

Ticketing Blitz?

by Erica Pearson

Monday, June 23, 2003 12:00 AM



Jesse Tavaras got a ticket for sitting on a milk crate in front of the Bronx hair salon where he works. The charge? "Unauthorized use of a milk crate."

Israeli tourist Yoav Kashdia fell asleep on the F train, slumped over into the next seat, and awoke to a \$50 fine for taking up two seats on a subway train.

On his 86th birthday, Pedro Nazario was slapped with a \$50 fine for feeding pigeons in a

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Morningside Heights park.

"Welcome to nit pick city," wrote the Daily News in an editorial, part of the newspaper's campaign against City Hall's "ticketing blitz" - including a feature nearly every day of a New Yorker [complaining about an unfair or wacky ticket](#) . "Forget quality-of-life crimes. Simply living can get you a summons."

If the Daily News got it started, newspapers from around the world -- from the Los Angeles Times to the Jerusalem Post to the London Independent - picked up the story with glee. "Will this year be the summer of citations?" asked the New York Times.

Mayor Michael Bloomberg answered that it would not; it has all been a misunderstanding. There is no blitz. But then why, some New Yorkers ask, did pregnant teenager Crystal Rivera get a \$50 summons when she sat down to rest on a subway stairwell? Why are these stories cropping up just as the city needs to raise a lot of revenue? These are not the only questions: What do these fines actually accomplish? Are they even raising any revenue? Are they targeting people who can least afford it? Is this another sign of a billionaire mayor who is out of touch? And why are sitting on a milk crate -- or putting on a puppet show, or climbing a tree (other activities that can garner fines) -- illegal in the first place?

SUMMER OF CITATIONS?

Word of increased ticketing began in mid-May, when the Patrolmen's Benevolent Association kicked off a \$100,000 advertising campaign, and president Patrick Lynch told the press that police officers were under pressure to hand out more tickets than usual in order to help close the city's budget gap. "Don't blame the cop," proclaimed [ads](#) showing a woman angrily holding up a \$105 parking ticket.

The phrase "ticket blitz" soon cropped up in a Daily News story about the association's claims, and the story snowballed. As the stories of summons after summons stacked up, Mayor Bloomberg said that City Hall had not ordered agencies to hand out more tickets than usual; indeed, he said, the city has actually issued fewer tickets overall this year compared to last. The fuss over tickets was part of police union president Lynch's drive for re-election, the mayor said. Mayoral spokesman Edward Skyler called the ticket blitz a "manufactured controversy."

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At a Crain's New York Business breakfast forum, Police Commissioner Raymond Kelly gave some of the stories behind the summonses, saying that they were justified. The milk-crate sitter, Jesse Tavaras, lived in a neighborhood that was the target of a police crackdown on quality of life crimes; cops have been told to keep people from gathering outside. The pregnant subway-sitter Crystal Rivera was part of a group of teenagers blocking the stairs.

The city soon got some editorial support. In Newsday, columnist Dennis Duggan told those complaining about tickets to "shaddup," and said that there should be a fine against whining. Of Rivera's ticket for sitting on the subway steps, he wrote, "this willful teenager was making it hard for subway riders to get to their destinations."

The city needs more tickets, not less, wrote Clyde Haberman in the New York Times. What about "all the men who spit with impunity on the street? Or about the drivers who barrel into intersections and scatter pedestrians who have the right of way? Or the dopes who lean on their car horns, as if that will get the traffic moving?"

But while Bloomberg predicted that the furor over tickets would settle down after the Patrolmen's Benevolent Association election, Lynch's landslide June 7 victory came and went, and New Yorkers continue to talk about tickets. Unhappy business owners and residents slapped with summonses tried to make sense of what one can and cannot be fined for in New York City.

FINES AND THE CITY

Hidden within the city's thousands of pages of administrative code are many violations that most New Yorkers aren't aware of. "The city has a dense and Byzantine civil code filled with dozens of obscure rules that are impossible to follow to the letter," [wrote](#) Steve Malanga in City Journal. "If some street-corner bureaucrat wants to ticket you, he can pretty much find some New York law that you've violated."

Putting on a puppet show in a window overlooking the street is barred by city code 10-114. If you are a civilian New Yorker, it is against the law to own handcuffs (toy handcuffs are exempt).

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Taxi cab drivers who wear shorts face a \$25 fine.

In 1999, a New York dad was fined \$1,000 when his daughters were caught climbing a Central Park tree by a park ranger, and accidentally broke a branch on their way down. The girls violated city code 10-148, the cutting of trees on city property.

It is against the law to "paste, post, paint, print or nail" a handbill or flyer onto a telephone pole, pay phone, bus shelter and many other common spots. However, if a city agency puts up a notice in any such spot, it is illegal for someone to tear it down.

Under a 1961 law, businesses are only allowed to include the store name and address in storefront awnings, and print cannot be larger than 12 inches. Violations can set owners back as much as \$2,500. From January 1 to April 10 of this year, 1,211 such awning violations were handed out, causing merchants to complain and the City Council to suggest a moratorium on the law.

And it isn't just the city code, said City Council Speaker Gifford Miller, taking offense at the suggestion that the council is responsible for all of the nitpicky laws now in the news. "Sitting on a milk crate is a state law put in place by the state's agricultural division. Taking up two seats on a subway is part of the MTA's internal rules that apply to subway cars," said Miller. "We certainly would welcome legislative ideas from the mayor to ensure that his enforcement agents don't violate every rule of common sense - and ticket pregnant, tired women who are sitting down."

TICKET QUOTAS?

While city agencies like the Buildings Department have said that they have no orders to hand out more fines this year, according to the Patrolmen's Benevolent Association and a recent Daily News survey of police officers, many police officers are feeling a push from above to hand out more summonses than usual. "Police officers feel great pressure to write a certain number of summonses, and if they don't meet that number, they are retaliated against. They don't get days off that they want, and things like that," said association spokesman Joseph Mancini.

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The Daily News conducted an informal survey of 230 police officers, and found that 65 percent said they feel "a lot" or "some" pressure to hand out tickets. Thirty-three out of 95 police officers said that they had written summonses that they knew would be thrown out of court.

The mayor and the police department have denied the quota charge. "Truth of the matter is... we don't have quotas, but we do have performance measurements," the mayor said on his weekly WABC-AM radio show.

City officials have stressed that overall, summonses are down two percent since last year, and parking violations have dropped 17 percent. But the Daily News pointed out that other types of summonses are up. For example, the Buildings Department issued 3,400 violations for signs from July 1, 2001 to April 1, 2003, compared to just 109 violations in the same time period before that.

It is hard for some to believe that, as the mayor claims, tickets for things as silly as sitting on a milk crate have always happened in the city. But in January 1999, a Daily News story called "Summons Blitz Sweeps Millions into City Coffers" reported that a Brooklyn woman was fined \$25 because her blue recycling pail was missing a decal, and a 90 year-old Chelsea man (much like the 86-year-old Nazario now in the news) received a ticket for feeding pigeons. The story reported that quality of life violations had gone up 38 percent in the first four years after Rudolph Giuliani had become mayor.

QUALITY OF LIFE

During the 1990s, the Giuliani administration's increased attention to handing out fines for relatively small violations like horn honking, littering, turnstile jumping or urinating in public was hailed by some for making streets and parks cleaner and city life more pleasant. Giuliani followed the "broken windows theory," that clamping down on small problems and eyesores would lead to a safer, more respectful city.

But others have argued that vigorously enforcing quality of life violations is invasive, and overly polices people's everyday behavior. Often, these types of fines target the people who are least able to pay them, some say. After the Daily News story about the summons given to pregnant teen Rivera for sitting on the subway stairs, members of the city council held a press

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conference, accusing the billionaire mayor of targeting poor people to balance the budget, and being severely out of touch with his constituents. Councilmember Helen Foster said, "I'm sure if his mother, sister or daughter were pregnant, he wouldn't want them to get a summons for sitting down on the subway. But then again, they'd probably be in a car service and wouldn't have to be on the train. And that shows two worlds."

FINES AND THE BUDGET

The Bloomberg administration has projected that the amount of money New Yorkers pay for violations will go up from \$457.4 million in 2002 to \$661.9 million in 2004. However, much of the extra money will be due to hikes in the amount of money charged in each summons. The cost of parking tickets climbed from \$55 to \$105 over the past year, while the fine for improperly disposing household trash jumped from \$50 to \$100 on June 1.

Hikes in fees have not been met without a fight. The New York State Restaurant Association filed a lawsuit against the city on June 11, saying that recent changes in Health Department regulations - raising the minimum fine from \$100 to \$200 and doling out a separate fine for each individual violation - were arbitrary and enacted without any public hearings. "The priority is protecting the public's health by food safety, not revenue generation," said Health Department spokesperson Andrew Tucker.

However, experts say that even with the recent hikes, ticketing citizens, for the most part, is a lousy way for the city to make money. In a recent study ([in pdf format](#)), the Independent Budget Office found that it actually costs the city more to issue many types of summonses, like housing or environmental violations, than it collects in fines. The study found that if lucrative parking violations -- which bring in a dollar for every 22 cents the city spends -- are set aside, city agencies spend an average of \$2.09 for every dollar they collect from summonses.

"You really don't issue tickets in order to make money," said Independent Budget Office spokesman Doug Turetsky. "What it is all about is starting with the notion of protecting public health and safety. The ability to write tickets or levy fines is both a way to prevent violations or often a way to help leverage correcting those violations quickly." The threat of a fine may prevent car accidents, pressure restaurants into keeping a clean kitchen, or make sure that a chemical spill is cleaned up as quickly as possible.

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The Independent Budget Office found that in some cases, the city is not being effective in the way that it collects fines, and could create a more streamlined system. The city also has unevenly assigned fine amounts. For example, the fine for a food vendor who refuses to be inspected is just \$25, the same amount that a taxi driver caught wearing shorts could be charged.

Whether the ticketing blitz is myth or reality, many agree that it has further damaged New Yorkers' perception of their mayor, who garnered just a 24 percent approval rating in a recent New York Times poll. And much of that has to do with a combination of rising costs and a sorry economy. "The higher property tax, the unemployment rate, which is at an all-time high, the higher subway fare, the fact that now with the smoking ban, the smokers can't even go to the bar, have a few beers, smoke their cigarettes and complain about life," Daily News reporter Fernanda Santos, who wrote the first blitz story, said on NPR. "People were up to their throats with frustrations, and then came the summonses."