



sanitation

1824 Shore Parkway
Brooklyn, New York
11214

THEFT OF RECYCLING AWARD PROGRAM

IT'S THE LAW

Section 16-461 of the Administrative Code of the City of New York says:

Except for an authorized employee or agent of the Department [of Sanitation], it shall be unlawful for any person to remove and transport by motor vehicle recyclable material that has been placed by an owner, tenant or occupant of any residential building, building occupied by city agencies or institutions, or vacant lot, or by their agent, within the stoop area, adjacent to the curb line or otherwise adjacent to such building or lot for collection or removal by the Department... This ... shall not prohibit any person from lawfully entering into a written agreement with the owner of a building, or his or her agent....

Except for an authorized employee of a person licensed by or registered with the Business Integrity Commission... it shall be unlawful for any person to remove and transport by motor vehicle any amount of recyclable material that has been placed by an owner, tenant or occupant of a commercial building, or by their agent, within the stoop area, adjacent to the curb line or otherwise adjacent to such building for collection or removal by an entity licensed by or registered with the business integrity commission... It shall be presumed that a person operating motor vehicles without plates issued by the Business Integrity Commission is not an authorized employee of a person licensed by or registered with the Business Integrity Commission.

Both owner and driver of the vehicle are liable for the unlawful removal of recyclable material. Fines for the owner of the vehicle range from \$500 to \$2,000. In citizen complaint cases, a summons is generally issued to the registered owner of the reported vehicle.

Where information furnished by an individual to the Sanitation Department has resulted in a fine or civil penalty for unlawful removal of recyclable material, at the discretion of the Sanitation Commissioner, 50% of the amount collected shall be offered as a reward to said individual.

I. EARNING YOUR REWARD

- Observe the vehicle: DO NOT MAKE YOUR PRESENCE KNOWN; REPORT THE VEHICLES, NOT THE INDIVIDUALS;
- Record vital information (license plate number, vehicle description, type of material removed, time, date and location of the occurrence);
- File a citizen complaint form with the Sanitation Police;
- Peace Officers, employees of the Department of Sanitation or of the Environmental Control Board, employees of any company under contract with the Department of

Sanitation, or employees of any governmental entity that, in conjunction with the Department of Sanitation, conducts enforcement activity relating to the unlawful removal of recyclable material, are **not** eligible for a reward.

II. REQUESTING CITIZEN COMPLAINT FORMS

You may get them by calling the **NYC Citizen's Service Center at 311** or by visiting the **Department of Sanitation's website** at:

<http://www.nyc.gov/html/dsny/html/home/home.shtml>

III. COMPLETING A CITIZEN COMPLAINT FORM:

Top Section

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

Mid-Section

Fill in information as requested on the complaint form regarding the type of recyclable material removed, location and borough where such material was removed indicating whether such location is residential or commercial (if known), license plate number and state, vehicle description (include make, model, color, type and size), and other information as required.

Bottom Section

Theft of Recycling cases are heard at Environmental Control Board (ECB) offices in the borough where the violation occurs. ECB Hearing locations:

Manhattan

66 John Street
10th Floor
NY, NY 10038
(212) 560-6270

Brooklyn

9 Bond Street
7th Floor
Brooklyn, NY 11201
(718) 923-6100

Queens

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

Bronx

3030 3rd Avenue
Room 250
Bronx, NY 10455
(718) 993-6110

Staten Island

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

You may request a hearing location and time by filling out Item #8.

If action can be taken, you will receive a letter notifying you of the date and time for your appearance in ECB court.

If you are readily available by telephone and can guarantee your appearance in court within 2 hours of being called, you can request telephone standby status by checking and signing Item #9. This is only available for 8:30 a.m., 10:30 a.m. and 1:00 p.m. appearance times. The ECB allows a 2-hour- grace period from the scheduled appearance time. Therefore, you will need to stand by for the call for up to 2 hours after the noted time. If the respondent arrives after this or at a different time, you will still receive a call. If you can still appear, the case will go forward. If you cannot, the case will be rescheduled.

Sign form in front of Notary Public.

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

Director of Enforcement
NYC Department of Sanitation
1824 Shore Parkway
Brooklyn, NY 11214

IV. STATUS OF THE COMPLAINT PROCESS

In a few weeks, you will be notified by mail of the status of the complaint. If no action was taken, you'll receive a letter stating the reasons why not. If action was taken, the owner of the vehicle observed (the respondent) will be served with a Notice of Violation. If the respondent appears and pleads guilty and pays the fine, you will receive your reward. If the respondent defaults, the case goes for collection and any reward would then be paid only after the fine is collected. If the respondent pleads not guilty, you, as the complainant, will be required to testify at the Environmental Control Board hearing.

Please note: You cannot receive your reward until the alleged respondent is found guilty or defaults and the fine is paid, which may take several months.

Citizen Complaint Process for Theft of Recycling

What is the Environmental Control Board?

The Environmental Control Board (ECB) is an administrative tribunal, which means that it is a decision-making body that hears disputes like a court, but with a few important differences. The ECB only hears cases in which people are charged with violating New York City's quality-of-life laws - the laws that protect the health, safety, and cleanliness of our environment and

neighborhoods. Quality-of-life violations are not criminal offenses. For this reason, the ECB issues only monetary penalties and/or orders to correct violations when it finds people in violation of the City's quality-of-life laws.

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

What happens when I fill out a citizen complaint affidavit?

The citizen complaint form for theft of recycling represents the eyewitness account of a private citizen who sees an illegal activity taking place. Once such complaint is made, the Department of Sanitation issues a notice of violation to the vehicle owner based on the complaint. Normally, a notice of violation issued by an agent of the Department of Sanitation is considered evidence that a violation has been committed, throwing the burden of disproving the violation on the person to whom the ticket is issued (also called the “respondent”). For tickets issued in response to a citizen complaint form, however, the burden rests on the citizen complainant to “make the cases” for the Department. In other words, the citizen must appear at a hearing and testify under oath as to what he or she saw to establish that the activity the respondent engaged in violated the Code.

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

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

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



sanitation

125 Worth Street
New York, N.Y. 10013

COMPLAINT FORM/AFFIDAVIT (Theft of Recyclable Material)

State of New York }SS:

County of _____

_____, being duly sworn, deposes and says:

(Print full name)

1. I reside at: _____
(Street Address) (City) (State) (Zip)

2. I am employed with: _____
(Name of Company and Address)

3. Phone: Work () _____ Home () _____

4. My e-mail address is: _____
(If you do not have an e-mail address, please indicate "None")

5. At approximately _____ am/pm on _____ 20__, I personally observed a person or business remove recyclable materials including:

_____ from
(Amount) (Description of Recyclable Material)

_____, a (residential or commercial) location in _____.
(Address/Location) (Circle one) (Borough)

The truck/vehicle bore _____ license plate no. _____. The truck or vehicle was a(n) _____.
(State) (make, model, color, type, size, etc.)

6. This affidavit is being furnished to the Department of Sanitation to enable the Department to take whatever enforcement action is appropriate after the Department investigates this claim and any other matters believed to be relevant with respect to the statement made by me.

7. I understand that if legal procedure is commenced against the person or business I identified above, it will likely be necessary for me to appear as a witness in such a proceeding, and I agree to appear if requested by a representative of the Department of Sanitation or Environmental Control Board.

8. I request this case be assigned for adjudication by the Environmental Control Board in (circle a borough and a time)

Manhattan	Brooklyn	Bronx	Queens	SI
AT: 8:30am	10:30am	1:00pm	2:30pm.	

9. I am readily available at the above telephone number(s) and if called agree to appear in ECB court within 2 hours of being notified. Therefore, I request call standby status _____.

(Sign)

Sworn to before me

this _____ day of _____, 20_____.

(Print Name of Complainant)

(Signature of Notary Public)

(Signature of Complainant)