



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street Brooklyn, NY 11217	Summons No: 049433217K et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- DECHANG YEE Hearing Date: 03/02/2026 Hearing Location: Remote Type of Hearing: By One-Click
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Total Penalty Amount: **\$50.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
049433217K	Sustained	09/26/2025	132-05 Avery Avenue Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AS2S	16-120 (A)	Sustained	\$50.00

Findings of Fact & Conclusions of Law

Michael Nacmias, attorney authorized representative for Respondent, DECHANG YEE appears by online submission (Respondent's Exhibit A).

Respondent is charged with §16-120(a) of the Administrative Code of the City of New York for improper receptacle-failure to containerize. The summons alleges that on 09/26/2025, there was refuse placed out for collection at 132-05 Avery Avenue, Queens, in bags and not in rigid receptacles with tight fitting lids or other means as authorized by DSNY. Such property contains 1-9 residential units.

Representative does not deny the facts alleged but claims that the refuse was in durable, sealed bags that were tightly closed and not causing any spillage, and "served the same public-health purpose as rigid containers."

§16-120(a) states: The owner, lessee, agent, occupant or other person who manages or controls a building or dwelling shall provide and maintain in accordance with this section separate receptacles for the deposit of incinerator residue and ashes; refuse, and liquid waste. The receptacles shall be provided for the exclusive use of each building or dwelling and shall be of sufficient size and number to contain the wastes accumulated in such building or dwelling during a period of seventy-two hours. The receptacles shall be made of metal or other material of a grade and type acceptable to the department, the department of health and mental hygiene and the department of housing preservation and development. Receptacles used for liquid waste shall be constructed so as to hold their contents without leakage. Metal containers shall be provided with tight fitting metal covers.

Beginning November 12, 2024, New York City has implemented a new sanitation law requiring residential properties to use bins with secure lids for garbage collection. This applies to single- and two-family homes, as well as properties with up to 9 residential units. The bins must be 55 gallons or less and in good condition.

I find the summons states sufficient facts to establish a violation under the above-referenced law and I credit the issuing officer's observations as stated.

Representative fails to establish a defense. The law clearly states that rigid containers must be used.

I find that Respondent placed refuse out for collection in bags, and the summons is accordingly sustained.



03/02/2026

03/02/2026

Laurie Cohen, Judicial Hearing Officer

Date