

New York City Council

Memorandum in Support of Legislation

This memorandum is authored by the sponsor and explains the need for the legislation referenced below, in accordance with Rule 6.00(d) of the Rules of the Council.

Introduction Number:

Int. No.

Prime Sponsors:

Council Member Harvey Epstein

Bill Title:

A Local Law to amend the administrative code of the city of New York, in relation to a citizen enforcement program for illegal disposal of household or commercial refuse in public litter baskets

Submitted by:

Council Member Harvey Epstein

Justification:

The disposal of residential and commercial trash in public litter baskets is a violation that results in overflowing baskets, which New Yorkers then cannot use for their intended purpose.

This bill would allow individual New Yorkers to file complaints supported by visual evidence regarding the illegal disposal of trash from homes or commercial venues into public trash cans. Once a complaint is filed with the Department of Sanitation, the Department would have 45 days to either issue a notice of violation itself or deny the complaint as frivolous. If 45 days pass without either of those actions happening, the person who filed the complaint could summon the person accused of illegally disposing of their trash to the Office of Administrative Trials and Hearings and prosecute the action personally. A person who filed a complaint would be entitled to 25% of proceeds if the Department of Sanitation prevailed in a hearing at the Office of Administrative Trials and Hearings over someone that person complained about, or 50% of the civil penalty if they themselves prosecuted the case and won. Finally, the Department of Sanitation would have to provide best practices on its website for filling out a complaint