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The Public Ought to Know: City must bolster enforcement of sign-posting laws

By Corey Bearak

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This summer Rosedale Civic Association President Fred Kress e-mailed civics: "One of the big quality-of-life issues we face here in Queens is the onslaught of illegal posted signs on city utility poles, telephone poles, public fences and trees."

The city fails to go after these nuisances but its enforcement agents are quick to mess with a merchant for a gum wrapper or cigarette butt 18 inches from the curb or a motorist at a meter. The city needs to strengthen its enforcement efforts against those who post illegally.

Anyone defacing property with graffiti commits a crime; deface the same property by posting a sign and you only face a civil penalty. Graffiti left unaddressed signals disorder, but the civic community increasingly sees this happen with the proliferation of illegal signs.

Through July, Fred and other Rosedale civic leaders pulled down more than 1,600 illegal signs over two years. They feared an upsurge in illegal posting this political season. The Department of Sanitation actually pro-actively enforces the no-posting law; since 1986, it has mailed candidates letters outlining the no-posting law and that each individual posting constitutes an offense. Nothing similar occurs with others who regularly violate city laws when they post their signs on street lamps or other public structures.

Fred mused that the Sanitation Department missed out on \$120,000 in fines

(multiply 1,600 illegal signs by the base \$75 fine). Imagine if the city approached illegal signs with the same vigor it approaches parking violations; it could raise a lot of revenue.

In two days last December, Mike Augugliaro of the Queens Colony Civic Association and the Creedmoor Civic Association president, Rick Duskiwicz, removed more than 80 illegal posters in Bellerose. Within a week, many new signs got posted illegally in the same locations.

Last February Mike and Rick compiled a list of 137 signs illegally posted on poles and trees in Bellerose, Queens Village, Floral Park and Hollis. They sent this detailed information to Councilman David Weprin's office. Sanitation received the list and after a rather long wait advised Weprin (D-Hollis) of 90 violations with no information on which signs had received violations and which ones had not. The two Bellerose activists expected the agency to respond with an itemized list that showed the status of each reported location.

Rick reported that nearly every one of those signs remained on the poles. Apparently the Sanitation Department is not equipped to remove any sign higher than 6 feet or 7 feet. There's political lore of one Bellerose political activist who got up on the back of sanitation trucks to post the signs so high that opponents could not tear them down.

This summer Mike and Rick traveled down Springfield Boulevard from Hillside Avenue to North Conduit and quickly compiled a list of more than 100 signs that they sent to Community Board 13.

In my own neighborhood, I observed illegal signs on a utility pole in southbound Q79 bus stops at 82nd and 83rd avenues at Little Neck Parkway. I saw other signs on 83rd Avenue (the northwest corner of 252nd Street, the northwest and southeast corners of 251st Street, the fire box on the southwest corner of 248th Street and the northwest corner of 246th Street). The previous night driving home from Charlie and Dorothy Wade's barbecue, I had seen signs on the southeast corner of 82nd Avenue and 250th Street.

Our technologically inclined mayor should encourage his Sanitation Department to use "the Chinese method" to battle advertisements illegally plastered on public property, including poles. In 2003 Beijing introduced

automatic machines that call telephone numbers listed on illegal stickers, posters and other signs. When the call is answered, a recorded message will order the advertisement removed.

If the offender removes his advertisement, his number will be taken off the call list. If the offender does not comply, the number of calls to his number may be increased to the point where his phone will be blocked. Moscow adopted this method this summer.

Rick suggests civics' newsletters print the names of political candidates whose posters show up on public properties.

I worked on two no-posting laws: 1985 Local Law 30 made posting illegal, and 1993 Local Law 111 established a rebuttable presumption that the name on the poster authorizes the illegal act. Weprin and Staten Island Councilman Michael McMahon's 2003 Local Law 2 also allowed the city to recover from the violator the costs to the city of taking down and disposing of the illegal posters. Weprin Local Law 29 increased fines for illegal posting on trees.

The city must treat illegal postings as graffiti; that means applying the existing criminal sanctions in the administrative code to acts of illegal posting and amending the law to apply criminal sanctions to the rebuttable presumption where only non-criminal penalties currently apply.

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