



## Legislation Text

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**File #:** Res 0009-2006, **Version:** \*

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### Res. No. 9

Resolution calling upon the appropriate committee of the Council of the City of New York to hold a hearing on the practice of Department of Sanitation personnel not to attempt to serve summonses by personal delivery as required by the New York City Charter prior to serving them by mail.

By Council Members Foster, Gonzalez, James, Nelson, Palma, and White Jr.

Whereas, The improper and illegal practice of Department of Sanitation personnel not attempting to personally serve summonses for dirty sidewalk violations before using alternate means of service is a violation of the New York City Charter; and

Whereas, When a Department of Sanitation employees writes a summons for a violation of the provisions of Title 16 of the Administrative Code of the City of New York, New York City Charter §1404(d)(2) (b)(ii) requires that "... a reasonable attempt has been made to deliver such notice to a person in such premises upon whom service may be made as provided for by article three of the civil practice law and rules or article three of the business corporation law." before alternate service is used; and

Whereas, When a Department of Sanitation employee writes a summons there is no attempt made to serve the summons on a person by knocking on the door, ringing the bell or otherwise gaining the attention of an occupant of the relevant property before the Department of Sanitation employees use alternate legal service; and

Whereas, The failure to properly serve the summons directly on a person on the day the summons is issued, but rather to mail to and have it received by the alleged violator many days later, prevents those ticketed from being able to investigate the charge to determine if a violation existed or not, or to find witnesses for a defense; and

Whereas, The Evangelical Church of God located at 1205 Washington Avenue, Bronx, New York has established a Sanitation Enforcement Committee that has been recording incidents of improper and illegal service of Department of Sanitation issued summonses. The Church's Sanitation Enforcement Committee has made allegations that there has developed a widespread practice and culture in the Department of Sanitation of not serving summonses according to the provisions of the New York City Charter; now, therefore, be it

Resolved, That the appropriate committee of the Council of the City of New York hold a hearing on the practice of Department of Sanitation personnel not to attempt to serve summonses by personal delivery as required by the New York City Charter prior to serving them by mail.

Res. 0655-2004  
CJC