



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Caroline Kane, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street, 1st Floor Brooklyn, NY 11217	Summons No: 048637438M et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- LIN XING Hearing Date: 01/22/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$50.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
048637438M	Sustained	09/05/2024	132-35 AVERY AVENUE Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AS6M	16-118 (2)(A)	Sustained	\$50.00

Findings of Fact & Conclusions of Law

Summons 048637438M charges a violation of Administrative Code § 16-118(2)(a), requiring that property owners keep the sidewalk and 18 inches of the street free of debris. The hearing took place on January 22, 2025. Petitioner did not appear. Respondent appeared through attorney Caroline Kane.

The issuing officer stated they observed a large accumulation of scattered can(s), cigarette pack, leaves, napkins, newspaper(s), paper bag(s), piece(s) of paper, tissue(s), wrappers around publicly accessible collection bin, in the front yard at the above location during the established routing hour of 8:00AM-8:59AM.

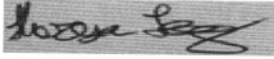
Respondent moved to dismiss the ticket, stating that this was on a public street near a public collection bin. The trash did not originate with the respondent.

Code § 16-118(2)(a) requires a premises owner to keep the area of the street 18 inches from the curb abutting their property free of debris at all times. See *NYC v. Joan Brown-Claxton*, Appeal No. 46206 (October 25, 2007). Respondent is required to keep the cited area free of debris at all times, regardless of the source of debris. See *id.*

The issuing officer's affirmed statement established a prima facie case of a § 16-118(2)(a) violation. The burden of proof then shifts to Respondent to refute Petitioner's case or establish a defense.

Here, Respondent has merely denied responsibility. A blanket denial does not establish a defense.

Accordingly, the summons is sustained.



01/22/2025

01/22/2025

Theresa Leary, Hearing Officer

Date