

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to section 102-01 of subchapter B of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding violation reclassification.

This rule was first published on August 12, 2010 and a public hearing thereon was held on September 14, 2010.

Dated: 9/16/10
New York, New York



Robert D. LiMandri
Commissioner

Subdivision (j) of section 102-01 of subchapter B of chapter 100 of Title 1 of the Rules of the City of New York is amended by adding, in numerical order, new entries relating to Section 28-105.1 of the New York City Administrative Code as follows:

Section of Law	Classification	Violation Description
<u>28-105.1</u>	<u>Class 1</u>	<u>Work After Hours Without a Variance Permit contrary to 28-105.12.5.</u>
<u>28-105.1</u>	<u>Class 2</u>	<u>Work After Hours Without a Variance Permit contrary to 28-105.12.5</u>

Statement of Basis and Purpose

The foregoing rule amendments are promulgated pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter. The amendment to subdivision (j) of Section 102-01 of the Department’s rules relating to working after hours without a After Hours Work Variance permit is being made so that the Department may effectively enforce compliance with the noise control code, specifically Sections 24-222 and 24-223 of the New York City Administrative Code. Such violations, more often than not, are a nuisance to quality of life throughout the City. In addition, such work often seeks to evade regular monitoring efforts of the Department and other enforcement agencies, thereby posing varying degrees of threat to life, health, safety and the public interest.