

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2006**

No. 48

By Council Members Gentile, Addabbo Jr., Brewer, Fidler, Foster, Gonzalez, Koppell, Vallone Jr., McMahon, Dickens, Sanders, Sears, Katz, Liu, Monserrate, Gennaro, Mark-Viverito, Palma, Vacca, Weprin, White Jr., Nelson, Jackson, Recchia Jr., Garodnick, Mendez, Seabrook, DeBlasio, Lanza, Oddo, Gallagher and The Public Advocate (Ms. Gotbaum)

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to increasing the penalties for a violation of a stop work order.

Be it enacted by the Council as follows:

Section 1. Section 26-118 of the administrative code of the city of New York is amended to read as follows:

§26-118. Stop-work notices and orders. Notwithstanding the provisions of sections 26-115 through 26-117 of this subchapter, a notice or order to stop work may be issued by the commissioner, or his or her authorized representative, at any time when it is found that building work is being executed in violation of the provisions of any law, rule or regulation enforceable by the department, or in a dangerous or unsafe manner.

Such notice or order may be given orally or in writing to the owner, lessee or occupant of the property involved, or to the agent of any of them, or to the person or persons executing the work and may require all persons in and about the building or premises to vacate the same forthwith, and also require such work to be done as, in the opinion of the commissioner, may be necessary to remove any danger therefrom. The police department shall, upon the request of the commissioner, assist the department in the enforcement of this section.

Conditions warranting issuance of a stop work order include but are not limited to, the failure to have a construction site safety coordinator present in the course of on-going construction at those sites where department rules and regulations require that a construction site safety coordinator be designated and present; the failure to erect a sidewalk shed (or portions thereof) as required by section 27-1021 of the code, or the removal of a sidewalk shed or portions thereof, when such sidewalk shed is still required pursuant to such section.

In addition to the penalties provided for in this subchapter, failure to comply with a stop work order shall be subject to the payment of a penalty in the sum of [five hundred] *two thousand* dollars for [each day there is non-compliance] *the first violation, five thousand dollars for the second violation, and ten thousand dollars for the third and every subsequent violation*, to be [recovered in a civil action brought in the name of the commissioner] *paid to the department prior to the rescission of the stop work order*; provided, however, this shall not apply to any work performed to remedy an unsafe or hazardous condition.

§2. Section 26-212.1 of the administrative code of the city of New York is amended to read as follows:

§26-212.1. Civil penalty for work without a permit. (a) Whenever any work for which a permit is required pursuant to section 26- 207 or section 27-147 of this code has been performed without such permit, a civil penalty shall be imposed as provided in this section.

(b) In cases where work has been performed without a permit on a one-family or two-family dwelling such civil penalty shall equal [two] *four* times the amount of the fee payable for such permit pursuant to this article. Provided, however, that where only part of such work has been performed without such permit, such civil penalty shall be reduced proportionately according to the amount of such work still to be performed at the time a permit is issued. Provided further, however, that such civil penalty shall not be less than [one hundred] *five hundred* dollars. No civil penalty shall be imposed if the work for which a permit is required was completed prior to the effective date of this section.

(c) In the case of other work performed without a permit, such civil penalty shall be [ten] *fourteen* times the amount of the fee payable for such permit pursuant to this article. Provided,

however, that where only part of such work has been performed without such permit, such civil penalty shall be reduced proportionately according to the amount of such work still to be performed at the time a permit is issued[.], and [Provided] *provided* further, however, that such civil penalty shall not be less than [five hundred] *five thousand* dollars. No civil penalty shall be imposed if the work for which a permit is required was completed prior to the effective date of this section.

(d) Such civil penalty and such permit fee shall be payable by the owner of the building on which such work is performed.

(e) Any claim that work described in subdivision (a) of this section was done prior to January first, nineteen hundred eighty-nine shall be supported by an affidavit and supporting data.

(f) No permit shall be issued for any work described in subdivision (a) of this section until the civil penalty assessed pursuant to this section has been paid.

§3. Section 26-248 of the administrative code of the city of New York is amended by adding a new subdivision k to read as follows:

k. Violation of stop-work order. Notwithstanding any inconsistent provision in any other subdivision of this section, any person who shall violate any of the provisions of article twenty-four of subchapter one of chapter one of title twenty-seven shall be punished by a fine of not less than two thousand nor more than fifteen thousand dollars for each such violation or by imprisonment not exceeding six months, or by both.

§4. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on November 15, 2006 and approved by the Mayor on December 5, 2006.

Victor L. Robles, City Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 48 of 2006, Council Int. No. 216-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on November 15, 2006: 46 For, 0 Against, 0 Not Voting.

Was signed by the Mayor on December 5, 2006.

Was returned to the City Clerk on December 5, 2006.

Jeffrey D. Friedlander, Acting Corporation Counsel