


23. (B3C) 27-1021(c) Job site fence defective

Example 2

Computer No.	Provision of law	Violating conditions observed	<input type="checkbox"/> Hazardous	<input type="checkbox"/> Second offense Prior ECB violation #
B3C	27-1021(B)	Job Site Fence is defective. The 8 FT. Solid wood fence has collapsed along entire front perimeter of site. (Facing 27 th St.)		
Remedy: Repair or remove fence as needed.				

Example 3

Computer No.	Provision of law	Violating conditions observed	<input checked="" type="checkbox"/> Hazardous	<input type="checkbox"/> Second offense Prior ECB violation #
B3C	27-1021C	JOB SITE FENCE DEFECTIVE APPROX [redacted] DEFECT NOTED: FENCE AT NORTH WEST SIDE IN STATE OF COLLAPSE. PLYWOOD BOARDS THROUGHOUT ARE BROKEN AND DEFECTIVE WITH NAILS PROTRUDING THROUGHOUT.		
Remedy: REPAIR AND/OR REPLACE FENCE				



Example 1

NOTICE OF VIOLATION AND HEARING

COMMISSIONER OF THE DEPARTMENT OF BUILDINGS OF THE CITY OF NEW YORK, PETITIONER, AGAINST [redacted] Violation No. 34 [redacted] ENVIRONMENTAL CONTROL BOARD

Respondent: [redacted] (Address for entry name) [redacted] (Last name) [redacted] (City) [redacted] (State) [redacted] (Zip code)

Additional mailing to be sent (agent, care of, other):

Name: [redacted] (First name) [redacted] (Last name) [redacted] (Company) [redacted] (City) [redacted] (State) [redacted] (Zip code)

Commissioner's Order To Correct Violations

Place of occurrence: [redacted] (Block) [redacted] (Date of violation) [redacted] (Type) [redacted] (Dist.) [redacted] (Code) [redacted] (No.)

Construction type: [redacted] (No. of stories) [redacted] (Block) [redacted] (Lot) [redacted] (Occupancy at time of inspection) [redacted] (Basis of violation)

Based upon the inspection of the premises and/or records of the Department, the undersigned has determined that you are in violation of the sections of law cited below, at Title 26 and/or 27 of the NYC Administrative Code, and the Zoning Resolution:

Computer No.	Provision of law	Violating conditions observed	<input checked="" type="checkbox"/> Hazardous	<input type="checkbox"/> Second offense Prior ECB violation #
B3C	27-1021(B)	JOB SITE FENCE DEFECTIVE. CONSTRUCTION FENCE SPACED UNDER PERMIT THIS 4' EQ. FN ISSUED 4-13-05 REPAIRS 12-31-05 + 4' 260 EQ FN ISSUED 11-24-05 REPAIRS 12-31-05 HAS A OPENING APPROX 4' WIDE x 8' HIGH DUE TO DETACHMENT OF ONE (1) SHEET OF PLYWOOD. OPENING LEAVES GOT OPEN + ACCESSIBLE TO UNAUTHORIZED ENTRY. OTHER BOARDS IN FENCE ALL WARRPED IN VARIOUS LOCATIONS		

Remedy: MAKE SITE SAFE MAKE REPAIRS/REPLACEMENTS MAINTAIN FENCE AS PER DIS CODE + REGULATIONS

26-126.1 (a)(5) (Per day penalty for violation of section 27-116.1 + [redacted] units added)

The Commissioner of the Department of Buildings orders that you correct these conditions and file a certificate of such correction.

Resolution options	Hearing information
<p>CURE DATE: [redacted]</p> <p>At the hearing, you have the option to contest or admit the violation. If a "cure date" appears in the box above, you have the additional option to admit the violation and certify correction by the cure date, resulting in a finding of "in violation," but no hearing or penalty. Also, depending on the type of violation, you may be eligible to accept a stipulation. For more information, see reverse side of the yellow copy of the "Notice of Violation and Hearing."</p>	<p>If the Certificate of Correction (for a "cure") is not received by the date indicated to the left or is not approved by the Department or if YOU ARE CHARGED WITH A HAZARDOUS OR SECOND OFFENSE VIOLATION, YOU ARE REQUIRED TO APPEAR FOR A HEARING AT THE ENVIRONMENTAL CONTROL BOARD (ECB) ON:</p> <p>Hearing date: [redacted] at [redacted] 10:30 AM <input type="checkbox"/> 1:30 PM <input type="checkbox"/> Other [redacted]</p> <p>Environmental Control Board hearing locations:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Queens, (718) 298-7300 - 144-06 94th Avenue, 1st fl. <input type="checkbox"/> Manhattan, (212) 361-1400 - 66 John Street, 10th fl. <input type="checkbox"/> Brooklyn, (718) 875-7428 - 233 Schermerhorn Street, 11th fl. <input type="checkbox"/> Bronx, (718) 579-6844 - 1932 Arthur Avenue, 6th fl. <input type="checkbox"/> Staten Island, (212) 361-1400 - 300 St. Marks Place, 1st fl. <p>Proceedings will be held under authority of the NYC Charter section 140I and rules promulgated thereunder at 15 RCNY Chapter 51. This hearing is your opportunity to answer and defend against the allegations set forth above. If you do not appear, you will be held in default and subjected to maximum penalties.</p>

For more information, to reschedule your hearing or inquire about the case status, call the Environmental Control Board at the numbers listed above. For information on certifying correction of this violation, read instructions on the Certificate of Correction form, call the Department of Buildings at 311, or go to www.nyc.gov/buildings.

Issuing officer's last name, first initial (print): [redacted] I personally observed the violation(s) and verified their existence through review of departmental records.

Issuing officer's signature: [redacted] This statement is affirmed under penalty of perjury.

Badge number: [redacted] Unit Code: [redacted]

Supervisor's signature: [redacted]

34 [redacted]

ORIGINAL-ECB COPY ECB-PC (Rev. 10/04)

Provision of Law: § [27-1021 \(c\)](#) - **(c) Fences.**-Fences shall be at least eight feet high, and constructed of wood or other suitable material. They shall be built solid for their entire length, except for openings with solid sliding or in swinging *sic*] gates as are required for the proper prosecution of the work, and for viewing panels, which shall be blocked with plexiglass or equivalent nonfrangible material.

Background: Our high rise and demolition inspection specialists in the Buildings Enforcement Safety Team (BEST) issue this type of violation. This violation is issued either as a result of a complaint, as a result of a scheduled inspection for an application, as part of a "sweep" or as part of a review of previously issued violations. Site Safety is the inspection of new building construction for high rises of 15 stories or 200 feet and taller, or lot coverage of 100,000 square feet or more. The BEST Squad often inspects Site Safety buildings. Buildings that are not covered by Site Safety regulations are usually inspected by Department of Buildings' borough construction inspectors.

The referenced section applies to defective fence which is a safeguard applied to construction operations. Construction operations includes: excavation, erection, alteration, repair, removal and demolition as related to buildings. Other possible safeguards include: inspections of equipment and devices, sizes and stresses of materials, fire protection (standpipes, temporary elevators, etc), professional technical drawings at construction sites, sheds, chutes, removal of materials, grading, protection for adjoining property, etc. (See [Safety of Public and Property During Construction Operations](#)). For **Examples 1, 2 and 3** these reflect ongoing construction operations at sites that have filed for a valid application.

The violation can not be "Cured" since this considered a "hazardous" violation. If you receive this violation you must attend your hearing.

Certification Criteria: A Certificate of Correction must be submitted *along with* a notarized statement by the owner or responsible party *along with* any bills, receipts, statements, photographs reflecting that all conditions have been corrected **and repaired**. If the fence has been removed you must submit a construction permit sign-off.

VIOLATION CONDITIONS FOR (B3C) 27-1021c Job site fence defective					
	Violation Description	References	Explanation	Safeguard public and Property	Acceptable Certification Submission
	Job site fence defective	<p>BC §26-01 Filing of Site Safety Programs and Designation of Site Safety Managers</p> <p>Demolition safety</p> <p>Construction Safety links</p> <p>Telephone Number Requirements on Construction Signs</p> <p>BC §27-04 - 311 Advisory Signs Required on Construction Sites</p> <p>Safety of Public and Property During Construction Operations</p>	<p>Violation issued by BEST to ensure the construction signs required for construction operations are as per code.</p> <p>May require safeguards as required by Safety of Public and Property During Construction Operations.</p> <p>The Inspector may also take appropriate actions with emergency response agencies if necessary.</p>	<p>Repair and or replace fence.</p>	<p>Submit a notarized statement by owner, employee, contractor, licensed professional, etc., that all of the observed violating fence conditions have been corrected and repaired. Provide any additional proof/evidence (statements, bills, photos, receipts) that the condition has been corrected.</p> <p style="text-align: center;">OR</p> <p>If the fence has been removed provide a copy of the construction permit sign-off.</p> <p style="text-align: center;">OR</p> <p>Provide copy of amended or new Certificate of Occupancy reflecting the altered/converted space involved in the application has been signed-off.</p>