offensive matter, in or upon any street or public place.

**REMOVAL OF COMMERCIAL WASTE
(SANITATION CODE SECTION 16-116(b))**

Every owner, lessee or person in control of a commercial establishment shall provide for the removal or waste by a private cartman (licensed) or obtain a trade waste permit (class 3) from the Department of Consumer Affairs for disposing of its own waste.



**DEMOLITION PRECAUTION
(HEALTH CODE SECTION 153.05)**

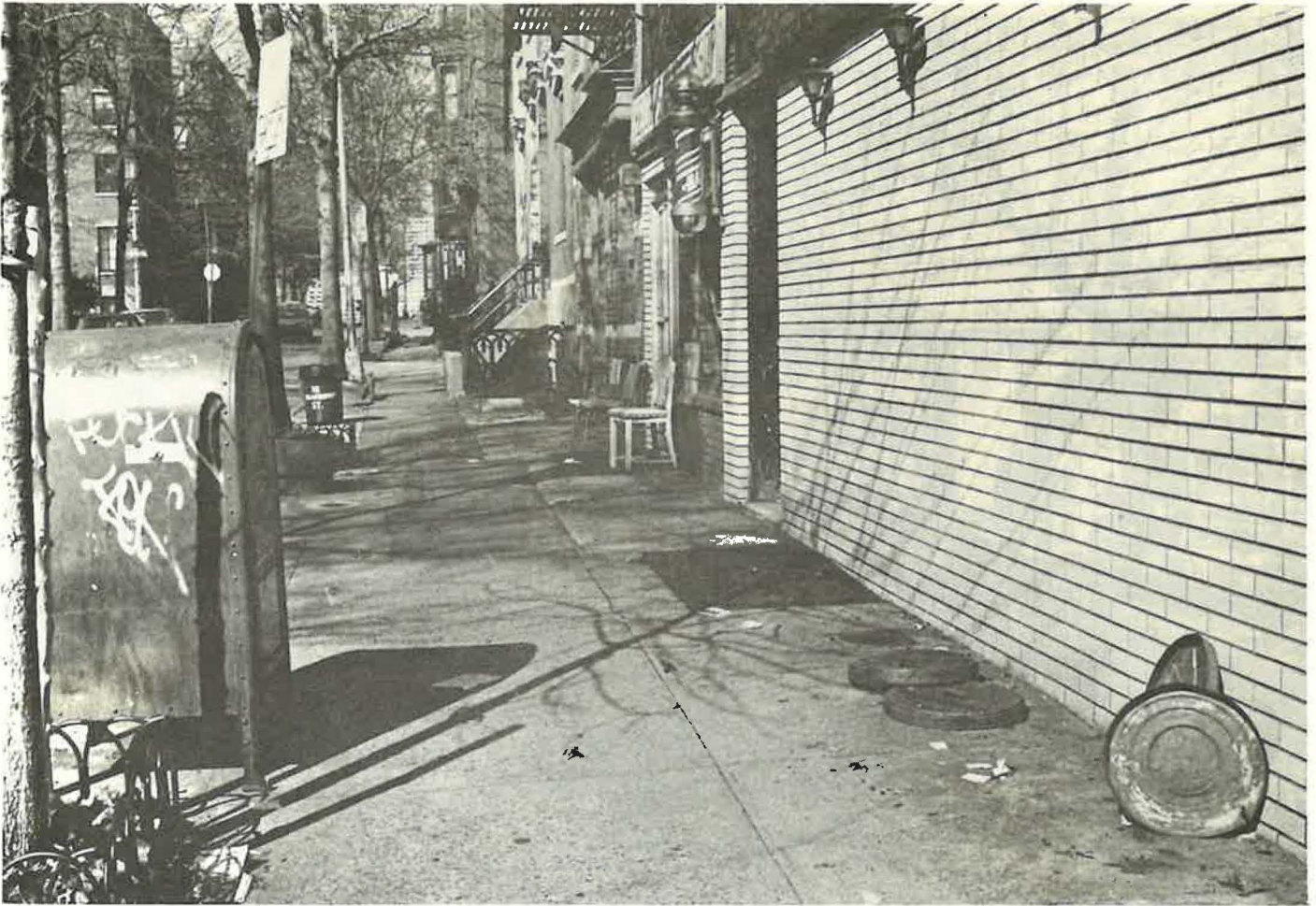
During the construction, repair, alteration, or demolition of any building or erection all usual or reasonable precautions shall be taken to prevent danger to life or health from falling fragments or substances or from flying dust or other light materials into street, place or building. The material to be removed in the demolition of any building or part thereof shall be wetted in order to lay dust incident to its removal.

**STREET OBSTRUCTION
(SANITATION CODE SECTION 16-122(b))**

It shall be unlawful for any person, his agent or employee to leave, or suffer or permit to be left, any box, barrel, bale of merchandise or other movable property whether or not owned by him, upon any marginal or public street or public place, or to erect or cause to be erected thereon any shed, building or other obstructions.

**EXPOSURE OF MATERIAL
(HEALTH CODE SECTION 153.07)**

No person shall place any rags, damaged merchandise, barrels, boxes, broken bales of merchandise or goods in any place where they or particles therefrom will pass into any street, public place or occupied premises.



Improper containers and uncovered cans lead to dirty sidewalks.



MOST COMMON VIOLATIONS CITED BY SANITATION POLICE



DUMPING PROHIBITED (SANITATION CODE SECTION 16-119)

- a. It shall be unlawful for any person, his agent, employee or any person under his control to suffer or permit any dirt, sand, gravel, clay loam, stone, rocks, rubble, building rubbish, sawdust, shavings or trade or household waste, refuse, ashes, manure, garbage, rubbish or debris of any sort or any other organic or inorganic material or thing or other offensive matter being transported in a dump truck or other vehicle to be dumped, deposited or otherwise disposed of in or upon any street, lot, park, public place or other area whether publicly or privately owned.

OPERATING A DUMP – NO PERMIT (SANITATION CODE SECTION 16-130)

It shall be unlawful for any person or public agency to conduct, operate or use any pier or part thereof, or any piece or parcel of land or land under water within the City as a dump, or for the reception and disposition of waste materials for fill or final disposition, without having first obtained for each pier or part thereof, or for each piece or parcel of land or of land under water, a permit from the Commissioner.

**TRANSPORT LOOSE CARGO
(VEHICLE AND TRAFFIC LAW SECTION
380A)**

It shall be unlawful to operate on any public highway any open truck or trailer being utilized for the transportation of earth, sand, stone or similar loose substance, unless said truck or trailer has a cover, tarpaulin or other device of a type and specification approved by the Commissioner of Transportation.

**UNAUTHORIZED POSTING
(SANITATION CODE SECTION 10-119,
10-121(a-e))**

It shall be unlawful for any person to paste, post, paint, print or nail any handbill, notice, sign, or advertisement, upon any curb, gutter, flagstone, tree, lamp post, awning post, telegraph pole, telephone pole, public utility pole, public garbage bin, bus shelters, bridge abutments, elevated train structures, highway fences, barrel, box or hydrant in any street.

Any person whose name appears on such a document, including those seeking public office, will be deemed to have knowledge of such activity and shall be liable for fines.

**UNLAWFUL REMOVAL/POSTING
(SANITATION CODE SECTION 10-120, 121(a-e))**

It shall be unlawful for any person to tear down, deface, or destroy any notice, handbill or poster put up or posted by or under the direction of the council or by or under the direction of any other City agency.

**ABANDONED VEHICLE
(SANITATION CODE SECTION 16-122(e))**

It shall be unlawful for any person, his agent or employer, to abandon, or to suffer or permit to be abandoned any motor vehicle, whether or not owned by him, in any marginal or public street or any public place.

**STRIPPING
(SANITATION CODE SECTION 16-122(f))**

It shall be unlawful for any person to dismantle or to remove any component part of any motor vehicle in any marginal or public street or any public area. Respondent will be arrested.

NOTE: This section of the law does not apply to persons doing repairs.

**OPERATING TRANSFER STATION WITHOUT
PERMIT
(SANITATION CODE SECTION 16-131))**

Prior to receipt of any construction waste by a transfer station the person intending to operate such transfer station shall apply for a permit from the Commissioner of Sanitation.

Transfer station shall mean any structure, premises, building or unimproved premises at which construction waste is received for the purpose of transfer to another location, irrespective of whether waste is subject to any processing, reduction in volume or resource recovery.

DEPARTMENT OF SANITATION VIOLATION ISSUANCE POLICY

DEPARTMENT VIOLATION ISSUANCE POLICIES

A) MANNER OF SERVICE OF NOTICE OF VIOLATION

1. Discretion and common sense is to be used when issuing notices of violations.
2. Personal service of a notice of violation is to be attempted first; the alternative service (Nail and Mail) will only be employed after reasonable attempt at personal service has been made by the issuing officer or agent.
3. Alternative service is not to be used for violations of the Health and Administrative Code for a condition present on or in front of vacant lots or for violations arising from the placement of roll on/roll off containers. Vehicles cannot be cited under this statute either. Under current "Nail and Mail" legislation, a reasonable attempt has to be made to deliver a notice of violation. This attempt is not possible in the case of vacant lots, roll on/roll off containers or vehicles, since no person is available.
4. Notices of violation will not be issued to commercial establishments that are not open. However, even though a commercial establishment is not open to the public, if a "responsible party" is present at the location, he or she is still responsible for correcting any sanitary conditions that may exist.
5. Current legislation prevents us from issuing notices of violations using the Nail and Mail method to commercial establishments on Sundays. However, this method can be utilized if the commercial establishment is open and identification of a responsible party cannot be obtained. In this particular instance, the issuing officer or agent will make a notation to this effect on the notice of violation under "details of violation."
6. In religious areas in which the Sabbath is observed on Saturdays, the issuing officer or agent will only use the "personal service" method when issuing notices of violations. This pertains to the Sabbath day only.

NOTE: "Responsible party" indicated in the above cases would be: Owner, cashier, or person authorized to open the establishment.

B. GENERAL POLICIES

1. Our enforcement priorities, as a general rule, are:
 - a. Commercial Establishments.
 - b. Multiple Dwellings (3 or more families in residence).
 - c. Single Dwellings (1 and 2 families in residence).
2. Only one notice of violation per premise per day will be issued regardless of existing conditions.
3. There will be no issuance of a notice of violation based upon insufficient receptacles which pertains to storage capacity for refuse; however, a notice of violation in this instance will be issued for either improper receptacles or loose rubbish (i.e., cardboard boxes utilized for raw garbage, loose papers and debris being blown about, etc.)
4. Notices of violation will not be issued for tree limbs and brush laying within the curb or property line when such debris is determined to be generated from trees belonging to the City of New York. This also pertains to pruned limbs which may be piled at the curb for future removal by the Department of Parks.
5. Sanitation personnel will not issue canine type violations in public parks unless specifically requested by the Parks Department in order to assist the Parks enforcement officers. It should be noted that parks are patrolled by New York City Park Rangers.
6. Only one (1) notice of violation will be issued to an abandoned building within a two (2) month period unless extraordinary conditions warrant additional enforcement action.

C. COMMERCIAL ESTABLISHMENTS

1. All commercial establishments are given a one (1) hour grace period from the time a responsible party is in attendance before a notice of violation will be issued for a dirty sidewalk or failure to clean 18 inches into the street.
2. Commercial establishments should not keep their refuse on the street during the day if the carter picks up after closing. In this instance, the merchant is allowed to place refuse out for collection service one (1) hour before closing. If the collection service is performed during the day, the commercial trash should not be placed out for collection unless it is within two (2) hours of actual collection time. In that event, the commercial establishment should remove these containers at the time of collection. If the collection service occurs either at night or in the early morning hours, whereby a responsible party is not present to remove them, the Department will allow a reasonable amount of time (usually one (1) hour from time establishment opens) for their removal before issuing a notice of violation. They may remain at the building line, or in the rear of such premise if there is no other feasible alternate plan of inside storage. However, they must at all times be maintained in a clean condition and the area surrounding the containers must also be kept clean. The receptacles must be covered and should not unduly impede pedestrian traffic.

D. SINGLE DWELLINGS

1. Single dwellings (one or two family homes) will not be issued notices of violations for having only one (1) uncovered receptacle.
2. No notices of violation will be issued for "failure to store receptacles." This policy was instituted because in many instances, family household members are working during the day, thus making it impossible to remove containers at time of collection service.

3. The Nail and Mail method of issuing notices of violation will not be utilized when citing single dwelling unless the agent is directed to do so by a District Superintendent or an Enforcement Supervisor. Supervisors may issue notices of violation to single dwellings when necessary.
4. There will be no notice of violation issuance for dirty sidewalks between the hours of 9 pm and 9 am in residential areas. This does not change any existing policies pertinent to commercial establishments.

E. GOVERNMENTAL AGENCIES

1. No notice of violation are to be issued to the Metropolitan Transit Authority (M.T.A.) or the Long Island Railroad (L.I.R.R.). This policy is based upon a Supreme Court decision which states that enforcement action taken against these particular agencies rests with the State Commissioner of Public Health.
2. In regard to New York City Housing Authority units, if more than one (1) building within a complex has violations, only one (1) notice of violation will be issued. The other building numbers and types of violations will be indicated on the notice of violation under the "details" section by the issuing officer or agent.
3. Off Track Betting (O.T.B.) locations are only to be issued notices of violation utilizing the Nail and Mail method. In this instance, the manager of such location shall be informed of the violation in order to correct the condition.

SAMPLE OF A NOTICE OF VIOLATION

SPEEDSET MOORE BUSINESS FORMS, INC. T A E C E

No. VOID

**ENVIRONMENTAL CONTROL BOARD
NOTICE OF VIOLATION AND HEARING
FOR CIVIL PENALTIES ONLY**

City of New York, Petitioner vs Respondent:

LAST NAME (Print)		FIRST NAME		INITIAL	Sex		
STREET ADDRESS					Respondent is: 1 <input type="checkbox"/> Owner 2 <input type="checkbox"/> Lessee 1 <input type="checkbox"/> Premises 2 <input type="checkbox"/> Vehicle		
CITY	STATE	ZIP					
TYPE OF LICENSE/PERMIT OR IDENTIFICATION NUMBER				ISSUED BY	Date Expires Mo. Year		
1 <input type="checkbox"/> Consumer Affairs License		4 <input type="checkbox"/>					
2 <input type="checkbox"/> Health Dept. License		5 <input type="checkbox"/>					
3 <input type="checkbox"/> Motorist Identification		9 <input type="checkbox"/> Other					
P L A T E	Date Expires Mo. Year			S T A T E	N.Y. <input type="checkbox"/> 1	CT. <input type="checkbox"/> 2	N.J. <input type="checkbox"/> 3
					9 Other		
YEAR AND MAKE OF MODEL		COLOR	TYPE AUTO <input type="checkbox"/> 1 TRUCK <input type="checkbox"/> 2 VAN <input type="checkbox"/> 3 Other <input type="checkbox"/> 9				
And Co-Respondent- LAST NAME		FIRST NAME		INITIAL	Sex		
STREET ADDRESS					Co-Respondent is: 1 <input type="checkbox"/> Owner 2 <input type="checkbox"/> Lessee 1 <input type="checkbox"/> Premises 2 <input type="checkbox"/> Vehicle		
CITY	STATE	ZIP					

The Respondent(s) is (are) charged with violation of Law, Regulation or Admin. Code, cited below:

Date of Offense	AM <input type="checkbox"/>	Time	PM <input type="checkbox"/>	County	Pct.	Violation Code
1 <input type="checkbox"/> Sanitation Provisions		5 <input type="checkbox"/> Food Vendor Provisions/Regulations		Section		
2 <input type="checkbox"/> "Air Code" Provisions		6 <input type="checkbox"/> Public Health Law		Regulation		
3 <input type="checkbox"/> "Noise Code" Provisions		7 <input type="checkbox"/> Health Code Provisions				
4 <input type="checkbox"/> Consumer Affairs Provisions/Regulations		8 <input type="checkbox"/> Other				
Front of <input type="checkbox"/>	Place of Occurrence				Opposite <input type="checkbox"/>	

DETAILS OF VIOLATION _____

Vendor's Property <input type="checkbox"/> Removed <input type="checkbox"/> Yes <input type="checkbox"/> No	Building Registration Number	<input type="checkbox"/> ALTERNATIVE SERVICE	1 <input type="checkbox"/> Single Unit	3 <input type="checkbox"/> Com- mercial
Mailable Penalty Schedule		<input type="checkbox"/> NONE - YOU MUST APPEAR	Maximum Penalty For Violation	
\$25 <input type="checkbox"/>	\$50 <input type="checkbox"/>	\$100 <input type="checkbox"/>	\$250 <input type="checkbox"/>	\$ _____
1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	or see reverse side
Date of Appearance _____ Day of _____ 19____		8:30 AM <input type="checkbox"/> 1 10:30 AM <input type="checkbox"/> 2 1:00 PM <input type="checkbox"/> 3 2:00 PM <input type="checkbox"/> 4		

Respondent(s) named above is (are) required and hereby directed, if not answering by mail, to appear for a hearing at either Environmental Control Board Office listed on the reverse side.

WARNING: If you do not appear (or pay by mail if permitted) you will be held in default and subject to the maximum penalties permitted by law. Failure to appear or pay a penalty imposed may lead to suspension of your license or other action affecting licenses you now have or may apply for.

I personally observed the commission of the civil violation charged above. False statements made herein are punishable as a class A misdemeanor pursuant to section 210.45 of the Penal Law. Affirmed under penalty of perjury.

RANK (TITLE) SIGNATURE OF COMPLAINANT		REPORT LEVEL (Fill 4 Spaces) Comm'd, Bd., Unit, etc.
COMPLAINANT'S NAME (Printed)	TAX REGISTRY NUMBER	AGENCY

IS AFFIDAVIT OF SERVICE ON REVERSE SIDE SIGNED? YES NO Date _____

ECB

**OFFICER
AGENCY**

Instructions for a Payment or Adjudication of a Notice of Violation

1. TO PAY THIS NOTICE OF VIOLATION - YOU MUST FOLLOW THE INSTRUCTIONS UNDER 1(A) or 1(B).

EITHER

- (A) MAIL YOUR CHECK or MONEY ORDER in the correct amount within 10 days. Make your check payable to the Finance Commissioner, City of New York. Mail it together with this notice to the Environmental Control Board at the mailing address below. Write the nine-digit violation number on the check or money order. Payment of the penalty is an admission of the violation.

ECB Mailing Address:
Environmental Control Board
Post Office Box 2307
Peck Slip Station
New York, N.Y. 10038

OR

- (B) BRING THIS NOTICE to an Environmental Control Board Office, at one of the addresses below, between 8:00 AM and 4:00 PM Monday thru Friday on or before the date of appearance (the date specified on the notice of violation). You must be prepared to pay the amount of the penalty at this time.

To contest this Notice of Violation, follow the instructions under 2(A) or 2(B):

2. TO PRESENT A DEFENSE TO THIS VIOLATION:

You may do so (A) by mail or (B) in person. Cases which are best suited for adjudication by mail are those where you can support your defense by *documentary evidence (such as a deed, permit, or license)*, for instance where you dispute ownership of any real estate associated with the violation (eg. you claim that you were not the owner, lessee, tenant, agent, occupant, or person who manages or controls the premises cited in the notice of violation).

2(A) To Present Your Defense By Mail:

Send a written statement which has been *sworn* to before a NOTARY PUBLIC. Your statement must include:

1. The violation number or numbers; and
2. All the facts you wish the Administrative Law Judge to consider and;
3. A statement that you swear to the truth of these facts. Such statement must be in the following form:

"The statements made in this letter are made for the purposes of inducing the Environmental Control Board to dismiss notice of violation # are truthful and are made under the penalty of perjury"

If your name is not on the Notice of Violation you must also state who you are and what relationship you have with the person whose name appears on the Notice of Violation.

If your defense is that you were not the owner, managing agent, superintendent or tenant of the building where the violation occurred (PLACE OF OCCURRENCE on the Notice of Violation), on the DATE OF OFFENSE, your statement should include:

1. What connection you now have with the building or premises;
2. What connection you previously had with the building or premises;
3. What date your previous connection or relationship ended.

Supporting documentation may include:

FORMER OWNER - Certified Copy of Deed or letter from the Attorney that represented you at the closing; indicating date of transfer of title to premises.

FORMER OWNER/AGENT - Same as above, plus your Sworn Statement informing us when you ceased to be the agent or other person who managed or controlled the premises in question.

FORMER AGENT - Sworn Statement advising us when you ceased to be the managing agent and name of new agent if known.

FORMER LESSEE - Sworn Statement stating to us when you ceased to be the tenant or ceased doing business at the cited address and that you have not subleased the property.

Mail your sworn statement along with any other supporting documentation to:

ENVIRONMENTAL CONTROL BOARD
1250 Broadway
New York, N.Y. 10001
Telephone: (212) 971-3637

PLEASE NOTE: By choosing to present your defense by mail rather than at a hearing in person, you are giving up your opportunity to question the officer who issued the Notice. By selecting mail adjudication, you are waiving your right to appear at a later date and present your defense in person. The Administrative Law Judge will render a decision based upon facts you provide by mail and those stated on the Notice of Violation.

2(B) To Present Your Defense At A Hearing In Person:

1. Appear in person, by Counsel or by designated Representative at an Environmental Control Board Office, at one of the addresses shown below, on the date and time set for the appearance. You will receive a hearing on that day and should come fully prepared to present your defense; the officer that issued the violation will be present.

2. ECB Hearing Locations:

MANHATTAN
1250 Broadway
7th Floor
N.Y., N.Y. 10001
(212) 971-3600

BROOKLYN
233 Schermerhorn St.
11th Floor
B'klyn, N.Y. 11201
(718) 858-1005

STATEN ISLAND ☆
Borough Hall
10 Richmond Terrace
Staten Island, N.Y. 10308
(718) 390-5350
☆ (Call in advance as the office is opened every first and third Wednesday of each month only).

QUEENS
91-14 Merrick Blvd.
6th Fl. (718) 297-1408
Jamaica, N.Y. 11432

DEPARTMENT OF SANITATION ACTION CENTER

Should you have a question concerning your obligations under the law dealing with Sanitation type violations you may call the Department of Sanitation at (212) 334-8590 Monday thru Friday between the hours of 8 A.M. and 4 P.M. for more information.

DS 1313 (Rev. 8/87)

GLOSSARY

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ADJUDICATION An Environmental Control Board (ECB) hearing at which evidence is presented concerning the notice of violation.

ALTERNATE SERVICE/POSTING (Nail and Mail) After a reasonable attempt is made to personally serve a respondent, a notice of violation may be taped or posted in a conspicuous area of the premises at which the violation occurred. A copy of the notice is then actually mailed to the respondent at the premises at which the violation occurred, and an additional copy is mailed to the respondent's address if this address differs from that at which the violation occurred.

CHART DAY An employee's day off during the week. Sunday is a regular day off.

DISTRICT A subdivision of a Sanitation zone. The district's boundaries are coterminous with the Community Board lines. The District Superintendent is a member of the District Service Cabinet.

DUMPSTERS Metal containers with lids, ranging in size from 1 cubic yard to 8 cubic yards that are used for the storage of waste material. These containers are usually placed in or by industrial and commercial establishments and are serviced by private carters. Larger size containers are also found at large apartment houses, medical facilities, schools and other public institutions. Containers at these locations are serviced by the Department of Sanitation.

ENFORCEMENT SUPERVISORS Under the direction of the zone coordinator he/she directly supervises agents assigned to a few districts within a zone.

NOTICE OF VIOLATION A notice advising a respondent that a violation has been observed and that the respondent is entitled to a hearing related to the violation at the Environmental Control Board.

PERSONAL SERVICE A notice of violation that is personally issued to an individual or an authorized person acting on behalf of a corporation.

RESPONDENT The party to whom a notice of violation is issued.

SANITATION SECTION A subdivision of a Sanitation district having a defined boundary. The section has a complement of staff and equipment and a supervisor to oversee the needs of the area. The supervisor is responsible to the District Superintendent.

ZONE A Sanitation Borough Command. The five geographic boroughs, for ease of command and control, are divided into zones. Each zone is directed by a Borough Superintendent and a borough headquarters staff. District Superintendents in the zone report to a Borough Superintendent.

ZONE COORDINATOR The enforcement supervisor responsible for the Sanitation Enforcement Agents assigned to the various districts within a zone.



May, 1987