



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: 048713697Z et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- PARIS BAGUETTE Hearing Date: 02/20/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$100.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
048713697Z	Sustained	10/18/2024	5810 8th Avenue Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	ASPQ	16-120 (A)	Sustained	\$100.00

Findings of Fact & Conclusions of Law

The hearing was conducted by telephone on 2/20/25. Caroline Kane, Esq. appeared on behalf of Respondent Paris Baguette and there was no appearance on behalf of petitioner.

The summons alleges violation of NYC Admin Code 16-120(a) and states that the inspector observed refuse and/or organic waste placed out for collection in bags, uncovered receptacles and not in rigid receptacles with tight fitting lids as required, or other means as authorized by DSNY in front of 1510 8th Avenue, Brooklyn, NY.

Code § 16-120(a), in pertinent part, requires a building or dwelling owner or occupant to provide garbage receptacles acceptable to DSNY, including the requirement that metal containers are provided with tight-fitting metal covers and, per § 16-120(c), that the containers at all times remain covered.

Respondent made a Motion to Dismiss and argued that provision requiring rigid containers did not go into effect until January 2025 and the Summons was issued on 10/18/24. Respondent submitted a link to the Department of Sanitation website. Respondent offered no other testimony or evidence.

Code § 16-120(a) requires that waste be placed out for collection in receptacles acceptable to DSNY. As of March 1, 2024, 16 RCNY § 1-02.4(b) of 16 RCNY provides that all commercial establishments receiving curbside collection must set out any putrescible solid waste, including refuse and organic waste, at the curb for private carter collection in rigid receptacles with tight-fitting lids. Contrary to the argument of Respondent's attorney, this requirement went into effect before the date of issuance of the Summons. Respondent does not dispute the allegation. I credit the factual allegations in the summons which support a violation of the cited code section and find that the respondent failed to establish a defense to the violation.

Accordingly, the summons is sustained.

	
02/20/2025	02/20/2025
Elyse Post, Hearing Officer	Date