

Sample E. C. B. Ticket

Things to look for on your ticket:

- **Is everything written clearly?**

(Your name, your license number, type of license, any everything else on the ticket should be legible and accurate.)

- **Did the officer indicate that he wants to be at the hearing?**

(If the officer has checked this box, it means he/she wants to testify at your hearing. You may have to come back another day for the officer's testimony.)

- **Is the correct regulation marked off?**

(Example: You have been charged under "food vendor" regulations, but you are actually a general vendor.)

- **Is the Place of Occurrence correct?**

(The address written on the ticket must be correct.)

- **Do the "Details of Violation" match the regulation you are being ticketed for?**

(Read carefully because often there are errors. For example, maybe the ticket says you were "set up" but not that you were "vending." Or, the ticket might accuse you of vending on a "prohibited street," which is different from a "restricted street.")

- **Did the officer sign the ticket?**

(If not, the ticket must be dismissed. Ask the officer for his name and badge number for your records.)

If the answer is **NO** to any of these questions, you **MAY** be able to have the ticket dismissed. Make sure you tell the judge about it.

ENVIRONMENTAL CONTROL BOARD • NOTICE OF VIOLATION AND HEARING • FOR CIVIL PENALTIES ONLY City of New York, Petitioner vs Respondent:									
LAST NAME (Print)			FIRST NAME			INITIAL		Sex	
STREET ADDRESS									
CITY				STATE			ZIP		
TYPE OF LICENSE / PERMIT OR IDENTIFICATION NUMBER									
1 <input type="checkbox"/> Consumer Affairs License	4 <input type="checkbox"/> Vehicle Plate	7 <input type="checkbox"/> Cert. of Auth.	2 <input type="checkbox"/> Build Reg. No.	5 <input type="checkbox"/> Issued BY	6 <input type="checkbox"/> Health Dept. License	8 <input type="checkbox"/> Material Number	9 <input type="checkbox"/> Telephone No.	3 <input type="checkbox"/> Merchant Identification	10 <input type="checkbox"/> Other
NOTICE ALSO SENT TO					FIRST NAME		INITIAL		
LAST NAME			STREET ADDRESS			CITY		STATE	
CITY			STATE			ZIP			
The Respondent is charged with violation of Law/Rule.									
Date of Offense		AM		PM		Borough		CE NO.	Violation Code
		<input type="checkbox"/>		<input type="checkbox"/>		MUN. Bldg. Q. St.			
NYS ADMINISTRATIVE CODE/RULES OF THE CITY OF NEW YORK									
1. <input type="checkbox"/> "Alcohol" Provisions	5. <input type="checkbox"/> Sanitation Provisions	9. <input type="checkbox"/> Park Rules	11. <input type="checkbox"/> NYS Public Health Law	2. <input type="checkbox"/> "Noise Code" Provisions	6. <input type="checkbox"/> "General Vendor" Provisions	10. <input type="checkbox"/> Other	12. <input type="checkbox"/> NYC Health Code Provisions	3. <input type="checkbox"/> "Water Code" Provisions	7. <input type="checkbox"/> Food Vendor Provisions
4. <input type="checkbox"/> "Sewer Code" Provisions	8. <input type="checkbox"/> Transportation Provisions	13. <input type="checkbox"/> NYS VTL	14. <input type="checkbox"/> Other						
SECTION/RULE									
Place of Occurrence									
At	Front of	Opposite	Place of Occurrence						
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
DETAILS OF VIOLATION									
Property Removed <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>									
ALTERNATIVE SERVICE <input type="checkbox"/>									
1 <input type="checkbox"/> Family	2 <input type="checkbox"/> Multiple Dwelling	3 <input type="checkbox"/> Commercial							
Mail-In Penalty Schedule	\$25	\$50	\$100	\$250	\$	NO MAIL-IN PENALTY YOU MUST APPEAR	Maximum Penalty For Violation	\$	or see reverse side
1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	Other	See Date and Time Below.				
Vendor Multiple Offense Schedule See Reverse Side									
Date of Hearing	Day of	200							
Proceedings will be held under authority of the N.Y.C. Charter Section 1404 and the Rules of the City of New York at 15 RCNY Chapter 31.									
WARNING: If you do not appear (or pay by mail if permitted) you will be held in default and subject to the maximum penalties permitted by law. Failure to appear or pay a penalty imposed may lead to suspension of your scores or other action affecting licenses you now have or may apply for as well as the possibility of a judgment entered against you in Civil Court. FURTHER INSTRUCTIONS ON REVERSE SIDE.									
I, an employee of the below agency, personally observed the commission of the civil violation charged above. False statements made herein are punishable as a class B misdemeanor pursuant to section 210.45 of the Penal Law. Admitted under penalty of perjury.									
RANK (Type)	SIGNATURE OF COMPLAINANT	RESPONDENT LEVEL	PM + Leave	Comer's Ser. Unit, etc.					
COMPLAINANT'S NAME (Printed)	TAX REGISTRY NUMBER	AGENCY							
No. E 13 40 077									
E 13 40 077									

This is information regarding the most common violations for (white license) general vendors and food vendors. The laws are similar, but more complicated, for artists, book vendors, and disabled veteran vendors. Call us with any questions.

GV = general vendors FV = food vendors

Distance & Measurement Requirements: If you get a ticket for violating these distance or measurement requirements, tell the judge if the officer did not measure (they usually don't) and take a photo the same day showing you taking the measurement with a tape measure.

- **Crosswalks & Corners:**

You must be at least 10 feet from a crosswalk or corner. General vendors must measure from the corner (the property line extended). Food vendors must measure from the crosswalk. *GV 20-465(e), FV 17-315(e).*

- **Store Entrances:**

Your cart or table must be at least 20 feet from nearest entranceway to any building or store. If the door permanently closed due to renovations, this rule does not apply. The 20 foot requirement is measured diagonally from the center of the entrance to the closest corner of the vending table or cart. *GV 20-465(d), FV 17-315(e).*

- **Curbs:**

You must "abut the curb," which means your table or cart must be touching it. The ECB has interpreted this to mean that you must be within 18 inches of the curb. *GV 20-465(a), FV 17-315(a).*

- **Fire Hydrants:**

As long as you are not touching the fire hydrant or other street furniture, you are legal. *GV 20-465(c), FV 17-315(b).* This is a frequent mistake on tickets. Officers confuse this rule with another rule that says you cannot be "in the roadway within 15 feet of a fire hydrant," but that section applies only to vendors in the road itself, not those on the sidewalk. *GV 2-304(c).*

- **Bus Stops:**

General and food vendors cannot vend "within any bus stop." *FV 17-315(e), GV 20-465(e).* The vending laws do not define what a "bus stop" is or how far you must be from a bus stop sign.

- **Ventilation Grates:**

General vendors cannot vend on top of a ventilation grate, but food vendors can. *GV 20-465(m).*

- **Subway Entrances:**

You must be at least 10 feet from the entrance. *GV 20-465(e), FV 17-315(e).*

- **Parks:**

Vending is not allowed in areas under the jurisdiction of the Department of Parks, which includes the area surrounding the park, unless you have an additional permit for that particular park. *GV 20-465(j), FV 17-315(i).*

- **Sidewalk Width:**

The sidewalk must be 12 feet wide before your cart or table is placed there. This does not require 12 feet between your cart or table and the building. *GV 20-465(a), FV 17-315(a).*

- **Display Size:**

The total vending area you are allowed to use is 8 feet by 3 feet. Any boxes or ice chests must be stored under your table or cart. Although the food vending regulations say that all items must be "kept in or under the vending vehicle or push cart," ECB usually makes an exception for sodas and water kept on top of the cart. *GV 20-465(b), FV 17-315(c).*

Street Restrictions:

- Take note of whether the street you were on is restricted or prohibited. These regulations depend on what you are selling and when you are selling it. Check the appropriate list, available at our office or 42 Broadway. If you are not sure, give us a call.

- Special note for artists and book vendors: if a Disabled Veteran Vendor is vending on a restricted street, you may sell there also.

(continued on back panel)

Am I being targeted?

Police officers can give you tickets, but they cannot speak to you in a disrespectful manner, use bad language, or threaten to take your merchandise. If you experience police harassment, call the Civilian Complaint Review Board at 1-800-341-2272, or call the Street Vendor Project and we will help you file a complaint.

Additionally, store owners do not have the right to make you leave a public sidewalk or threaten you if you do not. If a store owner is harassing you, call the Street Vendor Project for advice and help.

What if my merchandise is taken?

Some violations allow the police to take your property, and sometimes the police will take your property even though it is illegal for them to do so. If your property is taken, you should:

- 1) ask the judge for a same-day judgment, called an “expedited decision”
- 2) wait for a copy of the judgment and, if you are found guilty pay the fine (keep the receipt)
- 3) take the judgment papers to 100 Church Street (NYC Law Dept.) to get a release
- 4) bring the release to the precinct that took your property.

Warning: Forfeitable Offenses

Selling without a license or permit and selling on a prohibited street can result in having your merchandise or pushcart taken away for good. Be very careful when answering this type of ticket, or call us for help. See *FV 17-321(c) and 17-322, GV 20-468 and GV 20-469.*

Important Notice

This brochure was written and published by the Urban Justice Center Street Vendor Project and is meant to be used as an informational guide for answering your ticket. It is most definitely not a publication of the City of New York. Regulations sometimes change, so call us for the latest information.

Vendor Laws (continued)

License & Pricing Requirements:

- Vendors must wear their license on the outside of their clothing while vending. *FV 17-311, GV 20-461.*
- General vendors must display the price of the merchandise either with one big sign (i.e., “sunglasses \$5.00, hats \$7.00”) OR by individually labeling each item. *GV 2-307(b) (the ticket must be written as “6 RCNY 2-307(b)” not just “2-307(b),” or it is invalid).*

Record Keeping Requirements:

- General vendors must offer customers a receipt, which must include the following: date, total purchase price including tax, a description of the item; the vendor’s license number and a statement that complaints can be made to the Department of Consumer Affairs, listing the DCA’s address and phone number. *GV 2-307(c).*

Health Code Requirements (Food Vendors):

- Food shall be protected from contamination. § 81.07 (a). This does not mean that you cannot display sample items such as pretzels, if do not sell them.
- All potentially hazardous foods shall be kept below 45°F or above 140°F, except during preparation. § 81.09 (a)
- Hats or hair nets must be worn when food is being prepared. § 81.13(b)
- A person with a food protection course certificate must supervise all food preparation. § 81.15(a)
- Mobile food processing carts must have hot and cold running water. § 81.29(c). Metal, stem-type thermometers must be readily accessible to measure temperatures. § 81.09(i).

The Street Vendor Project of the Urban Justice Center was founded in October 2001 to provide legal representation, advocacy and grassroots organizing support to street vendors of all kinds in New York City.

BEAT THAT TICKET !

A GUIDE TO IMPORTANT STREET VENDOR REGULATIONS

Street Vendor Project



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individual rights • social change

Frequently Asked Questions:

When should I go to E. C. B.?

You can go any day on or before the hearing date written on your ticket. If you go after, you may be found guilty by default and fined the maximum penalty.

Should I hire a lawyer or vendor advocate?

Not necessarily. You have the right to bring a lawyer or advocate, but with a little preparation most vendors can successfully represent themselves at ECB. If you still need help after using this guide, Street Vendor Project members get free assistance at ECB.

Should I ask to have the officer present?

Maybe. It is a difficult decision. You have the right to do so, and it is important to hold officers accountable for the tickets they give. On the other hand, calling the officer means you will have to come back to court another day, and the ticket still may not be dismissed. Whatever happens, a police officer may not retaliate against you because you called him to court.

Should I bring a friend to translate for me?

Yes. If you are not proficient in English, try to bring somebody with you who can act as your interpreter. The ECB does not provide translation.

Should I take this hearing seriously?

Yes. Fines have recently increased, to as much as \$1,000 per violation. All fines must be paid before you renew your vending license. Be sure you read the ticket carefully and understand the possible penalties before you go to ECB.

How can I defend myself?

It is important to bring as much proof as possible. Proof can include photographs, videos and statements of witnesses. Photos are usually the most important, and you should take them while the officer is there, showing the location of your table or pushcart.

What can I do if I lose?

You must act quickly. You have 30 days to appeal a judgment. The time limit starts the day ECB mails the judgment to you. Appealing a decision is a long and complicated process. Call for help.