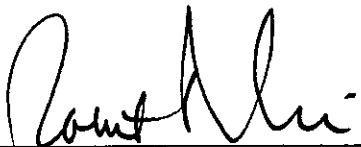


## NOTICE OF ADOPTION OF RULE

**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 amendment to subdivision j of 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 classification of violations for expired permits.

This rule was first published on September 16, 2011 and a public hearing thereon was held on October 19, 2011.

Dated: 11/2/11  
New York, New York

  
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Robert D. LiMandri  
Commissioner

## STATEMENT OF BASIS AND PURPOSE

These rule amendments are pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter.

The amendments:

- Delete the charge relating to expired permits. Whenever construction work is found to be ongoing and the permit has expired, the appropriate charge is a violation of §28-105.1 for "work without a permit." Since this charge already exists in this rule, the proposed amendment to delete "work without a permit: expired permit" will remove an inaccurate violation description.
- Add a new charge for temporary construction equipment (e.g., fence, sidewalk shed, scaffold, temporary railing, catch platform) with an expired work permit. This charge will be used if the equipment is found to be at a work site and the permit has expired. This type of violation had previously been charged as work "without a permit - expired permit." However, this new charge would be a more accurate way to enforce the requirement that an active permit must be maintained for temporary construction equipment during the entire time that the equipment remains at a work site.

**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 deleting one classification and adding, in numerical order, a new entry relating to Section BC 105.8.2 of the New York City Building Code, as follows:**

Section of Law	Classification	Violation Description
[28-105.1]	[Class 2]	[Work without a permit: Expired permit.]
<u>BC 105.8.2</u>	<u>Class 2</u>	<u>Temporary Construction Equipment on Site – Expired Permit.</u>