

§3-122 Sanitation Penalty Schedule

SANITATION PENALTY SCHEDULE

Unless otherwise indicated, all citations are to the New York City Administrative Code.

*For sections 16-118(2) and 16-122(b), a repeat violation requires 12 prior violations by the same respondent of either of these two provisions of law that have a date of occurrence within the 12 months preceding the date of occurrence of the current violation, where the violations have the same place of occurrence.

**For sections 16-118(1),(3),(4),(6), and 16-120(a),(b),(c),(d),(e), and 16-123, a second or third violation is a violation by the same respondent of the same provision of law as the previous violation with a date of occurrence within 12 months of the date of occurrence of the previous violation.

*** For sections 10-119 and 10-120 and 16-308 (e) and 16-308(f) and 16-404 and 16-405(a) and 16-405(b), and 16-118(7)(b)(2), and 16-118(7)(d), and 16-453(b), 16-453(c), 16-454(b), and 16-454(c), a repeat violation is a violation by the same respondent of the same section of law as the previous violation with a date of occurrence within 12 months of the date of occurrence of the previous violation. A Persistent Violator, as is set forth in section 16-324 of the Administrative Code, is a person committing a fourth and any subsequent violation within a period of six months. Such person shall be liable for a civil penalty of four hundred dollars for each violation. A persistent violation may only be found where such violation occurs at a building of nine or more dwelling units. Each container or bag containing solid waste that has not been source separated or placed out for collection in a manner consistent with the regulations promulgated by the commissioner pursuant to this chapter shall be deemed a separate violation. However, no more than twenty separate violations may be issued on a per bag or per container basis during any twenty-four hour period.

Any person who violates Section 16-118(7)(b)(1) and/or Section 16-118(7)(c) while using or operating a motor vehicle, or owning said motor vehicle, is considered a repeat violator where the same respondent has violated *either* Section 16-118(7)(b)(1) *or* Section 16-118(7)(c) while using or operating a motor vehicle, or owning said motor vehicle, where the present violation has a date of occurrence within twelve months of the date of occurrence of the previous violation.

Any person who violates Section 16-118(7)(f)(1)(i) by virtue of owning a motor vehicle that was used in violation of subparagraph one of paragraph b or paragraph c of Section 16-118(7) is considered a repeat violator where the same respondent has violated Section 16-118(7)(f)(1)(i) by virtue of owning a motor vehicle that was used in violation of subparagraph one of paragraph b or paragraph c of Section 16-118(7) where the present violation has a date of occurrence within twelve months of the date of occurrence of the previous violation.

****For section 16-119, a repeat violation is a violation by the same respondent of the same section of law as the previous violation with a date of occurrence within 18 months of the date of occurrence of the previous violation.

*****For these transfer-station related sections, a repeat violation is a violation by the same respondent of the same subdivision of the same section of law or rule as the previous violation with a date of occurrence within 3 years of the date of occurrence of the previous violation.

*****For these medical-waste related sections, a repeat violation is a violation by the same respondent occurring within 18 months of the date of occurrence of the previous violation.

*****Per day penalties will begin to accrue from the date of the occurrence as set forth on the Notice of Violation. Such per day penalty will continue to accrue until the Respondent either can prove a date specific that the violation has been corrected or until the first scheduled hearing date, which will be set for sixty days from the date of occurrence. For each notice of violation issued, the per day penalty imposed shall not exceed sixty days."

With the exception of section 10-119 (posting on a tree), and section 16-119, and section 16-422, section 16-423, section 16-426(a), section 16-426(b), and section 16-428(a), pursuant to §3-81(b) a late admit fee of \$30.00 will be added to all the below listed penalties for a failure to submit a payment by mail, as per §3-32, within 30 days of the mailing date of the default order issued against respondent.

***** For sections 16-130 (b) and 16 RCNY 4-44, a repeat violation is a second or subsequent violation by the owner of a premises or of equipment, vehicles or other personal property, committed in a period of three years by any person using or operating the same, in the business of such owner or otherwise, with permission, express or implied, of such owner. As used in this paragraph, "owner" means a person, other than a holder of a security interest, having the property in or title to premises or equipment, vehicles or other personal property, including but not limited to a person entitled to use and possession of premises or equipment, vehicles or other personal property subject to a security interest in another person and also includes any lessee or bailee having exclusive use thereof.

SECTION/RULE	DESCRIPTION	PENALTY			DEFAULT
16-116(a) AS01	Removal of commercial waste	100			100
16-116(b) AS02	Posting of sign/permit,	100			100
16-118(1)** 1 st offense: AS03 2 nd offense: AS3A 3 rd offense: AS3B	Littering	1 st	100	450	
		2 nd	250	450	
		3 rd	350	450	
16-118(1)** 1 st offense: AS04 2 nd offense: AS4A 3 rd offense: AS4B	Sweep out	1 st	100	450	
		2 nd	250	450	
		3 rd	350	450	

16-118(1)**	Throw out	1 st	100	450
1 st offense: AS05		2nd	250	450
2 nd offense: AS5A		3rd	350	450
3 rd offense: AS5B				
16-118(2)(a)*	Dirty sidewalk	100		300
AS06				
16-118(2)(a)*	Dirty Area	100		300
AS6M				
16-118(2)(a)*	Failure to clean 18" into Street	100		300
AS26				
16-118(2)(a)*	Sidewalk obstruction	100		300
AS07				
16-118(2)(b)*	Dirty Sidewalk (Vacant Lot)	100		300
AS6V				
16-118(2)(b)*	Dirty Area (Vacant Lot)	100		300
AS6L				
16-118(2)(b)*	Sidewalk Obstruction (Vacant Lot)	100		300
AS7V				
16-118(2)(b)*	Failure to Clean 18" Into Street (Vacant Lot)	100		300
AS8V				
16-118(3)**	Dust or substances flying	1 st	100	450
1 st offense: AS08		2nd	250	450
2 nd offense: AS8A		3rd	350	450
3 rd offense: AS8B				
16-118(4)**	Spilling from truck or receptacle	1 st	100	450
1 st offense: AS09		2nd	250	450
2 nd offense: AS9A		3rd	350	450
3 rd offense: AS9B				

16-118(6)** 1 st offense: AS10 2 nd offense: AS1A 3 rd offense: AS1B	Noxious liquids	1 st 2 nd 3 rd	100 250 350	450 450 450
16-118(7)(a) AS11	Interfering with DOS employee		100	300
§16-118(7)(b)(1) AS12	Unauthorized Disturbance or Removal of Recyclable materials (No Motor Vehicle Used)		100	300
§16-118(7)(b)(3) AS1J	Unauthorized Disturbance or Removal of solid waste.		100	300
§16-118(7)(f)(1)(i) *** AS1E AS2E	Unauthorized Removal of Recyclable Materials from residential premises or vacant lots using a motor vehicle (Owner)	1 st offense: 2 nd offense:	2,000 5,000	1 st offense: 2,000 2 nd offense: 5,000
§16-118(7)(b)(1) *** AS1F AS2F	Unauthorized Removal of Recyclable Materials from residential premises or vacant lots using a motor vehicle (Operator)	1 st offense: 2 nd offense:	2,000 5,000	1 st offense: 2,000 2 nd offense: 5,000
§16-118(7)(b)(2) *** AS1G AS2G	Failure to submit to DSNY a report indicating the amount, by weight, of recyclable materials removed from residential premises or vacant lots by February 1 st or August 1 st of every year. .	1 st offense: 2 nd offense:	2,000 5,000	1 st offense: 2,000 2 nd offense: 5,000
§16-118(7)(b)(2) *** AS1H AS2H	Submission of report to DSNY stating the amount of recyclable materials removed from residential premises or vacant lots containing false or deceptive information.	1 st offense: 2 nd offense:	2,000 5,000	1 st offense: 2,000 2 nd offense: 5,000
§16-118(7)(f)(1)(i) *** AS1K AS2K	Unauthorized Removal of recyclable materials from commercial premises by using a motor vehicle. (Owner)	1 st offense: 2 nd offense:	2,000 5,000	1 st offense: 2,000 2 nd offense: 5,000

§16-118(7)(c) *** AS1L AS2L	Unauthorized Removal of recyclable materials from commercial premises by using a motor vehicle. (Operator)	1 st offense: 2,000 2 nd offense: 5,000	1 st offense: 2,000 2 nd offense: 5,000
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§16-118(7)(d) *** AS1M AS2M	Receipt of recyclable materials for storage, collection or processing that is collected by unauthorized personnel.	1 st offense: 2,000 2 nd offense: 5,000	1 st offense: 2,000 2 nd offense: 5,000
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16-119**** AS13	Illegal dumping(Operator of vehicle)	1st	1,500	10,000
16-119**** AS13	Illegal dumping(Operator of vehicle)	2nd	5,000	10,000
16-119**** ASA3	Illegal dumping(Operator of vehicle)	3rd	10,000	20,000
16-119**** ASA3	Illegal dumping(Operator of vehicle)	4th	15,000	20,000
16-119**** ASA3	Illegal dumping(Operator of vehicle)	5th	20,000	20,000

16-119**** AS14, AS15	Illegal dumping(Owner of vehicle)	1st	1,500	10,000
16-119**** AS14	Illegal dumping(Owner of vehicle)	2nd	5,000	10,000
16-119**** ASA4	Illegal dumping(Owner of vehicle)	3rd	10,000	20,000
16-119**** ASA4	Illegal dumping(Owner of vehicle)	4th	15,000	20,000
16-119**** ASA4	Illegal dumping(Owner of vehicle)	5th	20,000	20,000

16-120(a)** 1 st offense: AS16 2 nd offense: AS6A 3 rd offense: AS6B	Maintaining receptacles	1 st 2nd 3rd	100 100 200	300 300 300
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16-120(b)** 1 st offense: AS17	Separation and weight	1 st 2nd	100 100	300 300
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2 nd offense: AS7A		3rd	200	300
3 rd offense: AS7B				
16-120(c)**	Storage of receptacles	1 st	100	300
1 st offense: AS18		2nd	100	300
2 nd offense: AS8C		3rd	200	300
3 rd offense: AS8D				
16-120(d)**	Loose rubbish	1 st	100	300
1 st offense: AS19		2nd	100	300
2 nd offense: AS9C		3rd	200	300
3 rd offense: AS9D				
16-120(e)**	Improper use of DSNY litter baskets	1 st	100	300
1 st offense: AS20		2nd	250	350
2 nd offense: AS2A		3rd	350	400
3 rd offense: AS2B				
16-123**	Snow, ice & dirt removal	1 st	100	350
1 st offense: AS21		2nd	150	350
2 nd offense: AS2C		3rd	250	350
3 rd offense: AS2D				
16-127(a)	Earth, rocks and rubbish	100		150
AS22				
16-122(b)*	Street obstruction	100		150
AS23				
16-122(c)	Disabled vehicle	100		150
AS24				
16-118(2)*	Failure to sweep 18" from curb	100		300
AS26				
16-120.1*****	Improper disposal of infectious/medical waste	1st	2,500	10,000
AS27		2nd	5,000	10,000
		3rd	10,000	10,000

16-117.1 AS28	Improper transport/storage/disposal of asbestos waste	1,000		10,000
16-117.1 AS29	Hazardous transportation/storage disposal of asbestos waste	10,000		10,000
10-119*** AS30	Illegal posting of handbill/notice	1 st	75	200
		2 nd	150	200
10-120*** AS31	Defacement of City handbill/notice	1 st	75	200
		2 nd	150	200
10-119/120*** AS32	Illegal posting/defacement of handbill (2 nd offense)	150		300
10-117(a) AS33	Illegal placement of stickers or decals on public or private property	150		500
10-119*** AS3T, AS3P	Posting on tree	1 st	150	200
		2 nd	300	550
16-130(b)* * * * * AS36	Operating a nonputrescible solid waste transfer station without a permit	1 st	2,500	10,000
		2 nd	5,000	10,000
		3 rd	10,000	10,000
16 RCNY 4-04 et seq. * * * * * AS37	Comm.'s transfer station Rule Re: nonputrescible waste	1 st	2,500	10,000
		2 nd	5,000	10,000
		3 rd	10,000	10,000
16-130(b)* * * * * AS38	Operating a putrescible waste transfer station without a permit.	1 st	2,500	10,000
		2 nd	5,000	10,000
		3 rd	10,000	10,000
16RCNY 4-11 et seq.* * * * *	Comm.'s transfer station Rule Re: putrescible waste	1 st	2,500	10,000

AS39		2nd	5,000	10,000
		3rd	10,000	10,000
16-130(b)* * * * *	Operating dump/fill without a permit	1st	2,500	10,000
AS40		2nd	5,000	10,000
		3rd	10,000	10,000
16RCNY 3-02 et seq.* * * * *	Comm's Rule Re: Dump/fill operation	1st	2,500	10,000
AS41		2nd	5,000	10,000
		3rd	10,000	10,000
16RCNY 4-32,33,34* * * * *	Violation of transfer station Rules re:	1st	2,500	10,000
AS42	siting/hours/reports/plans	2nd	5,000	10,000
		3rd	10,000	10,000
16-130(b)***** 1 st : ASF6 2 nd : ASF7 3 rd and sub.: ASF8	Operating an intermodal solid waste container facility without a registration	1st:	\$2,500	\$10,000
		2nd:	\$5000	\$10,000
		3 rd and subsequent:	\$10,000	\$10,000
			\$10,000	
16 RCNY 4-44(c)***** 1 st : ASG9 2 nd : ASG1 3 rd and sub.: ASG2	Failure to handle intermodal containers in a safe and sanitary manner.	1st:	\$2,500	\$10,000
		2nd:	\$5000	\$10,000
		3 rd and subsequent:	\$10,000	\$10,000
			\$10,000	
16 RCNY 4-44(g)***** 1 st : ASG3 2 nd : ASG4 3 rd and sub.: ASG5	Failure to maintain solid waste received at the facility for transports in intermodal containers.	1st:	\$2,500	\$10,000
		2nd:	\$5000	\$10,000
		3 rd and subsequent:	\$10,000	\$10,000
			\$10,000	
16 RCNY 4-44(h)***** 1 st : ASG6 2 nd : ASG7 3 rd and sub.: ASG8	Failure of intermodal containers to meet the specification requirements set forth in 16 RCNY 4-43.	1st:	\$2,500	\$10,000
		2nd:	\$5000	\$10,000
		3 rd and subsequent:	\$10,000	\$10,000
			\$10,000	
16 RCNY 4-44(i)***** 1 st : ASG9	Failure to maintain and/or provide records.	1st:	\$2,500	\$10,000
		2nd:	\$5000	\$10,000

2 nd : ASH1 3 rd and sub.: ASH2		3rd and subsequent: \$10,000	\$10,000
16 RCNY 4-44(j)***** 1 st : ASH3 2 nd : ASH4 3 rd and sub.: ASH5	Failure to remove intermodal containers containing putrescible waste within 72 hours of receipt.	1st: \$2,500 2nd: \$5000 3rd and subsequent: \$10,000	\$10,000 \$10,000 \$10,000
16 RCNY 4-44(l)***** 1 st : ASH6 2 nd : ASH7 3 rd and sub.: ASH8	Failure to store equipment within the property lines.	1st: \$2,500 2nd: \$5000 3rd and subsequent: \$10,000	\$10,000 \$10,000 \$10,000
16RCNY 1-04 AS43	Improper disposal of regulated household waste	100	250
16 RCNY 5-06(a)(3) AS44	Vehicle Body - Improper color	250	500
16 RCNY 5-06 AS45	Misc. Violation of vehicle body specifications	250	500
16-120.1(d) AS90	Improper disposal of regulated household waste	50	250
16-120.1(e) ***** AS91	Failure to file DEC medical waste plans	1st 2 nd 3 rd	2,500 10,000 5,000 10,000 10,000 10,000
16-120.1(f)) ***** AS92	Failure to file DEC medical waste plans/amended plans	1st 2 nd 3 rd	2,500 10,000 5,000 10,000 10,000 10,000
16-120.1(e) or(f) AS93	Late filing of medical waste plans or reports within 30 days as per 16-120.1(i)(6)	100	250
16 RCNY 11-02(a)***** AS94	Failure to file DEC Medical Waste Plans	1st 2 nd	2,500 10,000 5,000 10,000

		3 rd	10,000	10,000
16 RCNY 11-02(b)***** AS95	Failure to File Medical Waste Plans/ Amended Plans	1 st 2 nd 3 rd	2,500 5,000 10,000	10,000 10,000 10,000
16-122(b)* AS96	Repeat violation	100		150
16-118(2)* AS97	Repeat violation	250		300
16 RCNY 11-02(a),(b) AS99	Late Filing of Medical Waste Plans or Reports Within 30 days as per 16 RCNY 11-02(c)	100		250
NYS General Business Law §397-a AGB1	Placement of unsolicited advertisements on private property in a manner contrary to sign authorized by General Business Law §397-a.	250		250
16-308(e) 1 st : ASZ1 2 nd : ASZ2 3 rd : ASZ3	Improper receptacle for yard waste (Resident—One to eight dwelling units)	1 st Violation : 25 2 nd : Violation: 50 3 rd Violation: 100		1 st Violation : 25 2 nd : Violation: 50 3 rd Violation: 100
16-308(e)*** 1 st offense: ASY0 2 nd offense: ASY1 3 rd offense: ASY2 Persistent Violator: ASY3	Improper receptacle for yard waste (Resident—Nine or more dwelling units)	1 st Violation: 100 2 nd Violation: 200 3 rd Violation: 400		1 st Violation: 100 2 nd Violation: 200 3 rd Violation: 400 Persistent Violator (fourth and any subsequent violation within a period of six months from the issuance of the first violation): 400
16-308(f)*** 1 st offense: ASY4 2 nd offense: ASY5	Improper dispersal of yard waste (Business Generating Yard Waste)	1 st Violation: 250 2 nd Violation:1,000 3 rd Violation:2,500		1 st Violation: 250 2 nd Violation:1,000 3 rd Violation:2,500

3rd offense: ASY6

<p>16-308[(h)] (f) *** 1st: ASY7 2nd: ASY8 3rd: ASY9</p>	<p>Improper disposal of yard waste (Business Generating Yard Waste)</p>	<p>1st Violation: 250 2nd Violation:1,000 3rd Violation:2,500</p>	<p>1st Violation: 250 2nd Violation:1,000 3rd Violation:2,500</p>
<p>§16-327(a) ASF1</p>	<p>Failure to dispose of solid waste and recyclable materials properly</p>	<p>\$100 per violation Maximum: Up to \$500 per day or \$2,000 per street event.</p>	<p>\$100 per violation Maximum: Up to \$500 per day or \$2,000 per street event.</p>
<p><i>(This charge is effective as of February13, 2009.)</i></p>	<p>Failure to provide sufficient number of refuse and recycling receptacles for street event</p>	<p>\$100 per violation Maximum: Up to \$500 per day or \$2,000 per street event.</p>	<p>\$100 per violation Maximum: Up to \$500 per day or \$2,000 per street event.</p>
<p>§16-327(b)(1) ASF2</p>	<p>Spillage condition from overflowing receptacle</p>	<p>\$100 per violation Maximum: Up to \$500 per day or \$2,000 per street event.</p>	<p>\$100 per violation Maximum: Up to \$500 per day or \$2,000 per street event.</p>
<p><i>(This charge is effective as of February13, 2009.)</i></p>	<p>Failure to properly bag and/or bundle refuse and recyclables</p>	<p>\$100 per violation Maximum: Up to \$500 per day or \$2,000 per street event.</p>	<p>\$100 per violation Maximum: Up to \$500 per day or \$2,000 per street event.</p>
<p>§ 16-327(b)(3) ASF4</p>	<p>Failure to place bagged and/or bundled refuse and recyclables at predetermined location</p>	<p>\$100 per violation Maximum: Up to \$500 per day or \$2,000 per street event.</p>	<p>\$100 per violation Maximum: Up to \$500 per day or \$2,000 per street event.</p>
<p><i>(This charge is effective as of February13, 2009.)</i></p>	<p>Improper Disposal of Rechargeable Battery</p>	<p>1st Violation: 50 2nd Violation: 100 3rd and Subsequent Violation: 200</p>	<p>1st Violation: 50 2nd Violation: 100 3rd and Subsequent Violation: 200</p>
<p>1st offense:ASB1</p>			
<p>2nd offense: ASB2</p>			
<p>3rd offense: ASB3</p>			
<p>16-405(a)***</p>	<p>Failure to Comply with Rechargeable Battery Recycling Program Requirements (Retailer)</p>	<p>1st Violation: 200 2nd Violation: 400</p>	<p>1st Violation: 200 2nd Violation: 400</p>
<p>1st offense: ASB4</p>			

2 nd offense: ASB5		3 rd & Subsequent Violation: 500	3 rd & Subsequent Violation: 500
3 rd offense: ASB6			
16-405(b)***	Failure to Comply with Rechargeable Battery Recycling Program Requirements (Battery Manufacturer)	1 st Violation: 2,000	1 st Violation: 2,000
1 st offense: ASB7		2 nd Violation: 4,000	2 nd Violation: 4,000
2 nd offense: ASB8			
3 rd offense: ASB9		3 rd & Subsequent Violation: 5,000	3 rd & Subsequent Violation: 5,000
§16-426(a) AEW4	Improper disposal by person of electronic equipment as solid waste.	\$100	\$100
§16-426(b) AEW5	Improper disposal by manufacturer of electronic equipment as solid waste.	\$1,000	\$1,000
§16-428(a)***** AEW6	Failure of manufacturer to submit annual report by July 1 st of each calendar year.	\$1,000 per day	\$60,000
§16-428(a) AEW7	Submission of annual report by manufacturer that contains false or misleading information.	\$10,000	\$10,000
16-453(a)(1) ASP1	Providing plastic bags without recycling message.	300 per day	9,000
16-453(a)(2) ASP3	Failure to clearly mark a bin for the collection of plastic.	300 per day	9,000
16-453(a)(3) ASP4	Failure to recycle plastic bags and film plastic.	300 per day	9,000
16-453(a)(5) ASP5	Failure to sell reusable bags.	300 per day	9,000
16-453(b)*** ASP6 ASPA ASPB	Failure to maintain plastic bag and film recycling records.	1 st Violation: 100 2 nd Violation: 700 3 rd Violation:	1 st Violation: 100 2 nd Violation: 700 3 rd Violation: 1,000

16-453(c)*** ASP7 ASPC ASPD	Failure to submit an annual report. (Operator)	1,000 1 st Violation: 100 2 nd Violation: 700 3 rd Violation: 1,000	1 st Violation: 100 2 nd Violation: 700 3 rd Violation: 1,000
16-454(a) ASP8 16-454(b)*** ASP9 ASPE ASPF	Failure to make arrangements for the collection, transport and recycling. Failure to submit an annual report. (Manufacturer)	500 per day 1 st Violation: 100 2 nd Violation: 1,000 3 rd Violation: 1,500	15,000 1 st Violation: 100 2 nd Violation: 1,000 3 rd Violation: 1,500
16-454(c)*** ASPJ ASPK ASPL	Failure to provide educational materials.	1 st Violation: 100 2 nd Violation: 1,000 3 rd Violation: 1,500	1 st Violation: 100 2 nd Violation: 1,000 3 rd Violation: 1,500