



**SUBCHAPTER 3
BUILDING CONSTRUCTION**

TABLE OF CONTENTS

Art.
~~[Sec.]*~~ **or Sec.****

Art. 1 — General Provisions

- [10.0] — 205 — Matters Covered
- [11.0] — 206 — All New work to Conform

Art. 2 — Permits

- [20.0] — 207 — Requirement of Permit
- [21.0] — 208 — Approval of Plans
- [22.0] — 209 — Signature to Permit

Art. 3 — Fees

- [30.0] — 210 — Requirement of Fee
- [31.0] — 211 — Fee for Approval of Plans and work Permits
- [32.0] — 212 — Computation of Fees for work Permits
 - 212.1 — Civil penalty for work without a permit
- [33.0] — 213 — Fees for Equipment Use Permits
- [34.0] — 214 — Special Fees
 - [34.1] — 214.1 — Special Fees; Asbestos
- [35.0] — 215 — Fees for the Testing, Approval, Inspection and Use of Power Operated Cranes, Derricks and Cableways

Art. 4 — Inspections

- [40.0] — 216 — Right of Entry and Inspection
- [41.0] — 217 — Inspections of Building work
- [42.0] — 218 — Inspection of Completed Buildings
- [43.0] — 219 — Inspection of Construction Machinery and Equipment, Etc.
- [44.0] — 220 — Inspection of Signs
- [45.0] — 221 — Inspection Reports

Art. 5 — Certificates of Occupancy

- [50.0] — 222 — Requirement of Certificate of Occupancy
- [51.0] — 223 — Occupancy of Existing Buildings
- [52.0] — 224 — Issuance and Filing of Certificate of Occupancy

Art. 6 — Projections Beyond Street Line

- [60.0] — 225 — General Restrictions on Projections Beyond Street Line
- [61.0] — 226 — Existing Projections Beyond Street Line
- [62.0] — 227 — Rules Governing Projections Beyond Street Line

Art. 7 — Safety in Building Operations

- [70.0] — 228 — General Safety Requirements
- [71.0] — 229 — Safety Requirements During Excavation Operations
- [72.0] — 230 — Protection of Roofs, Skylights, Etc.
- [73.0] — 231 — Regulation of Lots

- [74.0] — 232 — Retaining Walls
- [75.0] — 233 — Maintenance and Repair of Protection Fences and Retaining walls
- [76.0] — 234 — Report and Inspection of Unsafe Buildings and Property

Art. 8 — Unsafe Buildings and Property

- [80.0] — 235 — Removal or Repair of Structures
- [80.5] — 236 — Record and Notice of Unsafe Structures or Premises
- [81.0] — 237 — Voluntary Abatement of Unsafe or Dangerous Conditions
- [81.5] — 238 — Survey
- [82.0] — 239 — Judicial Review of Survey
- [82.5] — 240 — Repair or Removal Under Precept
- [83.0] — 241 — Provision for Expense of Executing Precept
- [83.5] — 242 — Return of Precept; Reimbursement of City
- [84.0] — 243 — Fallen Structures and Structures Imminently Dangerous

Art. 9 — Violations and Punishments

- [84.5] — 244 — Notices of Requirements or of Violations
- [85.0] — 245 — Emergency Measures
- [85.5] — 246 — Judicial Remedies
- [86.0] — 247 — Judicial Orders
- [86.5] — 248 — Punishments
- [87.0] — 249 — Violations of Peremptory Orders
- [87.5] — 250 — Appeal

Art. 10 — Miscellaneous Provisions

- [91.0] — 251 — Illegal Practices in the Sale or Use of Lumber for Construction Purposes Prohibited
- [92.0] — 252 — Sidewalk Sheds, Fences, Railings, Etc.

~~**“C26” omitted from section numbers in this column.~~

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**ARTICLE 1
GENERAL PROVISIONS**

~~§[C26-10.0] 26-205 Matters covered.~~ All matters affecting or relating to the construction, alteration, repair, demolition, removal, maintenance, occupancy and use of new and existing buildings in the city, including the erection, installation, alteration, repair, maintenance, use and operation of signs and service equipment used in or in connection therewith, are presumptively provided for in this subchapter and in the building code of the city. This subchapter does not presumptively provide for matters that are contained in the charter, the labor law, the multiple dwelling law, subchapters one and two of this chapter and chapter two of title twenty seven, the zoning resolution, or the general city law; nor does this subchapter apply to structures on waterfront property used in conjunction with and in the furtherance of waterfront commerce and/or

navigation, or to bridges, tunnels or subways, or to structures appurtenant thereto.

~~§[C26-11.0] 26-206 All new work to conform.-~~

~~All building work performed in the city on and after December sixth, nineteen hundred sixty eight, shall conform to the provisions of this subchapter except that any work for which an application for a permit was filed prior to December sixth, nineteen hundred sixty eight, and any work for which an application for a permit is filed within twelve months after the effective date of this subchapter, may be performed, at the option of the owner, in its entirety either in accordance with and subject to the requirements of this subchapter or in accordance with and subject to the requirements of the building laws and regulations previously in force in the city, provided that such work is commenced within twelve months after the date of issuance of a permit therefor and is continuously carried on to completion. This section shall not apply to the requirements of article ten of subchapter nineteen of title twenty seven of the code which shall become effective December twenty ninth, nineteen hundred sixty nine.~~

ARTICLE 2 PERMITS

~~§[C26-20.0] 26-207 Requirement of permit.-~~

~~It shall be unlawful, on and after December sixth, nineteen hundred sixty eight, to construct, alter, repair, demolish, or remove any building in the city, or to erect, install, alter, repair, or use or operate any signs or service equipment in or in connection therewith, unless and until a written permit therefor shall have been issued by the commissioner in accordance with the requirements of this subchapter and the requirements of the building code, subject to such exceptions and exemptions as may be therein provided.~~

~~§[C26-21.0] 26-208 Approval of plans.-~~

~~Whenever plans are required to be filed in connection with an application for a permit, as provided in the building code, all such plans shall be approved by the commissioner prior to the commencement of any work thereunder. All plans and all applications for approval thereof, shall comply with the requirements of the building code, subject to such exceptions and exemptions as may be therein provided; and all elevations on plans shall be referred to the United States coast and geodetic survey mean sea level datum of nineteen hundred twenty nine, which is hereby established as the city datum.~~

~~§[C26-22.0] 26-209 Signature to permit.—Every permit issued by the commissioner shall have his or her signature affixed thereto; but the commissioner may authorize any subordinate to affix such signature.~~

ARTICLE 3 FEES

~~§[C26-30.0] 26-210 Requirement of fee.—No work permit or equipment use permit, when required by the provisions of the building code, shall be issued, and no plans or other statement describing building work, when required by the provisions of the building code, shall be approved, unless and until the required fee or fees therefor shall have been paid to the department in accordance with the provisions of this article, except that no fees shall be payable for work permits, equipment use permits or places of assembly permits if the owner of the building or property affected is a corporation or association organized and operated exclusively for religious, charitable or educational purposes, or for one or more such purposes, no part of the earnings of which enures to the benefits of any private shareholder or individual, and provided that the property affected is to be used exclusively by such corporation or association for one or more of such purposes.~~

~~*§[C26-31.0] 26-211 Fee for approval of plans and work permits.-~~

~~The fees required to be paid under this section, and under section 26-212 of this article, are for the filing and processing of applications for the approval of plans or other statement describing building work, the filing and processing of permit applications, the issuance or renewal of work permits, the inspection of building work, and the issuance of certificates of occupancy. Fifty percent of the total fee for the work permit, but not less than one hundred dollars, or the total fee for the work permit where such fee is less than one hundred dollars, shall be paid by or on behalf of the owner or lessee of the building premises or property affected and shall accompany the first application for the approval of plans or other statement describing the building work when submitted prior to submission of the permit application; and the whole or remainder of the total fee shall be paid before the work permit may be issued. A fee of one hundred dollars shall be paid with an application for renewal of a work permit. Foundation work, plumbing work, sign and service equipment work are included in the term "building" whenever plans for such work are required to be filed with construction or alteration plans; otherwise, separate fees shall be applied and collected for such work in accordance with the provisions of this section and section 26-212 of this article.~~

~~*Local Law 38 1990.~~

~~*§[C26-32.0] 26-212 Computation of fees for work permits.-~~

~~Fees for work permits shall be computed as hereinafter provided:
***1. New buildings.—The fees for permits to construct new buildings and open air stadia shall be computed as follows:~~

~~(a) Except as otherwise provided in paragraph (b),~~

~~twenty five cents and fifty three one hundredths of a cent (25.53¢) per square foot or fraction thereof, of the total floor area of the new building, but not less than one hundred dollars per structure.~~

~~(b) For a one, two or three family dwelling eleven cents and sixty three one hundredths of a cent (11.63¢) per square foot, or fraction thereof, of the total floor area of the new building, but not less than one hundred dollars per structure.~~

~~(c) One hundred dollars for a garage for not more than three cars when such garage is accessory to a one, two or three family dwelling on the same plot when plans for such garages are filed with the application and plans for the one, two or three family dwellings to which it is accessory.~~

~~(d) One hundred dollars for the first two thousand dollars, or fraction thereof, of the cost of the structure; twenty dollars for each additional one thousand dollars, or fraction thereof, of cost to five thousand dollars of the structure; ten dollars and thirty cents for each additional one thousand dollars, or fraction thereof, of the structure cost over five thousand dollars for structures such as radio aerial towers and masts, tank structures, fire escapes and other structures to which fees may not be readily applied under the foregoing provisions. Applications for elevator work submitted separately, seventy dollars.~~

~~***Local Law 56 1993; Local Law 38 1990.~~

~~***2. Building alterations.—The fees for permits to alter buildings shall be computed as follows:~~

~~(a) For a one family, two family or three family dwelling, one hundred dollars for the first five thousand dollars or fraction thereof, of the cost of alteration; not including the cost for the installation or alteration of any plumbing or plumbing system or fire suppression piping system; and five dollars and fifteen cents per one thousand dollars, or fraction thereof, of such cost of alterations in excess of five thousand dollars.~~

~~(b) For any building not described in paragraph (a) of this subdivision, one hundred dollars for the first three thousand dollars, or fraction thereof, of the cost of alteration; not including the cost for the installation or alteration of any plumbing or plumbing system or fire suppression piping system; twenty dollars per one thousand dollars, or fraction thereof, of the next two thousand dollars of such cost; and ten dollars and thirty cents per one thousand dollars, or fraction thereof, of such cost of alterations in excess of five thousand dollars.~~

~~***Local Law 109 1993; Local Law 107 1993; Local Law 56 1993; Local Law 38 1990; Local Law 40 1987, applies to permits applied for and inspections performed on and after July 6, 1987.~~

~~***3. Foundation, open spaces, etc.—The fees for foundations and earth work permits, and for permits with respect to open spaces without roof, whether enclosed or unenclosed on sites, such as parking lots, gasoline or oil selling stations, storage yards, sales or exhibition or show~~

~~spaces used for generally similar purposes shall be computed as follows: (a) ten dollars for each two thousand square feet of area or fraction thereof, but not less than one hundred dollars; and (b) for golf driving ranges, seven dollars and fifty cents for each twenty thousand square feet of area or fraction thereof, but not less than one hundred dollars plus one hundred dollars for an accessory building not to exceed one hundred forty four square feet.~~

~~***Local Law 38 1990.~~

~~***4. Demolition and removal.—The fees for demolition and removal permits shall be computed by multiplying the street frontage in feet by the number of stories of the building times two dollars and sixty cents, provided the minimum fee shall be not less than two hundred sixty dollars. In the case of a corner lot, the larger street frontage shall be used in computation.~~

~~***Local Law 50 1988.~~

~~***5. Plumbing and fire suppression piping systems.—~~

~~(a) Existing buildings.—The fees for permits to install and alter plumbing and plumbing systems and for permits to install and alter fire suppression piping systems in existing buildings shall be computed as follows:~~

~~(1) For a one family, two family or three family dwelling, one hundred dollars for the first five thousand dollars, or fraction thereof, of the cost of such installation or alteration; and five dollars and fifteen cents per one thousand dollars, or fraction thereof, of such cost in excess of five thousand dollars.~~

~~(2) For any building not described in subparagraph (1) of this paragraph, one hundred dollars for the first three thousand dollars, or fraction thereof, of the cost of such installation or alteration; twenty dollars per one thousand dollars or fraction thereof, of the next two thousand dollars of such cost; and ten dollars and thirty cents per one thousand dollars, or fraction thereof, of such cost in excess of five thousand dollars.~~

~~(b) New buildings.—The fees for permits to install plumbing systems and for permits to install fire suppression piping systems in new buildings shall be computed by allocating a portion of the fee for the permit to construct such new building, computed in the manner provided in subdivision one, to the applicable plumbing permit or fire suppression piping system permit, but in no event shall the fee for a permit to install a plumbing system or for a permit to install a fire suppression piping system in a new building be less than one hundred dollars. Such allocation shall be made in accordance with rules promulgated by the commissioner. Any portion of the fee charged for a permit to install a plumbing system or of the fee charged for a permit to install a fire suppression piping system in a new building that is in excess of one hundred dollars shall be deducted from the amount of the fee, computed in the manner provided in subdivision one, charged for the permit to construct such new building.~~

~~***Local Law 109 1993; Local Law 107 1993; Local Law 38 1990.~~

~~* 6. Signs.—~~

~~a. The fees for permits to erect, install or alter signs shall be computed in the same manner as the computation of fees for building alterations as provided in subdivision two of this section. In addition, fees shall be payable to the department as follows:~~

~~(1) For ground signs five dollars for each one hundred square feet or fraction thereof, but not less than thirty-five dollars.~~

~~(2) For roof signs having a tight, closed or solid surface, fifteen dollars for each one hundred square feet or fraction thereof, but not less than seventy dollars.~~

~~(3) For roof signs that do not have a tight, closed or solid surface, fifteen dollars for each one hundred square feet or fraction thereof, when such signs extend to a height of not more than thirty-one feet above roof level, but not less than one hundred dollars. When such signs exceed thirty-one feet above the roof level, twenty-five dollars for each one hundred square feet or fraction thereof, but not less than one hundred thirty-five dollars.~~

~~(4) For illuminated signs projecting beyond street line having thirty square feet or less, forty-five dollars annually.~~

~~(5) For illuminated signs projecting beyond street line having more than thirty square feet but no more than fifty square feet, seventy dollars annually.~~

~~(6) For illuminated signs projecting beyond street line and having more than fifty square feet, seventy-five cents per square foot or part thereof annually, but not less than one hundred dollars.~~

~~b. In computing the fees to be charged in subparagraphs one, two and three of paragraph a of this subdivision, each face of any sign, when fronting on different streets, shall be treated as a separate sign.~~

~~c. In computing the fees to be charged under subparagraphs four, five and six of paragraph a of this subdivision, only the number of square feet of sign space on one side of such sign shall be used in computing such fee.~~

~~* 7. Service equipment.~~

~~*Local Law 38-1990.~~

~~*a. The fees for permits to install or alter service equipment, other than fire suppression piping systems, shall be computed in the same manner as the computation of fees for alteration of buildings, except as hereinafter provided.~~

~~*Local Law 107-1993.~~

~~b. The fees hereinafter provided for permits to install and alter oil burning equipment shall cover the costs for the filing and processing of applications for the approval of plans or other statement describing the work, the filing and processing of permit applications and the issuance of work permits and the inspection in connection therewith.~~

~~(1) For the installation of oil burning equipment other than that described in subparagraph two of paragraph b of this subdivision, the fee shall be forty-five dollars.~~

~~(2) For the installation of oil burning equipment where~~

~~the storage tank exceeds two hundred seventy-five gallon capacity, or where the storage tank is less than two hundred seventy-five gallons and is to be buried, or is to be installed in a multiple dwelling, or a place of assembly, or in a building along the line of a subway, or is to deliver fuel oil to a burner installed above the lowest floor of a business building, the fee shall be as follows:~~

~~one hundred dollars where gross output of equipment is up to and including six million BTU per hour, one hundred thirty-five dollars where gross output is from six million one thousand to twelve million BTU per hour, and one hundred seventy-five dollars where gross output exceeds twelve million BTU per hour. Where the replacement or alteration involves the size of the combustion chamber, the atomization of the fuel used or the maximum capacity of the system, such replacement or alteration shall be considered an installation; except that where the installation involves only a replacement of or alteration of the refractory combustion chamber, regardless of change of gross output, the fee shall be one hundred dollars.~~

~~(3) Gross outputs of oil burning equipment are to be determined as follows:~~

~~(a) Cast iron boilers.—The gross IBR rating shown in column A-1 identified with the net IBR rating shown in column A-4 of table A for automatically fired boilers in the July, nineteen hundred fifty-two "IBR testing and rating code for low pressure cast iron boilers" published by the institute of boiler and radiator manufacturers, or the equivalent in later codes.~~

~~(b) Steel Boiler Institute (SBI) table one, two and three boilers.—One and one-half times the SBI net rating in BTU per hour.~~

~~(c) Warm air furnaces.—The bonnet delivery in BTU per hour as published in the manufacturer's catalogue.~~

~~(4) For the replacement of oil burning equipment as described in subparagraph (1) of this paragraph, the fee shall be thirty-five dollars, and the replacement of oil burning equipment as described in subparagraph two of this paragraph, except where such replacement is considered an installation, the fee shall be one hundred dollars.~~

~~*Local Law 38-1990.~~

~~*8. After an application has been withdrawn by the owner, the owner on application to the comptroller of the city of New York, and upon verification of claim by the superintendent, may obtain a refund or a portion of the fee paid as follows:~~

~~(a) If application is withdrawn prior to the commencement of examination of the application, all but forty dollars of the fee paid shall be refunded.~~

~~(b) If the application is withdrawn during the progress of examination of the application, the comptroller shall retain a percentage of the deposit fee paid, which the department shall certify is the equivalent percentage of the examination completed, but not less than one hundred dollars. The~~

remainder of the fee shall be refunded to the owner.
(e) If the application is withdrawn after examination of plans, and before construction is commenced, there shall be refunded such portion of the fee paid as will leave retained by the comptroller fifty per cent of the total computed fee, but not less than one hundred dollars.

~~Local Law 38-1990.~~

~~9. The department shall adopt such rules and shall prescribe such forms as may be necessary to carry out the provision of this section.~~

~~10. The commissioner shall, when deemed necessary by him or her, require reasonable substantiation of the costs stated in any application for a permit or any accompanying specification or other form that may be prescribed by the department.~~

~~§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 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 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 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 further, however, that such civil penalty shall not be less than 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.~~

~~Local Law 48-2006; Local Law 58-1988.~~

~~§[C26-33.0] 26-213 Fees for equipment use permits.~~

~~a. There shall be no fee for equipment use permits of indefinite duration. In other instances, the fee for equipment use permits shall be fifteen dollars for each initial permit and ten dollars for each renewal permit when the permit is for a limited term, but not to exceed fifteen dollars annually, except as hereinafter provided.~~

~~b. The fees for permits to use and operate boilers shall be as follows: thirty dollars annually for a boiler inspected pursuant to section 27-793 of this code by a duly authorized insurance company or other qualified inspector; sixty five dollars annually for a high pressure boiler inspected pursuant to section 27-793 of this code by a department inspector; sixty five dollars for each boiler inspection by a department inspector after a violation is issued.~~

~~Local Law 62-1991; Local Law 40-1987, applies to permits applied for and inspections performed on and after July 6, 1987.~~

~~c. The fees for permits to use and operate elevators and other devices listed in article one of subchapter eighteen of chapter one of title twenty-seven shall be calculated on the basis of sixty five dollars for each inspection of each device by the department, sixty five dollars for each elevator inspection by a department inspector after a violation is issued, and thirty dollars for each inspection by a private agency.~~

~~Local Law 48-1991; Local Law 40-1987, applies to permits applied for and inspections performed on and after July 6, 1987.~~

~~(a) The fees for private inspection agencies and inspectors employed by such agencies which are approved by the commissioner to perform inspections of elevators, escalators and power-operated scaffolds required by article three of subchapter eighteen of chapter one of title twenty-seven and reference standard RS-18-1 of this code and any rules and regulations issued by the commissioner thereunder, shall be payable as follows:~~

~~Private inspection agency. Initial certificate of qualification; one hundred dollars for each certificate approved and issued by the commissioner subsequent to July first, nineteen hundred seventy-nine; annual renewal shall be fifty dollars.~~

~~Private inspector. Initial certificate of qualification; fifteen dollars for each certificate approved and issued by the commissioner subsequent to July first, nineteen hundred seventy-nine; annual renewal shall be ten dollars.~~

~~(b) Where a private inspection agency or a private inspector does not renew within thirty days prior to the expiration of the qualification certificate, the fee for the renewal shall be the same as the fee charged for an initial certificate of qualification.~~

~~§[C26-34.0] 26-214 Special fees.~~

~~a. The department shall be entitled to charge the following special fees:~~

~~(1) Acknowledgements.....two dollars each.~~

~~(2) Certificates of occupancy.....five dollars per copy.~~

- ~~(3) Certificates of pending violations.~~
 - ~~(a) multiple and private dwellings....thirty dollars per copy.~~
 - ~~(b) all other buildings..... thirty dollars per copy.~~
- ~~(4) Certified copy of licenses..... five dollars per copy.~~
- ~~(5) Curb cuts.... six dollars per linear foot of curb cut including splay, except three dollars per linear foot of curb cut for a private dwelling.~~
- ~~(6) Marquees.....fifteen dollars annual fee for each one hundred square feet or fraction thereof.~~
- ~~(7) Places of assembly.....one hundred dollars annual fee; one hundred dollars for each place of assembly inspection by a department inspector after a violation is issued.~~
- ~~(8) Preparing copy of records.~~
 - ~~(a) For preparing only, or preparing and certifying, a copy of a record or document filed in the department, other than a plan, certificate of occupancy or certificate of pending violation, eight dollars for the first page and five dollars for each additional page or part thereof a page to consist of one face of a card or other record.~~
 - ~~(b) For a half size print made from microfilm of a plan thirty six by forty eight inches or less, eight dollars per copy and for a half size print made from microfilm of a plan exceeding thirty six by forty eight inches, sixteen dollars per copy.~~
 - ~~(c) For extra copies of the same plan, five dollars per extra copy.~~
- ~~(9) Search inspections.-~~
 - ~~(a) For a requested search inspection of a building, the unit fee shall be based upon a building with a frontage of twenty five feet and a depth of one hundred feet for which the fee shall be twenty dollars per floor for the first three floors and ten dollars for each additional floor. The minimum fee for each building shall be one hundred dollars.~~
 - ~~(b) Such fee shall be increased by forty percent per floor for each twenty five feet or fraction thereof that such structure is in excess of twenty five feet frontage, and twenty five percent per floor for each twenty five feet or fraction thereof that such structure is in excess of one hundred feet in depth.~~
 - ~~(c) A basement or cellar shall be considered a floor, but where a basement and cellar exist in any one structure, cellars shall not be included in computing the fee.~~
 - ~~(d) When the depth of a one or two family dwelling is not more than forty feet the amount of the fee shall be fifty percent of the fee as computed herein.~~
- ~~(10) Temporary sheds, fences, railings, footbridges, catch platforms, building sidewalk shanties, over the sidewalk chutes thirty dollars per permit except that in case of a sidewalk shed the fee per permit shall be thirty dollars for the first twenty five feet or fraction thereof in the length of the shed, plus ten dollars for each additional twenty five feet or fraction thereof.~~

- ~~*(11) Acceptance of materials or equipment by code test method. When any material or equipment is submitted for acceptance for compliance with code requirements by the code test method, the application shall be accompanied by the required fee.~~
 - ~~(a) Application for acceptance of materials or equipment six hundred dollars.~~
 - ~~(b) Application for amendment of prior acceptance of materials or equipment five hundred dollars.~~
 - ~~(c) Application for change of identification (change of ownership, corporate name or name of product) of prior acceptance of materials, appliances and methods of construction three hundred fifty dollars.~~
- ~~***(12) Approval of materials and appliances.—a.~~ Application for approval of materials, appliances and methods of construction — six hundred dollars.
 - ~~b.— Application for change of identification (change of ownership, corporate name or name of product) of prior approval of materials, appliances and methods of construction — three hundred fifty dollars.~~
 - ~~c.— Application for amendment (change in manufacturing process) of prior approval of materials, appliances and methods of construction (may be accompanied by a change in identification application without additional fee) — five hundred dollars.~~
- ~~*(12) Registration of persons pursuant to subdivision (a) of section 27-140.1 of the building code....fifty dollar annual fee.~~
 - ~~b.— Late payment of annual fees set forth in this subchapter shall be subject to the payment of an additional fee, not to exceed fifty percent of the annual fee, as set forth in regulations promulgated by the department.~~
- ~~*** (13) Application for temporary certificate of occupancy — one hundred dollars.~~
 - ~~*Local Law 54 1991; Local Law 49 1988.~~
 - ~~**Local Law 72 1991. Note: There are two paragraph (12)s.~~
 - ~~***Local Law 54 1991.~~
- ~~††† (14) Microfilming of applications and associated documentation for certificates of occupancy, temporary certificates of occupancy and/or letters of completion, as required by rule of the commissioner, as follows: thirty-five dollars for mandatory microfilming by the department of applications for new buildings and alterations, payable at time of filing. Such payment will cover the costs for up to two fiche and will be credited toward the final payment due at the time of issuance of a certificate of occupancy, temporary certificate of occupancy, or letter of completion.~~
 - ~~†††Local Law 53-1993.~~
 - ~~*Local Law 38-1990.~~

‡§[C26-34.1] 26-214.1 Special fees; asbestos. (a) Whenever

pursuant to section 27-198.1 of the code application for a permit is made for work which will involve the performance of an asbestos project and for which the filing with the department of an asbestos inspection report, or proof of approval by the commissioner of environmental protection of an asbestos removal plan is required, the department shall be entitled to charge an additional fee as established by the commissioner of environmental protection in an amount not to exceed twelve hundred dollars.

(b) Whenever pursuant to section 27-198.1 of the code application for a plan approval or a permit is made for work for which an asbestos investigator is required to submit an asbestos inspection report certifying that the work to be performed will not constitute an asbestos project, the department shall be entitled to charge an additional fee as established by the commissioner of environmental protection in an amount not to exceed twenty five dollars.

(c) For the purposes of this section, the terms "asbestos project", "asbestos inspection report" and "asbestos removal plan" shall have the meanings as are ascribed in section 24-146.1 of subchapter six of chapter one of title twenty four of the code.

† *Local Law 55-1991; Local Law 46-1988; Local Law 76-1985, language juxtaposed per Ch. 907-1985.*

***§[C26-35.0] 26-215 Fees for the testing, approval, inspection and use of power operated cranes, derricks and cableways.**

(a) Upon filing an application on a form prescribed by the department, for prototype approval of a mobile crane, except those with hydraulic booms, manufactured after April first, nineteen hundred seventy, to comply with the requirements of section 6.0 of reference standard RS 19-2 the following fees shall be paid:

(1) Twenty five hundred dollars when approval has been requested in accordance with 3.1.1.1(6)(a).

(2) Thirty five hundred dollars when approval has been requested in accordance with 3.1.1.1(6)(b).

(3) Four thousand dollars when approval has been requested in accordance with 3.1.1.1(6)(c).

(b) Upon filing an application on a form prescribed by the department for a prototype approval of a mobile crane with a hydraulic boom; a fee of four thousand dollars shall be paid.

(c) Upon filing an application for a certificate of approval on a form prescribed by the department, the applicant shall pay the following fees for each crane or derrick; five hundred dollars for mobile cranes with a boom less than two hundred feet in length; one thousand dollars for mobile cranes with a boom two hundred feet or more in length, but less than three hundred feet in length; two thousand dollars for mobile cranes with a

boom three hundred feet or more in length but less than four hundred feet in length; three thousand dollars for mobile cranes with a boom four hundred feet or more in length; and for climber and tower cranes, regardless of length; and one thousand dollars for all other cranes and derricks. However, notwithstanding the foregoing, the fee for a mobile crane for which a certificate of approval is required with a boom not exceeding fifty feet in length with a maximum rated capacity exceeding three tons shall be three hundred dollars. The boom length as herein specified shall include the jibs and any other extensions to the boom. The fees prescribed herein shall include the issuance of the initial certificate of operation.

(d) Notwithstanding the provisions of subdivision (a) above, when an applicant has obtained a temporary certificate of approval and has paid fifty percent of the fees for such approval in accordance with rules and regulations of the department of buildings, the remainder of the fee shall be paid simultaneously with the approval of the application.

(e) If the applicant withdraws his or her application for a certificate of approval, upon application to the comptroller of the city of New York and upon verification of the claim by the commissioner, such applicant may obtain a refund of a portion of the fees as follows:

(1) If the application is withdrawn prior to the commencement of examination by the department, the entire fee shall be refunded except one hundred dollars.

(2) If the application is withdrawn after the examination has commenced, the comptroller shall retain a percentage of the fee paid, which the department shall certify is the equivalent percentage of the examination performed, but not less than one hundred dollars. The remainder of the fee shall be refunded to the applicant.

(3) If the application is withdrawn or if approval is denied after the department has performed its examination, no part of the fee shall be returned to the applicant.

(f) The fee for a new certificate of approval, when the boom or extension thereof is replaced or altered shall be the full fee required for testing a new crane or derrick which is replaced or altered with a boom or extension of the same size and design.

(g) The owner of any crane or derrick shall renew the certificate of operation each year. Upon filing an application for such renewals on a form prescribed by the department, the applicant shall pay the following fees for each crane or derrick: two hundred fifty dollars for mobile cranes with a boom less than three hundred feet in length, and four hundred dollars for mobile cranes with a boom three hundred feet or more in length. The length of boom herein specified includes jibs and any other extensions to the boom. The fee for derricks and all other cranes shall be two hundred fifty dollars. However, notwithstanding the foregoing, the fee for a mobile crane with a boom not

~~exceeding fifty feet in length with a rated capacity exceeding three tons or less shall be two hundred dollars. Further, when a crane is exempted from the requirements of a certificate of approval but not from the requirements of a certificate of operation, in accordance with paragraph three of subdivision (a) of section 27-1057 of the code, then the fee for the issuance of the initial certificate of operation shall be two hundred fifty dollars and the fee for the annual renewal thereof shall be two hundred dollars.~~

~~(h) The fee for an application for on-site inspection shall be one hundred fifty dollars, except that when such inspection shall cover mobile cranes with booms, including jibs and other extensions to the boom two hundred fifty feet or more in length, or derricks, the fee shall be as follows:~~

~~(1) Two hundred fifty dollars when the inspection is performed on normal working days.~~

~~(2) Seven hundred fifty dollars when, at the written request of the applicant, the inspection is performed on other than normal working days.~~

~~*Local Law 38-1990.~~

ARTICLE 4 INSPECTIONS

~~§[C26-40.0] 26-216 Right of entry and inspection. The commissioner or his or her authorized representatives, in the discharge of their duties, shall have the right to enter upon and inspect, at all reasonable times, any buildings, enclosure, premises, or any part thereof, or any signs or service equipment contained therein or attached thereto, for the purpose of determining compliance with the provisions of the building code and other applicable building laws and regulations. Officers and employees of the department shall identify themselves by exhibiting the official badge of the department; and other authorized representatives of the commissioner shall identify themselves by producing and exhibiting their authority in writing signed by the commissioner.~~

~~§[C26-41.0] 26-217 Inspections of building work. All inspections of building work shall be made and conducted under the direction of the commissioner and in accordance with and subject to the provisions of this title and the provisions of the building code. The commissioner may accept inspection and test reports from officers and employees of the department and other city departments and governmental agencies; and he or she may also accept inspection and test reports submitted by architects and engineers registered or licensed under the education law, or by other persons or services when he or she is satisfied as to their qualifications and reliability.~~

~~§[C26-42.0] 26-218 Inspection of completed buildings.-~~

~~The commissioner shall cause all completed buildings to be inspected and a record made of all violations of the laws, rules and regulations relative to such buildings that are enforced by the department.~~

~~§[C26-43.0] 26-219 Inspection of construction machinery and equipment, etc. The commissioner shall cause inspections to be made of machinery and equipment used for construction and excavation work, and for cableways, hoisting and rigging purposes.~~

~~§[C26-44.0] 26-220 Inspection of signs. The commissioner shall cause all signs for which permits have been issued to be inspected at least once in every calendar year.~~

~~§[C26-45.0] 26-221 Inspection reports. All inspection reports shall be in writing, and signed by the inspector, or the responsible individual, or the officer of the service, making the inspection; and a record of all inspections shall be kept by the department.~~

ARTICLE 5 CERTIFICATES OF OCCUPANCY

~~§[C26-50.0] 26-222 Requirement of certificate of occupancy. It shall be unlawful to occupy or use any building erected or altered after December sixth, nineteen hundred sixty-eight, unless and until a certificate of occupancy shall have been issued by the commissioner, certifying that such building conforms substantially to the approved plans and the provisions of the building code and other applicable laws and regulations. Nothing herein contained, however, shall be deemed to prohibit the commissioner from permitting the temporary occupancy and use of a building in accordance with and subject to the provisions of the building code and paragraph three of subdivision (b) of section six hundred forty-five of the charter.~~

~~§[C26-51.0] 26-223 Occupancy of existing buildings. The lawful occupancy and use of any building existing on December sixth, nineteen hundred sixty-eight, may be continued unless a change is specifically required by the provisions of the building code; and any changes of occupancy or use of any building existing on such date shall be subject to the provisions of the building code and section six hundred forty-five of the charter.~~

~~§[C26-52.0] 26-224 Issuance and filing of certificate of occupancy. All certificates of occupancy shall be issued by the commissioner in accordance with and subject to the provisions of the building code and section six hundred forty-five of the charter. A record of all certificates of occupancy shall be kept by the department; and copies shall be furnished upon request, and on the~~

payment of the required fee.

**ARTICLE 6
PROJECTIONS BEYOND STREET LINE**

~~§[C26-60.0] 26-225 General restrictions on projections beyond street line.~~ It shall be unlawful to construct any part of a building erected after December sixth, nineteen hundred sixty eight, or altered or enlarged after such date, so as to project beyond the street line and encroach upon a public street or public space, except in accordance with and subject to the provisions of this article and the provisions of the building code. Any permission, express or implied, to construct any part of a building so as to project beyond the street line shall be revocable at will by the city council or the board of estimate; and any part of a building permitted to project beyond the street line shall be so constructed that it may be removed at any time without causing the building to become structurally unsafe in whole or in part, subject to such exceptions and exemptions as may be provided in the building code.

~~§[C26-61.0] 26-226 Existing projections beyond street line.~~ Such parts of buildings as project beyond the street line on January first, nineteen thirty eight, may be maintained as constructed unless their removal, rearrangement or relocation is directed by the city council or the board of estimate.

~~§[C26-62.0] 26-227 Rules governing projections beyond street line.~~ All rules governing the construction of building projections beyond the street line and all surface and subsurface construction beyond the street line and within the curb line, including curb cuts and driveways, the coverings thereof and the entrance thereto, and the issuance of permits in reference thereto, shall be adopted and promulgated by the commissioner. Nothing herein contained, however, shall be deemed to impair the powers and duties of the commissioner of parks and recreation and the commissioner of transportation to adopt and promulgate such additional rules as may be necessary with respect to the regulation and disposition of projections and encroachments beyond the street line, under and pursuant to the provisions of section eleven hundred five of the charter.

**ARTICLE 7
SAFETY IN BUILDING OPERATIONS**

~~§[C26-70.0] 26-228 General safety requirements.~~ Persons engaged in building operations shall provide reasonable and adequate protection for the safety of all persons and property affected thereby; and all such operations shall be conducted in accordance with and subject to the safety requirements of this article and the

building code, and the safety requirements of article ten of the labor law.

~~§[C26-71.0] 26-229 Safety requirements during excavation operations.~~ The following safety requirements shall apply to the conduct of all excavation operations, whether for construction purposes or otherwise:

~~a. Protection of persons and adjoining property.~~ Any person causing an excavation to be made shall provide adequate fencing on all open sides of the excavation, with suitable means of exit therefrom, and shall also provide such sheet piling, bracing and other supports as may be necessary to prevent the sides of the excavation from caving in before permanent supports are provided. Such person shall be afforded a license to enter and inspect adjoining property, and to perform such work thereon as may be necessary for such purpose; otherwise, the duty of providing safe support for any adjoining property, shall devolve upon the owner thereof, who shall be afforded a similar license with respect to the property where the excavation is to be made.

~~*b. Protection of adjoining buildings.~~ Whenever the safety of any adjoining building is or may be affected by an excavation, it shall be the duty of the person causing such excavation to be made to provide safe support for such building regardless of the depth of its foundations, provided such person is afforded a license to enter and inspect the adjoining building and property, and to perform such work thereon as may be necessary for such purpose; otherwise, such duty shall devolve upon the owner of the adjoining building, who shall be afforded a similar license with respect to the property where the excavation is to be made.

~~(1) Such person shall support the vertical load of the adjoining structure by proper foundations, underpinning, or other equivalent means where the level of the foundations of the adjoining structure is at or above the level of the bottom of the new excavation.~~

~~(2) Where the existing adjoining structure is below the level of the new construction, provision shall be made to support any increased vertical or lateral load on the existing adjoining structure caused by the new construction.~~

~~(3) Where the new construction will result in a decrease in the frost protection for an existing foundation below the minimums established in subchapter eleven of chapter one of title twenty seven, the existing foundation shall be modified as necessary to restore the required frost protection.~~

~~*Chapter 664 of Laws of 2007.~~

~~e. Support of party walls.~~ Whenever an adjoining party wall is intended to be used by the person causing an excavation to be made, and such party wall is in good condition and sufficient for the uses of the existing and proposed buildings, it shall be the duty of such person to protect such party wall and support it by proper foundations, so that it shall be and remain practically as safe as it was

before the excavation was commenced.

d. Owner responsibility. The responsibility of affording any license referred to in subdivisions (a) and (b) of this section and in section 26-230 of this article, shall rest upon the owner of the property involved; and in case any tenant of such owner fails or refuses to permit the owner to afford such license, such failure or refusal shall be a cause to the owner for dispossessing such tenant through appropriate legal proceedings for recovering possession of real property.

~~§[C26-72.0] 26-230 Protection of roofs, skylights, etc.~~ Whenever any building is to be constructed above the roof of an adjoining building, it shall be the duty of the person causing such building to be constructed to protect the roof, skylights and other roof outlets of the adjoining building from injury, and to use every reasonable means to avoid interference with the use of the adjoining building during the course of construction. Such person shall be afforded a license to enter and inspect the adjoining building and perform such work thereon as may be necessary for such purpose; otherwise, the duty of protecting the roof, skylights and other roof outlets of the adjoining building shall devolve upon the owner thereof. In addition, any person having the duty to alter or maintain chimneys of any adjoining building under and pursuant to the provisions of the building code or other applicable laws and regulations, shall likewise be afforded a license to enter and inspect such adjoining building and perform such work thereon as may be necessary for such purpose; otherwise, such duty shall devolve upon the owner thereof.

~~§[C26-73.0] 26-231 Regulation of lots.~~ The regulation of lots, in conformity with the street on which they are situated, shall be calculated at curb level. Where a lot has more than one street frontage, and is so situated that the street frontages intersect, the curb of the longest street frontage shall be used. When the street frontages do not intersect, the curb along each frontage shall be used to one-half the depth of the lot between street frontages. A lot as referred to in this section, shall mean a parcel of land twenty-five feet by one hundred feet, or less, in one ownership whether adjacent land be in the same or other ownership; but, for this purpose, no land in the same ownership may be divided into lots smaller than twenty-five feet by one hundred feet.

~~§[C26-74.0] 26-232 Retaining walls.~~ The following requirement shall apply to the construction of retaining walls:

a. Retaining walls to conform to street regulation. When the regulation of a lot, in conformity with section 26-231 of this article, requires the ground on such lot to be raised or lowered and kept higher than the ground of

an adjoining lot, provided the ground of such adjoining lot is not maintained in a grade lower than in conformity with the street or streets on which it is situated, any necessary retaining wall shall be made and maintained jointly by the owners of the land on each side and shall stand one-half upon the land of each owner, unless otherwise agreed to by both owners.

b. Retaining walls to support adjoining earth. Where an excavation has been made or a fill placed on any lot within the legal grade required by section 26-231 of this article, and the adjoining land is maintained at a grade in conformity with or lower than the street or streets on which it is situated and is without permanent structures other than frame sheds or similar structures, any retaining wall which shall be necessary to support the adjoining earth shall stand equally upon the lot of each owner and shall be made and maintained jointly by the owners of the land on each side, unless otherwise agreed to by both owners.

e. Surplus retaining wall. Where any owner shall insist on maintaining his or her ground either higher or lower than the legal regulation as provided in section 26-231 of this article, the surplus retaining wall, which may be necessary to support such height or provide for such excavation, shall be made and maintained at the sole expense of such owner, and such additional thickness as may be required shall be built on the land of such owner.

d. Removal of retaining walls. Any retaining wall standing partly on the land of each owner may be removed by either owner when the necessity for such retaining wall ceases to exist.

~~§[C26-75.0] 26-233 Maintenance and repair of protection fences and retaining walls.~~ Unless otherwise provided by special agreement between them, the owners of adjoining properties shall be responsible jointly for the proper maintenance and repair of partition fences and retaining walls dividing their properties; and each such owner shall be responsible for one-half of the costs of maintaining and repairing such fences and retaining walls, except that where the replacement of a partition fence removed by one owner is necessary for safety, the owner removing the fence shall replace it at his or her own cost.

~~§[C26-76.0] 26-234 Report and inspection of unsafe buildings and property.~~ Whenever persons engaged in building operations have reason to believe in the course of such operations that any building or property is dangerous or unsafe, such person shall forthwith report his or her belief in writing to the commissioner of buildings, who shall thereupon cause an inspection to be made of such building or property; and if such building or property is found to be dangerous or unsafe, the commissioner shall cause such action to be taken as he or she may deem

necessary under and pursuant to the provisions of article eight of this subchapter.

**ARTICLE 8
UNSAFE BUILDINGS AND PROPERTY**

~~§[C26-80.0] 26-235 Removal or repair of structures.-~~ Any structure or part of a structure or premises that from any cause may at any time become dangerous or unsafe, structurally or as a fire hazard, or dangerous or detrimental to human life, health or morals, shall be taken down and removed or made safe and secure. A vacant building which is not continuously guarded shall have all openings sealed in a manner approved by the commissioner, and it shall be the duty of the owner thereof promptly to make any repairs that may be necessary for the purpose of keeping such building sealed. Any vacant building not continuously guarded or not sealed and kept secure against unauthorized entry as herein before provided shall be deemed dangerous and unsafe as a fire hazard and dangerous and detrimental to human life, health and morals within the meaning of this article.

~~§[C26-80.5] 26-236 Record and notice of unsafe structures or premises.-~~

~~a. Docket, order and notice.-~~ Immediately upon the receipt of a report by any officer or employee of the department that a structure or part of a structure or premises is unsafe or dangerous, structurally or as a fire hazard, or is dangerous or detrimental to human life, health or morals, the superintendent shall cause the report to be entered upon a docket of unsafe structures and premises. Such docket shall be kept in the department. The owner, or one of the owners, executors, administrators, agents, lessees or any other person who may have a vested or contingent interest in the structure or premises, shall be served with a printed or written notice containing a description of the structure or premises deemed unsafe or dangerous, or detrimental to human life, health or morals, and an order requiring such structure or premises to be made safe and secure, or removed, or to be vacated and made safe and secure as may be deemed necessary by the superintendent. Such notice shall require the person thus served immediately to certify to the superintendent his or her acceptance or rejection of the order. The notice shall further notify said person that upon his or her refusal or neglect to comply with any of the requirements of this section or of section 26-237 of this article, a survey of the premises named in such notice will be made at a time and place therein named, in accordance with section 26-238 of this article. The notice shall also set forth that, if the premises referred to therein are reported unsafe or dangerous by

the surveyors, their report will be placed before the supreme court and that a trial upon the allegations and statements contained therein, whether such report contains more or less than the notice of survey, will be had before such court at a time and place named in such notice, to determine whether the unsafe or dangerous structures or premises shall be vacated and repaired and secured, or repaired and secured, or taken down and removed, and that a report of such survey, reduced to writing, shall constitute the issue to be placed before the court for trial.

~~b. Manner of service of order and notice.-~~ The order and notice pursuant to this section shall be served by delivering to and leaving a copy of the order and notice with the person to whom the order and notice is addressed, if such person can be found within the city after diligent search. In the event that such service cannot be made, service shall be made in accordance with the provisions of subdivision d of section 26-244 of this subchapter.

~~§[C26-81.0] 26-237 Voluntary abatement of unsafe or dangerous conditions.-~~ If the person served with a notice as specified in section 26-236 of this article shall immediately certify his or her assent to the securing or removal of such unsafe or dangerous structures or premises, or such structure which is dangerous or unsafe as a fire hazard or detrimental to human life, health or morals, he or she shall be allowed twenty-four hours, running from the time of service of such notice, within which to commence the abatement of the unsafe, dangerous or detrimental condition. Such person shall employ sufficient labor and assistance to secure or remove such conditions as expeditiously as possible.

~~§[C26-81.5] 26-238 Survey.-~~

~~a. Identity of surveyors.-~~ The survey referred to in section 26-236 of this article shall be made by three competent persons, of whom one shall be the superintendent, or an engineer or an inspector designated in writing by such superintendent; another shall be a licensed architect, appointed either by the county chapter of the American [sic] institute of architects of the borough in which the survey is to be made or by the New York society of architects, Brooklyn society of architects, or a licensed professional engineer appointed by the New York association of consulting engineers or by the county chapter of the New York society of professional engineers of the borough in which the survey is to be made; and the third shall be a practical builder, a licensed professional engineer or a licensed architect appointed by the person served with a notice pursuant to section 26-236 of this article. In case the person served with such notice shall neglect or refuse to appoint such surveyor, the other two surveyors shall make the survey. In case they disagree, they shall appoint a third person to take part in such

survey, who shall be a practical builder, licensed professional engineer or an architect of at least ten years' practice, whose decision shall be final.

b. Posting report of survey.—A copy of the report of the survey shall be posted on the structure that is the subject thereof by the persons holding the survey, immediately on their signing such report.

c. Compensation of surveyors.—The architect appointed by the county chapter of the American [*sic*] institute of architects of the borough in which the survey is to be made, or by New York society of architects, the Brooklyn society of architects, or the engineer appointed by the New York association of consulting engineers, or by a chapter of the New York society of professional engineers located in New York city, as herein before provided, who may act on any survey called in accordance with the provisions of this article, and the third surveyor who may have been called in the case of disagreement provided for in subdivision a of this section, shall each be paid the sum of fifty dollars by the finance department upon the voucher of the superintendent. The city is hereby given a cause of action against the owner of the structure surveyed, and of the lot or parcel of land on which the structure is situated, for such sum with interest. The amount so collected shall be paid over to the finance department in reimbursement of the amounts paid as aforesaid.

~~§[C26-82.0] 26-239 Judicial review of survey.~~

a. Institution of proceeding.—Whenever the report of any such survey, had as aforesaid, shall recite that the structure or premises thus surveyed is unsafe or dangerous, structurally or as a fire hazard, or dangerous or detrimental to human life, health or morals, the corporation counsel shall, at the time specified in the notice, place such notice and report before the justice holding a special term of the court named in the notice.

b. Precedence of proceeding.—The determination of the issue in an unsafe structure proceeding shall have precedence over every other business of such supreme court. A trial of the issue shall be held without delay, at the time specified in the notice, and shall be held by the justice holding such court or by a referee, whose decision or report in the matter shall be final, unless a jury trial is demanded, in which case the verdict of such jury shall be final.

c. Postponement of trial.—If, for any reason, the issue shall be tried at a time other than that specified in such notice, or to which the trial may be adjourned, the issue may be brought into trial at any time thereafter by the superintendent without a new survey, upon at least three days' notice of trial to the person upon whom the original notice was served, or to his or her attorney. Such notice of trial may be served in the same manner as the

original notice.

d. Precept to abate.—Upon the rendition of a verdict of the court or decision of the referee, if such verdict or decision shall find the structure or premises to be unsafe or dangerous, structurally or as a fire hazard, or dangerous or detrimental to human life, health or morals, the justice trying the case, or to whom the report of the referee trying the case shall be presented, shall immediately issue a precept directed to the superintendent, reciting such verdict or decision, and commanding him or her forthwith to vacate and repair and secure, or to repair and secure, or take down or remove the structure or part thereof or other premises that shall have been named in the report, in accordance with such verdict or decision.

~~§ [C26-82.5]*26-240 Repair or removal under precept.~~

a. Execution of precept.—Upon receiving a precept under the provisions of section 26-239 of this article, the superintendent referred to therein shall immediately proceed to execute such precept, as therein directed, and may employ such labor and assistance and furnish such materials as may be necessary for that purpose. A precept requiring that the structure be repaired and secured shall include, but not be limited to, shoring and sealing of the structure. Whenever the demolition of any structure or part of a structure is to be carried out pursuant to any such precept, and the superintendent upon authorization by the commissioner, requests of either the commissioner of citywide administrative services or the commissioner of the department of housing preservation and development that such structure or part thereof be demolished, such demolition work, as so requested, shall be performed by or under the direction of the commissioner of citywide administrative services in accordance with the provisions of subdivisions b and c of section 4-204 of subchapter two of this chapter of the code, or the commissioner of the department of housing preservation and development. The owner of such structure, or part thereof, or premises, or any party interested therein, if he or she applies to the superintendent immediately upon the issuing of such precept and pays all costs and expenses incurred by the city up to that time, shall be allowed to perform the requirements of such precept at his or her own proper cost and expense, if the performance shall be done immediately and in accordance with the requirements of such precept. The superintendent shall have authority to modify the requirements of any precept upon application to him or her in writing by the owner of such structure, or part thereof, or premises, or his or her representative, or to seal or shore the structure upon an application by the commissioner of housing preservation and development, when such superintendent shall be satisfied that such change will secure the safety of such structure or premises equally well. After a determination to seal or shore the

structure is made by the superintendent upon application by the commissioner of housing preservation and development, written notice of such determination shall be sent by regular mail to the owner at his or her last known address. If no action to rehabilitate and restore the structure is undertaken within eighteen months following the granting of such application by the commissioner of housing preservation and development, which period may be extended for an additional six months by the superintendent upon approval of the supreme court, the structure may be demolished. The owner shall continue to have the right during such periods to request the superintendent in writing to modify the requirements of the precept.

b. Interference prohibited.-

1. It shall be unlawful for any person to interfere, obstruct or hinder the superintendent or commissioner of citywide administrative services or the commissioner of housing preservation and development or the representative of any of them, or any person who, acting under the authority conferred on his or her by such superintendent or commissioner, is performing the work directed by a precept issued out of any court as in this article provided, or the work ordered by the superintendent in accordance with such precept under the provisions of this subchapter.

2. The police commissioner shall enforce such orders or requirements when requested by the superintendent, and shall likewise enforce same at the request of the commissioner of citywide administrative services or the commissioner of housing preservation and development with respect to demolition work performed by or under the direction of such commissioner pursuant to the provisions of this section.

**Local Law 59-1996.*

~~§[C26-83.0] 26-241 Provision for expense of executing precept.~~ The superintendent may make requisition upon the comptroller for such amount of money as shall be necessary to meet the expenses of any preliminary proceedings or the execution of any order or precept issued by any court. Upon the approval of the statement of expenses thereof by any justice of the court from which such order or precept was issued, the finance department shall pay such expenses.

~~§[C26-83.5] 26-242 Return of precept; reimbursement of city.~~ Upon compliance with any precept issued to him or her in a proceeding under this article, the superintendent shall make return thereof, with an endorsement of the action thereunder and the cost and expenses thereby incurred, to the justice then holding the special term of the court from which such precept issued. Such justice shall then tax and adjust the amount endorsed upon such precept, and shall adjust and allow the disbursements of

the proceeding, together with the preliminary expenses of searches and surveys thereof, which shall be inserted in the judgment in such action or proceeding, and shall then render judgment for such amount and for the sale of the premises named in such notice, together with all the right, title and interest that the person named in such notice had in the lot, ground or land upon which such structure was placed, at the time of the filing of a notice of lis pendens in such proceedings, or at the time of the entry of judgment therein, to satisfy such judgment. Such sale shall take place in the same manner and with the same effect as sales under judgment in foreclosure of mortgages. The notice of lis pendens provided for in sections 26-235 through 26-247 of article nine of this subchapter shall consist of a copy of the notice of survey, and shall be filed in the office of the clerk of the county where the property affected by such action, suit or proceeding is located.

~~§[C26-84.0] 26-243 Fallen structures and structures imminently dangerous.-~~

~~** a. Recovery of bodies from wrecked structures.-~~

Where any persons are known or believed to be buried under the ruins of any fallen structure or part thereof in the city, the superintendent shall cause an examination of the premises to be made for the recovery of the bodies of the killed and injured. Whenever, in making such examination, it shall be necessary to remove any debris from the premises, the commissioners of ports and trade, parks, police and sanitation and the commissioner of transportation, respectively, when called upon by the superintendent, shall cooperate with the superintendent in carrying out the purposes of this article, and shall provide suitable and convenient places for the deposit of such debris.

~~**Local Law 14-1989; Local Law 5-1986, language juxtaposed per Ch. 907-1985.~~

~~**b. Temporary safeguards for dangerous structures.~~ In case there shall be, in the opinion of the superintendent, actual and immediate danger that any structure or part thereof will fall, so as to endanger life or property, he or she shall request the commissioner of citywide administrative services or the commissioner of housing preservation and development to cause the necessary work to be done to render such structure or part thereof temporarily safe until the proper proceedings provided for unsafe structures by this subchapter are instituted.

~~*Local Law 59-1996.~~

~~e. Vacating structures; closing streets and sidewalks.-~~

Where, in the opinion of the superintendent, there shall be actual and immediate danger that any structure or part thereof will fall so as to endanger life or property, or where any structure or part thereof has fallen and life is endangered by the occupation thereof, the superintendent is hereby authorized and empowered to order and require the inmates and occupants of such structure or part

thereof to vacate the structure forthwith. The police commissioner shall enforce such orders or requirements when so requested by the superintendent.

d. Labor and materials. For the purposes of this article, the superintendent shall employ such labor and materials as may be necessary to perform such work as expeditiously as possible. The superintendent may make requisition upon the comptroller for such amount of money as shall be necessary to meet the expenses of any direction, determination, requirement or order to perform said work.

ARTICLE 9 VIOLATIONS AND PUNISHMENTS

~~§[C26-84.5] 26-244 Notices of requirements or of violations.~~

a. Issue of notices or orders. All notices of the violation of any of the provisions of this subchapter or chapter one of title twenty-seven of the code, and all notices or orders required or authorized by this subchapter or chapter one of title twenty-seven of the code, directing anything to be done, including notices or orders that any structures, premises, or any part thereof, is deemed to be unsafe or dangerous, shall be issued by the superintendent and shall have his or her name affixed thereto.

b. Contents of notices or orders. Each such notice or order, in addition to the statement of requirements, shall contain a description of the structure, premises or property affected.

c. Service of notices or orders. Notices or orders issued by any court in any proceeding, instituted pursuant to this subchapter or chapter one of title twenty-seven of the code to restrain or remove any violation or to enforce compliance with any provision or requirement of this subchapter or chapter one of title twenty-seven of the code, may be served by delivering to and leaving a copy of the notice or order with any person violating, or who may be liable under any provision of this subchapter or chapter one of title twenty-seven of the code, or who may be designated as provided in subdivision d of section 26-247 of this article. Notices or orders to restrain or remove any violation issued by the superintendent or commissioner pursuant to this subchapter or chapter one of title twenty-seven of the code may be served by regular mail. Such notices may be served by any officer or employee of the department, or by any person authorized by the superintendent.

d. Notice or order by posting. If the person to whom such order or notice is addressed cannot be found within the city after diligent search, such notice or order may be served by posting it in a conspicuous place upon the premises where such violation is alleged to have been placed or to exist, or to which such notice or order may refer, or which may be deemed unsafe or dangerous, and also depositing a copy thereof in a post office in the city

enclosed in a sealed, postpaid wrapper addressed to such person at his or her last known place of residence, which shall be equivalent to a personal service of such notice or order upon all parties for whom such search shall have been made.

~~§[C26-85.0] 26-245 Emergency measures.~~

a. Stopping work and vacating and securing structures. In case, in the opinion of the superintendent, any defective or illegal work in violation of or not in compliance with any of the provisions or requirements of this subchapter or chapter one of title twenty-seven of the code shall endanger life or property, the superintendent, or such person as may be designated by him or her, shall have the right and is hereby authorized and empowered to order all further work to be stopped in and about such structure or premises, and to require all persons in and about such structure or premises forthwith to vacate it, and also to cause such work to be done in and about the structure as in his or her judgment may be necessary to remove any danger therefrom. The reason for such order shall be supplied in writing within one working day after the issuance of the order.

b. Violations of protective measures during construction or demolition. During the construction or demolition of a structure, the superintendent shall notify the owner of the structure affected of any failure to comply with any of the provisions of this subchapter or chapter one of title twenty-seven of the code that concern the protection of the public and workers during construction or demolition. Unless the owner so notified proceeds within twenty-four hours to comply with the orders of the superintendent, the superintendent shall have full power to correct the violation. All expenses incurred therefor shall become a lien on the property which may be enforced as provided in section 26-246 of this article.

c. Closing streets temporarily. The superintendent may, when necessary for the public safety, temporarily close the sidewalks, streets, structures or places adjacent to a structure or part thereof, and the police commissioner, or any of his or her subordinates shall enforce all orders or requirements made under this article, when so requested by the superintendent.

~~§[C26-85.5] 26-246 Judicial remedies.~~

a. Action or proceeding, generally. Whenever the superintendent believes that any structure, or any portion thereof, or any plumbing or other mechanical equipment, the construction, removal or demolition of which is regulated, permitted or forbidden by this subchapter or chapter one of title twenty-seven of the code is being constructed, removed or demolished, or has been constructed, in violation of, or not in compliance with any of the provisions or requirements of this subchapter or

~~chapter one of title twenty seven of the code, or in violation of any detailed statement of specifications or plans submitted and approved thereunder, or of any certificate or permit issued thereunder; or that any provision or requirement of this subchapter or chapter one of title twenty seven of the code, or any order or direction made thereunder has not been complied with, or that plans and specifications for plumbing and other mechanical equipment have not been submitted or filed as required by this subchapter or chapter one of title twenty seven of the code; the superintendent may, in his or her discretion, through the corporation counsel, institute any appropriate action or proceeding at law or in equity to restrain, correct or remove such violation, or the execution of any work thereon, or to restrain or correct the erection or alteration of, or to require the removal of, or to prevent the occupation or use of, such structure. Any person who shall maintain or continue any structure, or any portion thereof, or the occupancy or use thereof, or any plumbing or mechanical equipment in violation of any of the provisions of this subchapter or chapter one of title twenty seven of the code, after having been duly notified as provided in this subchapter or chapter one of title twenty seven of the code that such structure, or any portion thereof, or the occupancy or use thereof, or that such plumbing or any mechanical equipment is in violation of any provision of this subchapter or chapter one of title twenty seven of the code, shall be subject to any action or proceeding and any punishment that is provided in this article for the commission of the violation, except that any person shall be subject to any action or proceeding and any punishment that is provided in this article for the commission of the violation, without prior notification that a violation exists, where the violation is any of the following types:~~

- ~~1. A violation which produces an imminent hazard to persons or property by reason of a change of occupancy or use without a permit, or because of the obstruction of exits or unlawful change of exits, or by reason of permitting in a place of assembly more than the approved number of persons.~~
- ~~2. A violation due to the omission of protective equipment or construction which would safeguard persons or property during construction or demolition.~~
- ~~3. A violation that is due to work being done by an unlicensed or non-qualified person, when the law requires that such work be done only by a person licensed or possessed of a certificate of qualification to do such work.~~
- ~~4. A violation that consists of doing work without a permit.~~
- ~~5. A violation for failure to have a required current place of assembly permit or failure to have sprinklers or emergency lighting installed as required by law.~~

~~**b. Corporation counsel to act.** The corporation counsel shall institute any and all actions and proceedings, either~~

~~legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this subchapter or chapter one of title twenty seven of the code.~~

~~**e. Courts having jurisdiction.** All courts of civil jurisdiction in the city shall have full legal and equitable jurisdiction over any and all suits and proceedings authorized by this subchapter or chapter one of title twenty seven of the code to be brought for the recovery of any fine or the enforcement of any provision of this subchapter or chapter one of title twenty seven of the code, and to make appropriate orders and render judgment therein according to law, so as to give force and effect to the provisions of this subchapter or chapter one of title twenty seven of the code. Such courts shall give preference to such suits and proceedings over all others. No court shall lose jurisdiction of any action hereunder by reason of a plea that the title to real estate is involved if the object of the action is to recover a fine for the violation of any of the provisions of this subchapter or chapter one of title twenty seven of the code.~~

~~**d. Restraining order.** In any such action or proceeding the city may, in the discretion of the superintendent and on this affidavit setting forth the facts, apply to any court of record in the city or to a judge or justice thereof, for an order enjoining and restraining all persons from occupying or using for any purpose whatever or doing, or causing or permitting to be done, any work in or upon such structure, or in or upon such part thereof as may be designated in such affidavit, until the hearing and determination of such action and the entry of final judgment therein. The court, or judge or justice thereof, to whom such application is made, is hereby authorized forthwith to make any or all of the orders above specified, as may be required in such application, with or without notice, and to make such other or further orders or directions as may be necessary to render the same effectual. No undertaking shall be required as a condition to the granting or issuing of such injunction order, or by reason thereof.~~

~~**e. Judgment.** All courts in which any action or proceeding is instituted under this subchapter or chapter one of title twenty seven of the code shall, upon the rendition of a verdict, report of a referee, or decision of a judge or justice, render judgment in accordance therewith.~~

~~**f. Lien of judgment.** Any judgment rendered in an action or proceeding instituted under this subchapter or chapter one of title twenty seven of the code shall be and become a lien upon the premises named in the complaint in such action, such lien to date from the time of filing a notice of lis pendens in the office of the clerk of the county wherein the property affected by such action, suit or proceeding, is located. Every such lien shall have priority before any mortgage or other lien as may exist prior to such filing except tax and assessment liens.~~

~~**g. Lis pendens.** The notice of lis pendens referred to in~~

~~this article shall consist of a copy of the notice issued by the superintendent, requiring the removal of the violation, and a notice of the suit or proceedings instituted, or to be instituted thereon. Such notice of lis pendens may be filed at any time after the service of the notice issued by the superintendent as aforesaid; provided he or she may deem such action to be necessary. Any notice of lis pendens filed pursuant to the provisions of this subchapter or chapter one of title twenty-seven of the code may be vacated and cancelled of record upon an order of a justice of the court in which such suit or proceeding was instituted or is pending, or upon the consent in writing of the corporation counsel. The clerk of the county where the notice is filed is hereby directed and required to mark any such notice of lis pendens, and any record or docket thereof, as vacated and cancelled of record upon the presentation and filing of a certified copy of such order or consent.~~

~~**h. Costs.** In no case shall a department, or any officer thereof, be liable for costs in any action, suit or proceeding that may have been, or may hereafter be, instituted or commenced in pursuance of this subchapter or chapter one of title twenty-seven of the code.~~

~~**i. Officers not liable for damages.** An officer of a department, acting in good faith and without malice, shall be free from liability for acts done in any action or proceeding instituted under any provision of this subchapter or chapter one of title twenty-seven of the code, or by reason of any act or omission in the performance of his or her official duties.~~

~~§[C26-86.0] 26-247 Judicial orders.-~~

~~**a. Judicial orders to comply with notices or orders.** In case any notice or direction authorized to be issued by this subchapter or chapter one of title twenty-seven of the code is not complied with within the time designated therein, the city, by the corporation counsel, may, at the request of the superintendent, apply to the supreme court, at a special term thereof, for an order directing the superintendent to proceed to make the alterations or remove the violation, as may be specified in such notice or direction.~~

~~**b. Judicial orders to vacate for violations.** Whenever any notice or direction so authorized shall have been served as provided in this article, and shall not have been complied with within the time designated therein, the corporation counsel shall, at the request of the superintendent, in addition to, or in lieu of any other remedy provided for by this subchapter or chapter one of title twenty-seven of the code, apply to the supreme court, at a special term thereof, for an order directing the superintendent to vacate such structure or premises, or so much thereof as he or she may deem necessary, and prohibiting the use or occupancy of such structure or premises for any purpose specified in such order until such notice shall have been~~

~~complied with.~~

~~**e. Responsibility of lessees or occupants.** In case any of the notices or orders of the court herein mentioned shall be served upon any lessee or party in possession of the structure or premises therein described, it shall be the duty of the person upon whom such service is made, if such person knows [sic] the address of the owner or agent of the structure or premises named in the notice, to give immediate notice to such owner or agent if such owner or agent shall be within the city, and his or her residence be known to such person, and, if such owner or agent shall be outside the city, by depositing such notice in any post office in the city, properly enclosed in a post paid wrapper addressed to such owner or agent at his or her then known place of residence.~~

~~**d. Designation of agent by an owner of a structure.** Any owner of real estate or of a structure thereon may execute and acknowledge a written designation of a resident of the city upon whom may be served any notice of violation, notice to make safe, notice of survey, summons, mandate, or any paper or process, issued under a provision of this subchapter or chapter one of title twenty-seven of the code, and may file such designation, with the written consent of the person so designated, duly acknowledged in the office of the superintendent. Such designation must specify the location of the property with respect to which the designation is made, the residence and place of business of the person making it and of the person designated. Such designation shall remain in force during the period specified therein, if any, or until revoked by the death or legal incompetency of either of the parties, or until the filing of a revocation by either of the parties, duly acknowledged and endorsed, with the consent of the superintendent. The superintendent shall file and index each designation and shall note, upon the original designation and index, the filing of a revocation. While the designation remains in force, as prescribed in this article, a notice of violation, notice to make safe, notice of survey, summons, mandate, or any paper or process under any provision of this subchapter or chapter one of title twenty-seven of the code, shall be served upon the person so designated, in like manner and with like effect, as if it were served personally upon the person making the designation, even if such person be present in the city.~~

~~**e. Reimbursement of city for expenses.** The expenses and disbursements incurred in the carrying out of any order issued as provided in subdivisions a and b of this section shall become a lien upon the structure or premises named in the order, from the time of filing of a copy of the order, with a notice of lis pendens as provided in this subchapter or chapter one of title twenty-seven of the code, in the office of the clerk of the county where the property affected by such action, suit or proceeding is located; and the supreme court, to whom application shall be made, is hereby authorized and directed to grant any of~~

the orders above named, and to take such proceedings as shall be necessary to make them effectual, and any justice to whom application shall be made is hereby authorized and directed to enforce such lien in accordance with the mechanics' lien laws applicable to the city.

~~§[C26-86.5] 26-248 Punishments.-~~

~~**a. General punishments.** Except as hereinafter provided with respect to the amount of the fine, the owner of any structure, or part thereof, or land, where any violation of this subchapter or chapter one of title twenty seven of the code shall be placed, or shall exist, and any person who may be employed or assist in the commission of any such violation, and any and all persons who shall violate any of the provisions of this subchapter or chapter one of title twenty seven of the code or fail to comply therewith, or any such requirement thereof, or who shall violate or fail to comply with any detailed order or rule made thereunder, or who shall build in violation of any detailed statement of specifications or plans, submitted and approved thereunder, shall severally, for each and every such violation or non compliance, respectively, be punished by a fine of not more than five thousand dollars.~~

~~**b. Heating plant and fire prevention violations.** Any person who shall violate any of the provisions of this subchapter or chapter one of title twenty seven of the code, as to the construction of chimneys, fireplaces, flues, warm air pipes or furnaces, or who shall violate any of the provisions of this subchapter or chapter one of title twenty seven of the code relating to the framing or trimming of timbers, girders, beams, or other woodwork in proximity to chimney flues or fireplaces, shall be punished by a fine of one hundred dollars.~~

~~**c. Violations of the provisions for the registration of plumbers.** Any person, corporation or co-partnership that shall violate any of the provisions of section 26-146 of this chapter, shall be punished by a fine of not more than two hundred fifty dollars or by imprisonment not exceeding three months, or by both, and in addition, shall forfeit any certificate of registration that may be held at the time of such conviction, provided that when such violation is of the provision relating to the posting of a metal plate, no punishment of imprisonment shall be imposed, and the fine shall not be more than fifty dollars for the first offense, but shall be not less than two hundred dollars and not more than five hundred dollars for a subsequent offense.~~

~~**d. Continuing violations after notice.-**~~

~~1. Except as otherwise provided in paragraph two of this subdivision, any person who, having been served with a notice as prescribed in this subchapter or chapter one of title twenty seven of the code to remove any violation or comply with any requirement of this subchapter or chapter one of title twenty seven of the code, or with any order or rule made thereunder, shall fail to comply with such notice within ten days after such service or shall continue to violate any requirement of this subchapter or chapter one of title twenty seven of the code in the respect~~

~~named in such notice shall be, upon conviction, guilty of an offense punishable by a fine of not less than two hundred fifty dollars nor more than five hundred dollars for the first such violation, not less than five hundred dollars no more than one thousand dollars for the second such violation, not less than one thousand dollars nor more than two thousand dollars for the third such violation, and not less than two thousand dollars nor more than five thousand dollars for the fourth such violation and for every subsequent violation, or, for any such violation, by imprisonment for not more than ninety days, or by both fine and imprisonment.~~

~~2. Notwithstanding the provisions of paragraph one of this subdivision, any person who shall convert, or knowingly take part or assist in the conversion of a residence which is legally approved for occupancy as a one family dwelling, to a dwelling for occupancy by two families or which residence is legally approved for occupancy as a two family dwelling, to a dwelling for occupancy by three families, and, having been served with a notice as prescribed in this subchapter or chapter one of title twenty seven of the code to remove such violation, shall fail to comply with such notice within ten days after such service or shall continue to violate the provisions of this paragraph in the respect named in such notice, shall be, upon conviction, guilty of an offense punishable by a fine of not more than five hundred dollars or imprisonment for not more than sixty days or both.~~

~~3. Notwithstanding the provisions of paragraphs one and two of this subdivision, the commissioner may determine that the presence of a violation or the failure to comply with any requirement of this subchapter or chapter one of title twenty seven of the code, or any order or rule made thereunder, constitutes a condition dangerous to human life and safety as set forth by the commissioner in the rules and regulations promulgated by the commissioner. In such event, any person who fails to remove such violation or who, fails to comply with any requirements of this subchapter or chapter one of title twenty seven of the code, or any order or rule made thereunder, after having been served with a notice personally or by certified mail indicating that such condition exists and requiring such removal or compliance unless the removal of such condition is prevented by a labor dispute or is the result of vandalism beyond the control of the owner, shall also be liable for a civil penalty of not less than one hundred fifty dollars per day commencing on the date of the service of such notice and terminating on the date that such removal or compliance has been substantially completed. When service of such notice is made by mail to the owner, civil penalties as herein~~

~~provided shall commence five days from the date of such mailing.~~

~~**e. Jurisdiction of actions to recover fines.** For the recovery of any such fine, an action may be brought in the name of the city in the New York city civil court, or other court of record, in the city; and whenever any judgment shall be rendered in such action, it shall be collected and enforced as prescribed and directed by the civil practice law and rules.~~

~~**f. Discontinuance of action upon removal of violation.** If any violation shall be removed or be in process of removal within ten days after the service of a notice as prescribed in this subchapter or chapter one of title twenty seven of the code, liability shall cease, and the corporation counsel, on request of the commissioner shall discontinue any prosecution or action pending to recover any fine, upon such removal or the completion thereof within a reasonable time. Notwithstanding the foregoing provisions where the commissioner, pursuant to subdivision d of this section, has served a notice requiring removal of a violation or compliance with the requirements of this subchapter or chapter one of title twenty seven of the code or with any order or rule made thereunder with respect to a condition dangerous to human life and safety, liability shall cease and the corporation counsel on request of the commissioner, shall discontinue such prosecution or action only if the removal or compliance so required has been completed or substantially completed within ten days after the service of such notice. The commissioner shall, upon good cause shown grant additional time for such removal or compliance. In addition, the civil penalties shall be tolled from the date the owner certifies under oath, on a form prescribed by the commissioner, that the removal of the violation has been substantially completed. If subsequent inspection by the commissioner shows a failure to have removed the violation, the civil penalties shall be deemed to have accrued as of the first day notice of violation has been served.~~

~~**g. [Inconsistent provisions]**^{*} Notwithstanding any inconsistent provisions in other subdivisions of this section, any person who is convicted of any of the following violations shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars for the first violation, not less than one thousand dollars nor more than five thousand dollars for the second violation, not less than fifteen hundred dollars nor more than five thousand dollars for the third violation, and not less than two thousand dollars nor more than five thousand dollars for the fourth violation and every subsequent violation, or, for any such violation, by imprisonment for not more than ninety days, or by both fine and imprisonment:~~

~~^{*}*Copy in brackets not enacted but probably intended.*~~

- ~~1. Failure to possess a required place of assembly permit;~~
- ~~2. Failure to install required sprinklers or emergency lighting;~~

~~††3. A violation which produces an imminent hazard to persons or property as a result of (a) a change of occupancy or (b) use without a permit.~~

~~††*Local Law 87-2005.*~~

- ~~4. A violation of the provisions of:~~
 - ~~(a) paragraph six or seven of subdivision (c) of section 27-339 of the code; or~~
 - ~~(b) subdivision (e) of section 27-353 of the code; or~~
 - ~~(c) section 27-353.1 of the code; or~~
 - ~~(d) subdivision (e) of section 27-381 of the code; or~~
 - ~~(e) subdivision (b) of section 27-382 of the code; or~~
 - ~~†(f) subdivision (b) or (c) of section 27-384 of the code; or~~
 - ~~(g) section 27-777.1 of the code; or~~
 - ~~(h) section 27-777.2 of the code; or~~
 - ~~(i) subdivision (b) of section 27-929 of the code; or~~
 - ~~(j) paragraph twelve of subdivision (f) of section 27-972 of the code; or~~
 - ~~(k) paragraph ten of subdivision (g) of section 27-972 of the code; or~~
 - ~~(l) subdivision (e) of section 27-975 of the code; or~~
 - ~~(m) subdivision (e) of section 27-989 of the code; or~~
 - ~~(n) section 27-996.1 of the code; or~~
 - ~~(o) section 27-996.2 of the code; or~~
 - ~~†(p) section 2-4 or 4-3 of reference standard RS 13-1; or~~
 - ~~†(q) subdivision (e) of section 27-383.1 of the code; or~~
 - ~~†(r) subdivision (b) of section 27-383; or~~
 - ~~†(s) section 27-929.1.~~

~~5. Working without a permit and refusing to discontinue the work.~~

~~†††6. Engaging a person to perform work on or construct a structure where such person has not been issued a license or has not registered and such license or registration is required under any law, rule or regulation enforced by the commissioner.~~

~~*** **h.** Any permit holder or owner who shall permit any sidewalk shed to remain in place for a period of more than thirty days following the expiration of a sidewalk shed permit shall be subject to the provisions of section 26-126.1 of this code and subject to an additional fine of one hundred dollars per day for each day the shed was in place after the thirtieth day up to a maximum of \$10,000.~~

~~†† **i.** Notwithstanding any other law, rule or regulation, and in addition to any other penalties provided in this code or pursuant to any other law, rule or regulation, any person who is convicted of a violation which produces an imminent hazard to persons or property as a result of any (a) obstruction of an exit or (b) unlawful change of an exit shall be punished by a fine of not less than five thousand dollars for a first violation, not less than five thousand dollars nor more than ten thousand dollars for a second violation, not less than ten thousand dollars nor more than fifteen thousand dollars for a third violation, and not less than fifteen thousand dollars nor more than twenty thousand dollars for a fourth violation and any subsequent violation, or for any such violation by imprisonment for not more than six months, or by both the applicable fine and imprisonment.~~

Title 26 / Subchapter 3

~~††††j.~~ In addition to the penalties provided for in this section and in section 26-212.1 of this chapter, any person who is convicted of conducting demolition work without a required permit on a one or two family dwelling shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not less than five thousand dollars nor more than ten thousand dollars or by imprisonment not to exceed six months or both. Such person shall also be subject to a civil penalty of not less than five thousand dollars nor more than ten thousand dollars to be recovered in a proceeding brought in the name of the city in any court of competent jurisdiction or in a proceeding before the environmental control board.

~~*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.

~~*Local Law 48-2006.~~

~~***Local Law 33-1991.~~

~~†Local Law 26-2004.~~

~~††Local Law 87-2005.~~

~~†††Local Law 36-2007.~~

~~††††Local Law 47-2006.~~

~~**§[C26-87.0] 26-249 Violations of peremptory orders.~~ Any person who shall receive and fail to comply with any written peremptory order of the superintendent or commissioner issued when an immediate compliance with such order is essential to the public peace or safety, within the time specified in such order, in addition to any other punishment prescribed by law shall be punished by a fine of not more than five hundred dollars or by imprisonment not exceeding six months, or by both.

~~**Local Law 23-1990.~~

~~§[C26-87.5] 26-250 Appeal.~~ An appeal from any decision or interpretation of the superintendent or commissioner may be taken to the board of standards and appeals pursuant to the procedures of the board, except as provided in section 25-204 of the code.

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~~§[C26-91.0] 26-251 Illegal practices in the sale or use of lumber for construction purposes prohibited.~~

~~a. Any person, corporation or partnership who, within the city of New York, shall have in his or her possession, or who shall place, use or affix without authorization from the owner thereof a stamp, label, trade mark, grade mark, serial number or other distinguishing mark, which stamp, label, trade mark, grade mark, serial number or mark is the property of an association of lumber manufacturers or lumber grading bureau upon any lumber sold or intended to be sold, or used or intended to be used, for or in the construction, alteration or repair of a building or other structure within the city of New York, or any person, corporation or partnership who shall knowingly sell or possess or offer for sale such lumber so marked, or who shall knowingly possess or use or prepare to use such lumber so marked for or in the construction, alteration or repair of a building or structure within the city of New York, shall be guilty of an offense punishable by a fine of not less than twenty-five dollars nor more than one hundred dollars for the first offense, and by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for not more than six months, or both, for a subsequent offense.~~

~~b. Possession of such lumber so marked, or of a colorable imitation of the principal features of a genuine stamp, label, trade mark, grade mark, serial number or mark as aforesaid, or unauthorized possession of a genuine stamp, label, trade mark, grade mark, serial number or mark, as aforesaid, by any lumber dealer, builder or contractor, or by any employee, partner, or officer thereof, shall be presumptive evidence of a violation of this section.~~

~~* §[C26-92.0] 26-252 (a) Sidewalk sheds, fences, railings, etc.~~

~~a. It shall be unlawful to construct any sidewalk shed, fence, railing, footbridge, catch platform, builder's sidewalk shanty, or an over-the-sidewalk chute, unless and until a special permit ^{**}therefor shall have been issued by the building commissioner. The fees for such permit shall be as provided in section 26-214 of this chapter. Each applicant for a sidewalk shed permit shall state the reason the sidewalk shed is needed. The term of the sidewalk shed permit shall be one year, or the expiration of the contractor's insurance if such time period is less than one year. No renewals of shed permits, except for new buildings under construction, will be given unless an architect or engineer conducts a thorough examination of that part of the premises on which work is being conducted and submits a report acceptable to the commissioner, which clearly documents the condition of the applicable part of the premises and the scope of work that has been performed thereon, and estimates the time needed to complete the work. To renew a shed permit for a new building under construction, each applicant shall file an~~

~~application with the commissioner. All renewal applications shall include the name and address of the owner of the premises.~~

~~^{**}As enacted but "therefore" probably intended.~~

~~b. Following the receipt of a permit to erect a sidewalk shed, the permit holder shall post a sign on the sidewalk shed, which includes the name, address, telephone number, and permit number of the permit holder. The sign shall also include the date that the permit expires. The sign shall measure twenty-five square feet.~~

~~^{*}Local Law 93-1996; Local Law 33-1991; Local Law 45-1969.~~

~~^{**}§26-252.1 Workplace exits.~~

~~(1) Except for the exemptions specified in subdivision j of section 27-371 of title twenty seven of the administrative code of the city of New York, no employer or agent of such employer shall lock the doors of or otherwise prohibit exit from any workplace, when by so doing the health or safety of any employee, independent contractor or other individual working in such workplace may become endangered by fire or other hazardous condition.~~

~~(2) In addition to any other inspection requirements imposed by law, rule or regulation, a minimum of fifty unannounced inspections per year shall be conducted by the fire department to ensure the identification and abatement of any hazardous conditions in violation of this section. Such inspections shall include, but not be limited to, sites where there are known or suspected conditions affecting employee safety and health.~~

~~(3) Any employee who believes that he or she has been the subject of a retaliatory action by his or her employer or the agent of such employer, as defined by section seven hundred forty of the labor law, due to the lawful acts of such employee in furtherance of a civil or criminal enforcement proceeding brought concerning the failure of any employer or the agent of such employer to comply with this section, may bring an action in any court of competent jurisdiction for the relief provided for in this subdivision and shall be entitled to all relief necessary to make such employee whole. Such lawful acts of an employee shall include, but not be limited to, assisting in the investigation and initiation of an enforcement proceeding concerning the non compliance of this section, providing testimony in any such proceeding or providing other assistance in connection therewith. The relief to which such employee shall be entitled shall include, but not be limited to, (i) an injunction to restrain any adverse or retaliatory action, (ii) reinstatement to the position such officer or employee would have had but for such action, or to an equivalent position, (iii) reinstatement of full benefits and seniority rights including payment of any missed back pay, plus interest and (iv) compensation for any special damages sustained as a result of such action, including litigation costs and reasonable attorneys' fees.~~

~~(4) Notwithstanding the provisions of any other law, rule or regulation, and in addition to any other penalties~~

Title 26 / Subchapter 3

~~provided in this code or pursuant to any other law, rule or regulation, any person who is convicted of any violation of this section shall be guilty of a misdemeanor and shall be subject to a fine for each employee, independent contractor or other individual working in a workplace at the time such person violated this section, of not less than five thousand dollars for a first violation, not less than five thousand dollars nor more than ten thousand dollars for a second violation, not less than ten thousand dollars nor more than fifteen thousand dollars for a third violation, and not less than fifteen thousand dollars nor more than twenty thousand dollars for a fourth violation and any subsequent violation, or a term of imprisonment not exceeding nine months, or both the applicable fine and imprisonment. The court may impose a separate sentence for each offense, and if imprisonment is imposed, the court may order any of such sentences to be served concurrently or consecutively. Such violator shall also be subject to a civil penalty of not more than five thousand dollars for each employee, independent contractor or~~

~~other individual working in a workplace at the time such person violated this section, to be recovered in a civil action brought in a court of competent jurisdiction or in a proceeding before the environmental control board.~~

~~(5) Any person who is convicted of a violation of this section, or any person directed by rule promulgated by the fire commissioner, shall post a sign in English, Spanish, Korean, Chinese and any other language deemed necessary by the fire commissioner, to be prominently displayed at all workplaces notifying all employees, independent contractors or any other individuals working in such workplace of the prohibitions against locking the doors of or otherwise prohibiting exit from any workplace and employer retaliation established pursuant to this section. Such sign shall be in a form prescribed by the fire commissioner and may contain any other information deemed necessary by the fire commissioner, or as recommended by the police commissioner or the commissioner.~~

~~##Local Law 87-2005.~~