

1 RCNY §102-01

CHAPTER 100

Subchapter B Enforcement

§102-01 Violation classification and certification of correction.

(a) Pursuant to section 28-204.1 of the Administrative Code, any person who shall violate or fail to comply with any provision or provisions of law enforced by the Department or with any order issued pursuant thereto shall be liable for a civil penalty that may be recovered in a proceeding before the Environmental Control Board ("ECB"). Such proceeding shall be commenced by service of a notice of violation ("NOV") returnable before the board. Such notice of violation may be issued by employees of the Department or of other city agencies designated by the Commissioner and may be served by such employees or by a licensed process server.

(b) Classification of violations. For purposes of classifying violations pursuant to section 28-201.2 of the Administrative Code, the following terms shall have the following meanings:

(1) IMMEDIATELY HAZARDOUS VIOLATION. Immediately hazardous violations are those specified as such by the New York City Construction Codes, or those where the violating condition poses a threat that severely affects life, health, safety, property, the public interest, or a significant number of persons so as to warrant immediate corrective action, or, with respect to outdoor advertising, those where the violation and penalty are necessary as an economic disincentive to the continuation or the repetition of the violating condition. Immediately hazardous violations shall be denominated as Class 1 violations.

(2) MAJOR VIOLATION. Major violations are those specified as such by the New York City Construction Codes or those where the violating condition affects life, health, safety, property, or the public interest but does not require immediate corrective action, or, with respect to outdoor advertising, those where the violation and penalty are appropriate as an economic disincentive to the continuation or the repetition of the violating condition. Major violations shall be denominated as Class 2 violations.

(3) LESSER VIOLATION. Lesser violations are those where the violating condition has a lesser effect than an immediately hazardous (Class 1) or major violation (Class 2) on life, health, safety, property, or the public interest. Lesser violations shall be denominated as Class 3 violations.

(c) Correction and certification of correction.

(1) Each NOV issued by the Commissioner shall contain an order of the Commissioner directing the respondent to correct the condition constituting the violation and to file a certification with the Department that the condition has been corrected

(2) The following violation cannot be certified as corrected prior to a hearing before ECB. The respondent must appear at the hearing prior to the submission of the certification to the Department:

(i) A violation for filing a false certification;

(3) The required certification shall be completed on the form issued with the NOV or obtained from the Department in accordance with the instructions contained therein.

(4) The respondent must appear at the ECB hearing for all violating conditions unless those charges are cured or a pre-hearing stipulation is offered, timely accepted by the respondent, and approved in writing by ECB. Where more than one violation of law is listed on the same NOV, the respondent may submit a single certification covering one or all of the violating conditions.

(5) The certification shall be signed by one with personal knowledge of the correction of the violating condition and notarized by a notary public or commissioner of deeds.

(6) The certification shall be accompanied by true and legible copies of any and all documentary proof of compliance.

(7) The completed certification must be returned to the Department at the address provided on the City's website, NYC.gov.

(8) For violations classified as Class 3 or for those Class 2 violations eligible for a cure, respondents may avoid a hearing by submitting a certification of correction acceptable to and received by the Department no later than forty days from the date of the Commissioner's order to correct set forth in the NOV. For violations classified as Class 1, a certification acceptable to the Department must be received by the Department forthwith.

(9) Failure to submit an acceptable certification for all violating conditions indicated on the NOV on a Department of Buildings form within the time period prescribed in paragraph (8) of this subdivision shall require the respondent to appear at a hearing at ECB on the date indicated on the NOV. If no certificate of correction is received within the time period prescribed in paragraph (8) of this subdivision, the respondent is also subject to issuance of a violation for failure to certify correction and the imposition of civil penalties as defined in Title 28-202.1.

(d) Mitigated and zero penalties. Mitigated or zero penalties are available in the following circumstances under the following conditions.

(1) Cure.¹ An eligible violation may be cured by correction before the first scheduled hearing date at ECB. All violations that are designated as Class 3 violations are eligible for cure. Some, but not all, types of violations that are designated as Class 2 violations are eligible for cure. Those types of Class 2 violations that are eligible for cure will be indicated within the ECB Buildings Penalty Schedule found in Chapter 31 of Title 15 of the Rules of the City of New York ("ECB Buildings Penalty Schedule"). In order to cure, a certificate of correction acceptable to the Department must be filed at the Department within forty days from the date of the Commissioner's order to correct set forth in the NOV. A cure constitutes an admission of the violation; dispenses with the need for a hearing at ECB; constitutes a predicate violation for subsequent violations; and, consistent with the provisions of Section 28-204.2, and with the provisions of the ECB Buildings Penalty Schedule, results in a zero penalty. A violation that has been charged as an Aggravated II violation is never eligible for a cure, even if there is a "Yes" in the "Cure" column in the ECB Buildings Penalty Schedule for that violation description.

(2) Stipulation. An eligible violation may be subject to stipulation where the Commissioner offers to the respondent a stipulation prior to or at a hearing to extend the time for compliance upon such terms and conditions as the Commissioner prescribes. Violations that are eligible for stipulation are indicated as such on the ECB Buildings Penalty Schedule. The respondent must admit the violation subject to stipulation and agree to correct it and file an acceptable certification of correction with the Department. The stipulation may be signed and submitted to ECB either before the first scheduled hearing date at ECB or else *on* the first scheduled hearing date but prior to any actual hearing on that date., in which case it is considered a **pre-hearing stipulation**, or may be entered into at the first ECB hearing in which case it is considered a **hearing stipulation**. A reduced penalty will be imposed in connection with a pre-hearing stipulation in an amount indicated for the charge in question in the ECB Buildings Penalty Schedule. Specifically, the penalty imposed for that violation will be half of the penalty amount (rounded to the nearest dollar) of the penalty amount that would otherwise have been imposed at a hearing for that particular violation. In connection with a stipulation entered into at a hearing, a hearing penalty will be imposed in an amount indicated for the charge in question in the ECB Buildings Penalty Schedule. A stipulation, whether a pre-hearing stipulation or a hearing stipulation, gives the respondent seventy-five days from the first scheduled hearing date within which to correct the violation and file a certificate of correction, failing which any reduced penalty that may have been imposed in connection with a pre-hearing stipulation will be adjusted to the standard hearing penalty set forth in the ECB Buildings Penalty Schedule. A stipulation is effective only if it is approved by ECB. A pre-hearing stipulation dispenses with the need for a hearing at ECB. No stipulation shall take effect unless, in the case of a pre-hearing stipulation, it is offered by the

¹ Section 28-204.2 of the Administrative Code provides for a zero penalty for Lesser violations that are corrected within the prescribed, or cure, period. For purposes of this rule, certain Major violations will also be treated as eligible for cure to the extent that section 28-202.1 of the Administrative Code specifies no minimum penalty for such violations.

Department prior to the first scheduled hearing date, signed by respondent prior to the first scheduled hearing date and approved by ECB in writing, or unless, in the case of a hearing stipulation, it is offered by the Department at the hearing, accepted by the respondent at that hearing, and is approved in writing by ECB. A violation that has been charged as an Aggravated II violation is never eligible for a stipulation, even if there is a "Yes" in the "Stipulation" column in the ECB Buildings Penalty Schedule for that violation description.

(3) Mitigation. An eligible violation may be subject to mitigation where the respondent proves at the hearing that the condition was corrected prior to the first scheduled hearing date at ECB. Violations that are eligible for mitigation are indicated as such on the ECB Buildings Penalty Schedule. A penalty is imposed on mitigations in accordance with the ECB Buildings Penalty Schedule. If a mitigated penalty is imposed, that penalty will be half of the penalty amount of the penalty amount that would otherwise have been imposed at a hearing for that particular violation. An acceptable certificate of correction must thereafter be filed at the Department. A violation that has been charged as an Aggravated II violation is never eligible for mitigation, even if there is a "Yes" in the "Mitigation" column in the ECB Buildings Penalty Schedule for that violation description.

(e) Certificate of correction review procedures.

(1) The Department shall review all certificates and accompanying documentation to determine their acceptability.

(2) The Department shall notify the respondent if the certification is accepted or rejected and, if rejected, the reasons for the rejection and the documents necessary to correct the problem. .

(3) Corrected certifications must be received by the Department no later than the close of business forty days from the date of the Commissioner's order to correct set forth in the NOV.

(f) Aggravated penalties. Aggravated penalties shall be imposed in accordance with the ECB Buildings Penalty Schedule and with the following provisions. Notice of aggravated penalties shall either be set forth in the NOV or otherwise provided to the respondent prior to the date of the first scheduled hearing at ECB.

(1) Aggravated penalties of the first order. Aggravated penalties of the first order ("Agg. I") shall be imposed when evidence establishes the same condition or the same charge under the New York City Construction Codes or the predecessor charge under the laws in effect prior to July 1, 2008 in a prior enforcement action against the same owner or responsible party during the previous three years.

(2) Aggravated penalties of the second order. Aggravated penalties of the second order ("Agg. II") shall be imposed in the following instances:

(i) When the respondent or defendant is found in violation of any law or rule enforced by the Department where the violation of law is accompanied by or results in an accident, or poses a substantial risk thereof; is accompanied by, or results in a fatality or serious injury, or poses a substantial risk thereof; or where the violating condition affects a significant number of people; or

(ii) Where the respondent or defendant refuses to give the Department requested information necessary to determine the condition of a building or site; or

(iii) Where the respondent or defendant has a history of non-compliance with laws or rules enforced by the Department at one or more locations, including but not limited to a pattern of unreasonable delays in correcting violations, a pattern of failing to obey Stop Work Orders, filing false documents, or multiple defaults.

(iv) For purposes of this section, "in violation" shall mean to be adjudged in violation of any law or rule enforced by the Department following a hearing, to admit the charge, or to sign a stipulation agreement either at or before a hearing before any administrative or judicial tribunal. Failure to appear at a hearing leading to entry of a default order or judgment shall also be deemed a finding "in violation."

(g) Additional Daily and Monthly Penalties. Additional daily penalties may be imposed in connection with certain continuing and uncorrected Class 1 violations. Additional monthly penalties may be imposed in connection with certain continuing and uncorrected Class 2 violations. If the Department seeks such penalties in connection with a particular Class 1 or Class 2 charge, that will be indicated on the NOV. Such

daily or monthly penalties, if applicable, are in addition to the set, flat-amount penalty that also is indicated in the ECB Buildings Penalty Schedule as applicable to the type of violation in question taking into account the classification level and Aggravated level of the particular violation. Imposition of such additional daily and monthly penalties is authorized pursuant to Section 28-202.1 of the New York City Administrative Code.

(1) **Accrual of Daily Penalties.** Daily penalties, if applicable, will accrue at the rate of \$1,000 per day for a total of forty-five days running from the date of the Commissioner's order to correct set forth in the NOV, unless the violating condition is proved by the respondent at the hearing to have been corrected prior to the end of that forty-five day period, in which case the daily penalties will accrue for every day up to the date of that proved correction.

(2) **Accrual of Monthly Penalties.** Monthly penalties, if applicable, accrue at the rate of \$250 per month for a total of one month running from the date of the Commissioner's order to correct set forth in the NOV, unless the violating condition is proved by the respondent at the hearing to have been corrected prior to the end of a month period.

(h) **Applicability.** On and after July 1, 2008 any work performed without a required permit will be presumed subject to enforcement under the New York City Construction Codes. Thus, the option afforded by 28-101.4 to use either the 1968 Building Code or the New York City Construction Codes applies only to work for which an application is filed with the Department. If and when the work is the subject of an application to legalize, the option will be available once again.

(i) **Legal References.** The legal references referred to in the table below that reflects the classification of violations include the following:

(1) Title 28 of the New York City (NYC) Administrative Code. References to Title 28 of the NYC Administrative Code begin with "28-" (for example, "28-201.1"). The citation "28-Misc." refers to provisions of Title 28 that are not specifically designated elsewhere in the table.

(2) Chapter 1 of Title 27 of the NYC Administrative Code (also known as the "1968 Building Code") and Chapter 3 of the same (also known as the "Electrical Code"). References to these chapters of title 27 of the NYC Administrative Code begin with "27-" (for example, "27-371"). The citation "27-Misc." refers to provisions of Title 27 that are not specifically designated elsewhere in the table.

(3) The "New York City Construction Codes," which consist of:

- The New York City plumbing code (PC)
- The New York City building code (BC)
- The New York City mechanical code (MC)
- The New York City fuel gas code (FGC).

References to these New York City Construction Codes are designated by the various abbreviations set out above (for example, "BC3010.1"). The citations "BC-Misc.", "PC-Misc.", "MC-Misc." and "FGC-Misc." refer to provisions of the New York City building, plumbing, mechanical or fuel gas codes that are not specifically designated elsewhere in the table.

(4) Appendices to the New York City Construction Codes. The New York City Construction Codes include all enacted appendices. Administrative Code §28-102.6. References to Appendices are cited by using the abbreviation for the particular Construction Code followed by the applicable Appendix letter (for example, "H") followed by the applicable section number (for example, "BC H103.1").

(5) The NYC Zoning Resolution (ZR) and the Rules of the City of New York (RCNY). References to the Zoning Resolution and to the Rules of the City of New York are designated by the abbreviations "ZR" and "RCNY" (for example, "ZR25-41"; "1 RCNY9-01"). The citations "1 RCNY-Misc." and "ZR-Misc." refer to provisions of 1 RCNY or the Zoning Resolution that are not specifically designated elsewhere in the table.

(6) Reference Standards that pertain to Title 27 of the NYC Administrative Code (RS). References to the Reference Standards are designated by the abbreviation set out above (for example, "RS-16"). The citation "RS-Misc." refers to Reference Standards that are not specifically designated elsewhere in the table.

(7) Citations to the New York City Construction Codes. Whenever a section or subdivision of the New York City Construction Codes is cited or referred to, subordinate consecutively

numbered subdivisions or paragraphs of the cited provision are deemed to be included in such reference unless the context or subject matter requires otherwise.

(8) Electrical Code Technical Standards. References to sections of the National Fire Protection Association NFPA 70 National Electrical Code as adopted and/or amended by New York City begin with “EC” (for example, “EC 250.14”). The citation “EC-Misc” refers to provisions of the Electrical Code Technical Standards that are not specifically designated elsewhere in the table.

(j) Classification of particular violations. Particular violations shall be classified as indicated in the following table:

Section of Law	Classification	Violation Description
1 RCNY-Misc, RS-Misc	Class 1	Miscellaneous violations.
1 RCNY-Misc, RS-Misc	Class 2	Miscellaneous violations.
1 RCNY-Misc, RS-Misc	Class 3	Miscellaneous violations.
1 RCNY 5-02	Class 2	Failure to meet the requirements of licensing/identification/qualification as required by 1 RCNY 5-02.
1 RCNY 9-01	Class 1	Licensed Rigger designated an unqualified foreman.
1 RCNY 9-01	Class 2	Licensed Rigger designated an unqualified foreman.
1 RCNY 9-03	Class 1	Licensed Rigger failed to ensure scaffold worker met minimum req.
1 RCNY 9-03	Class 2	Licensed Rigger failed to ensure scaffold worker met minimum req.
1 RCNY 27-03	Class 1	Prohibited sign on sidewalk shed or construction fence.
1 RCNY 49-03	Class 1	Outdoor Advertising Company failed to comply with Commissioner’s sign-related Order.
1 RCNY 101-07	Class 2	Failure of approved agency to comply with requirements of 1 RCNY 101-07.
1 RCNY 103-04(b)(5)(iii)	Class 2	Removal of public protection from unsafe façade without approval from the department
27-185 & BC 3007.1	Class 2	Operation of an elevator without equipment use permit or service equipment Certificate of Compliance.
27-228.5	Class 2	Failure to file an Architect/Engineer report certifying exit/directional signs are connected to emergency power source/storage battery equipment.
27-369 & BC 1020.2	Class 1	Failure to provide unobstructed exit passageway.

27-371 & BC 715.3.7	Class 2	Exit door not self-closing.
27-382 & BC 1006.3	Class 2	Failure to provide power for emergency exit lighting.
27-383(b) & BC 403.16	Class 1	Failure to install photoluminescent exit path marking in a high-rise building.
27-391 & BC 3002.3	Class 2	Emergency signs at elevator call stations missing, defective or non-compliant with section requirements.
27-393 & BC 1019.1.7	Class 2	Stair identification signs missing and/or defective.
27-509 & BC 3111.1	Class 3	Fence exceeds permitted height.
27-528 & BC 1024.1.3	Class 2	Approved Place of Assembly plans not available for inspection.
27-901(z)(1) & PC 301.6	Class 2	Piping installed in elevator/counterweight hoistway.
27-904 & FGC 406.6.2	Class 1	Gas being supplied to building without inspection and certification by DOB.
27-904 & FGC 406.6.2	Class 2	Gas being supplied to building without inspection and certification by DOB.
27-921(a) & PC 107.3	Class 1	Failure to have new or altered plumbing system tested.
27-921(a) & PC 107.3	Class 2	Failure to have new or altered plumbing system tested.
27-972(h) & BC 907.2.12.3	Class 2	Failure to install an acceptable two-way voice communication system with central station connection.
27-3017	Class 1	Performed unlicensed electrical work.
27-3018(b)	Class 1	Electrical work without a permit.
27-3018(b)	Class 2	Electrical work without a permit.
27-3018(b)	Class 3	Electrical work without a permit.
27-3018(b)	Class 3	Failure to conspicuously post electrical work permit while work is in progress.
27-3018(b)	Class 1	Electrical work does not conform to approved submittal documents/amendments.
27-3018(b)	Class 2	Electrical work does not conform to approved submittal documents/amendments.
27-3018(b)	Class 3	Electrical work does not conform to approved submittal documents/amendments.

27-3018(i)	Class 2	Installed more than the authorized number of electric meters.
27-Misc, 28-Misc, BC -Misc	Class 1	Miscellaneous violations.
27-Misc, 28-Misc, BC -Misc	Class 2	Miscellaneous violations.
27-Misc, 28-Misc, BC -Misc	Class 3	Miscellaneous violations.
28-104.2.2	Class 2	Failure to provide approved/accepted plans at job site at time of inspection.
28-105.1	Class 2	Failed to obtain a temporary construction permit prior to installation/use of sidewalk shed.
28-105.1	Class 1	Work without a permit.
28-105.1	Class 1	Work After Hours Without a Variance Permit contrary to 28-105.12.5.
28-105.1	Class 2	Work After Hours Without a Variance Permit contrary to 28-105.12.5
28-105.1	Class 2	Work without a permit.
28-105.1	Class 3	Work without a permit.
28-105.1	Class 1	Construction or alteration work w/o a permit in manufacturing district for residential use.
28-105.1	Class 2	Construction or alteration work w/o a permit in manufacturing district for residential use.
28-105.1	Class 1	Demolition work without required demolition permit.
28-105.1	Class 1	Plumbing work without a permit in manufacturing district for residential use.
28-105.1	Class 2	Plumbing work without a permit in manufacturing district for residential use.
28-105.1	Class 2	Outdoor sign on display structure without a permit.
28-105.1	Class 1	Outdoor Ad Co sign on display structure without a permit.
28-105.11	Class 2	Failure to post permit for work at premises.
28-105.12.1	Class 2	Outdoor sign permit application contrary to Code and ZR requirements.
28-105.12.2	Class 1	Work does not conform to approved construction documents and/or approved amendments.

28-105.12.2	Class 1	Outdoor Ad Co sign is contrary to construction documents.
28-105.12.2	Class 2	Work does not conform to approved construction documents and/or approved amendments.
28-105.12.2	Class 3	Work does not conform to approved construction documents and/or approved amendments.
28-105.12.2	Class 1	Work does not conform to approved construction documents and/or approved amendments in a manufacturing district for residential use.
28-105.12.2	Class 2	Work does not conform to approved construction documents and/or approved amendments in a manufacturing district for residential use.
28-105.12.2	Class 1	Place of Assembly contrary to approved construction documents.
28-105.12.2	Class 2	Place of Assembly contrary to approved construction documents.
28-105.12.2	Class 1	Outdoor Ad Co sign is contrary compliance with construction documents.
28-110.1(20)	Class 1	Failure to provide evidence of workers attending construction & safety course.
28-110.1(21)	Class 1	Failure to conduct workers' site-specific safety orientation program per site safety plan.
28-116.1	Class 2	Failure of permit holder to provide inspection access to and/or expose ongoing construction or work on an active and permitted worksite.
28-117.1	Class 1	Operation of a Place of Assembly without a current Certificate of Operation.
28-117.1	Class 2	Operation of a Place of Assembly without a current Certificate of Operation.
28-118.2	Class 1	New building or open lot occupied without a valid certificate of occupancy.
28-118.3	Class 1	Altered/changed building occupied without a valid Certificate of Occupancy as per §28-118.3.1 - §28-118.3.2.
28-118.3	Class 2	Altered/changed building occupied without a valid Certificate of Occupancy as per §28-118.3.1 - §28-118.3.2.
28-118.3	Class 1	Change in occupancy/use of C of O as per §28-118.3.1 - §28-118.3.2 by operating a Place of Assembly as per when current C of O does not allow such occupancy.
28-118.3	Class 2	Change in occupancy/use of C of O as per §28-118.3.1 - §28-118.3.2 by operating a Place of Assembly as per when current C of O does not allow such occupancy.

28-118.3.2	Class 1	Occupancy contrary to that allowed by the Certificate of Occupancy or Building Department records.
28-118.3.2	Class 2	Occupancy contrary to that allowed by the Certificate of Occupancy or Building Department records.
28-118.3.2	Class 3	Occupancy contrary to that allowed by the Certificate of Occupancy or Building Department records.
28-201.1	Class 1	Unlawful acts. Failure to comply with commissioner's order.
28-202.1	Class 1	Additional daily penalty for Class 1 violation of 28-210.1 - 1 or 2 family converted to 4 or more families.
28-202.1	Class 2	Additional monthly penalty for continued violation of 28-210.1.
28-202.1	Class 1	Additional daily civil penalties for continued violations.
28-202.1	Class 2	Additional monthly civil penalties for continued violations.
28-202.1	Class 2	Additional monthly penalty for continued violation of 28-210.2.
28-204.4	Class 2	Failure to comply with the commissioner's order to file a certificate of correction with the Department of Buildings.
28-207.2.2	Class 1	Unlawfully continued work while on notice of a stop work order.
28-210.1	Class 1	Residence altered for occupancy as a dwelling from 1 or 2 families to 4 or more families.
28-210.1	Class 2	Residence altered for occupancy as a dwelling for more than the legally approved number of families.
28-210.2	Class 2	Maintain or permit conversion of industrial/manufacturing bldg to residential use w/out C of O/code compliance.
28-210.2	Class 2	Plumbing work contrary to approved app'n/plans that assists/maintains convers'n of indust/manuf occupancy for resid use.
28-211.1	Class 1	Filed a certificate of correction or other related materials containing material false statement (s).
28-216.12.1	Class 2	Failure to submit required report of inspection of potentially compromised buildings.
28-216.12.6	Class 1	Failure to immediately notify Department that building or structure has become potentially compromised.
28-301.1	Class 1	Failure to maintain building in code compliant manner: Lack of required number of means of egress for every floor per BC 1018.1; 27-366.

28-301.1	Class 2	Failure to maintain building in code compliant manner: Exhaust discharge closer than 10 feet from building openings per RS 13 (2-2.1.4); MC 401.5.2.
28-301.1	Class 3	Failure to maintain building in code-compliant manner.
28-301.1	Class 1	Failure to maintain building in code-compliant manner: Use of prohibited door and/or hardware per BC 1008.1.8; 27-371(j).
28-301.1	Class 2	Failure to maintain building in code-compliant manner: Use of prohibited door and/or hardware per BC 1008.1.8; 27-371(j).
28-301.1	Class 1	Failure to maintain building in code-compliant manner: illumination for exits, exit discharges and public corridors per BC 1006.1; 27-381.
28-301.1	Class 2	Failure to maintain building in code-compliant manner: illumination for exits, exit discharges and public corridors per BC 1006.1; 27-381.
28-301.1	Class 1	Failure to maintain building in code-compliant manner: floor numbering signs missing and/or defective per BC 1019.1.7; 27-392.
28-301.1	Class 2	Failure to maintain building in code-compliant manner: floor numbering signs missing and/or defective per BC 1019.1.7; 27-392.
28-301.1	Class 1	Failure to maintain building in code-compliant manner: high-rise to provide exit sign requirement(s) within exits per BC 1011.1.1; 27-383.1.
28-301.1	Class 2	Failure to maintain building in code-compliant manner: high-rise to provide exit sign requirement(s) within exits per BC 1011.1.1; 27-383.1.
28-301.1	Class 1	Failure to maintain building in code-compliant manner: lack of emergency power or storage battery connection to exit signs per BC 1011.5.3; 27-384 (c).
28-301.1	Class 1	Failure to maintain building in code-compliant manner: lack of emergency lighting for exits, exit discharges and public corridors per BC 1006.1; 27-542.
28-301.1	Class 2	Failure to maintain building in code-compliant manner: lack of emergency lighting for exits, exit discharges and public corridors per BC 1006.1; 27-542.
28-301.1	Class 2	Failure to maintain building in code-compliant manner: failure to provide non-combustible proscenium curtain per BC410.3.5; 27-546.
28-301.1	Class 1	Failure to maintain building in code-compliant manner: no fire stopping per BC 712.3; 27-345.
28-301.1	Class 2	Failure to maintain building in code-compliant manner: no fire stopping per BC 712.3; 27-345.
28-301.1	Class 1	Failure to maintain building in code-compliant manner: Improper exit/exit access doorway arrangement per BC 1014.2; 27-361.

28-301.1	Class 1	Failure to maintain building in code-compliant manner: service equipment – elevator per BC 3001.2; 27-987.
28-301.1	Class 2	Failure to maintain building in code-compliant manner: service equipment – elevator per BC 3001.2; 27-987.
28-301.1	Class 3	Failure to maintain building in code-compliant manner: service equipment – elevator per BC 3001.2; 27-987.
28-301.1	Class 1	Failure to maintain building in code-compliant manner: service equipment – boiler.
28-301.1	Class 2	Failure to maintain building in code-compliant manner: service equipment – boiler.
28-301.1	Class 3	Failure to maintain building in code-compliant manner: service equipment – boiler.
28-301.1	Class 1	Failure to maintain building in code-compliant manner: lack of a system of automatic sprinklers where required per BC 903.2; 27-954.
28-301.1	Class 2	Failure to maintain building in code-compliant manner: lack of a system of automatic sprinklers where required per BC 903.2; 27-954.
28-301.1	Class 2	Failure to maintain building in code-compliant manner re: installation/maintenance of plumbing materials/ equipment per PC102.3; 27-902.
28-301.1	Class 2	Failure to maintain building in code-compliant manner: Gas vent reduced or undersized as per FGC 504.2; 27-887.
28-301.1	Class 2	Failure to maintain building in code-compliant manner: failure to comply with law for water supply system per PC 602.3;27-908(c).
28-301.1	Class 2	Failure to maintain building in code-compliant manner: failure to comply with law for drainage system per PC 702.1;27-911.
28-301.1	Class 2	Failure to maintain building in code-compliant manner: Plumbing fixture(s) not trapped and/or vented per PC 916.1 & PC 1002.1; 27-901(o).
28-301.1	Class 1	Failure to maintain building in code-compliant manner: Misc sign violation by Outdoor Ad Co as per 27-498 through 27-508 & BC H103.1.
28-301.1	Class 2	Failure to maintain sign in accordance w Tit.27; Tit.28; ZR; RCNY.
28-302.1	Class 1	Failure to maintain building wall(s) or appurtenances.
28-302.1	Class 2	Failure to maintain building wall(s) or appurtenances.
28-302.1	Class 3	Failure to maintain building wall(s) or appurtenances.

28-302.3	Class 1	Failure to immediately notify the department of unsafe façade condition(s)
28-302.4	Class 2	Failure to submit a required report of critical examination documenting condition of exterior wall and appurtenances.
28-302.5	Class 1	Failure to take required measures to secure public safety – unsafe façade
28-302.5	Class 2	Failure to file an amended report acceptable to this Department indicating correction of unsafe conditions.
28-305.4. 4	Class 2	Failure to submit required report of condition assessment of retaining wall.
28-305.4.6	Class 1	Failure to immediately notify Department of unsafe condition observed during condition assessment of retaining wall.
28-305.4.7.3	Class 2	Failure to file an amended condition assessment acceptable to Department indicating correction of unsafe conditions.
Misc. Chapter 4 of Title 28 – Unlicensed Activity	Class 1	Illegally engaging in any business or occupation without a required license or other authorization.
28-401.16	Class 2	Held self out as licensed, certified, registered etc., to perform work requiring a DOB license w/o obtaining such license.
28-401.9	Class 1	Failure to file evidence of liability &/or property damage insurance.
28-401.9	Class 1	Failure to file evidence of compliance with Workers Comp, law and/or disability benefits law.
28-404.1	Class 1	Supervision or use of rigging equipment without a Rigger's license.
28-404.4.1	Class 2	Licensed Master/Special Rigger failed to place appropriate “Danger” sign while using rigging equipment.
28-405.1	Class 1	Supervision or use of power-operated hoisting machine without a Hoisting Machine Operator's license.
28-406.1	Class 1	Unlicensed concrete testing activity.
28-408.1	Class 1	Performing unlicensed plumbing work without a master plumber license.
28-415.1	Class 1	Hoisting, lowering, hanging, or attaching of outdoor sign not performed or supervised by a properly licensed sign hanger.
28-502.2	Class 1	Outdoor Advertising Company engaged in outdoor advertising business without a valid registration.
28-502.2.1	Class 1	Outdoor Advertising Company failed to submit complete/accurate information as prescribed in 1 RCNY Chapter 49.

28-502.2.2	Class 1	Outdoor Advertising Company failed to post, renew or replenish bond or other form of security.
28-502.5	Class 1	Outdoor Advertising Company failed to post required information at sign location.
28-502.6	Class 1	Misc sign viol'n by outdoor ad co of Tit.27; Tit.28; ZR; or BC.
28-504.3	Class 2	Failure to complete/implement/ amend bicycle access plan or provide request for exception.
28-504.3(2)	Class 2	Failure to implement the terms and conditions of bicycle access plan/letter of exception as prescribed in 34 RCNY 2-19.
28-504.6	Class 2	Failure to post a bicycle access plan/letter of exception/notice of availability of plan/letter.
28-504.7	Class 2	Failure to timely file bicycle access plan or amendment with DOT as prescribed in 34 RCNY 2-19.
BC 105.8.2	Class 2	Temporary Construction Equipment on Site – Expired Permit.
BC 903.6	Class 2	Failure to paint dedicated sprinkler piping/valves in accordance with section.
BC 903.6	Class 2	Failure to provide/maintain painting certification of sprinkler and combination sprinkler/standpipe systems in accordance with section.
BC 905.11	Class 2	Failure to paint dedicated standpipe/valves in accordance with section.
BC 905.11	Class 2	Failure to provide/maintain painting certification of standpipe and combination sprinkler/standpipe systems in accordance with section.
BC 1016.2	Class 2	Failure to maintain building in code-compliant manner; provide required corridor width per BC 1016.2; 27-369.
BC 1704.4	Class 2	Failure to perform special inspections and verifications for concrete construction as required by section and Table 1704.4.
BC 1704.21.1	Class 1	Failure to perform successful hydrostatic pressure test of sprinkler system.
BC 1704.22.1	Class 1	Failure to perform successful hydrostatic pressure test of standpipe system.
BC 1905.6.3.2	Class 2	Failure to comply with ASTM C31 standards for concrete cylinder test samples.
BC 3010.1 & 27-1006	Class 1	Failure to promptly report an elevator accident involving personal injury requiring the services of a physician or damage to property.
BC 3301.2 & 27-1009(a)	Class 1	Failure to safeguard all persons and property affected by construction operations.

BC 3301.2 & 27-1009(a)	Class 2	Failure to safeguard all persons and property affected by construction operations.
BC 3301.2 & 27-1009(a)	Class 1	Failure to institute/maintain safety equipment measures or temporary construction – No guard rails.
BC 3301.2 & 27-1009(a)	Class 1	Failure to institute/maintain safety equipment measures or temporary construction – No toe boards.
BC 3301.2 & 27-1009(a)	Class 1	Failure to institute/maintain safety equipment measures or temporary construction – No handrails.
BC 3301.8	Class 1	Failure to promptly notify the Department of an accident at construction/demolition site.
BC 3301.9 & 27-1009 (c)	Class 2	Failure to provide/post sign(s) at job site pursuant to subsection.
BC 3303.3 & 27-1020	Class 2	Failure to post D.O.T. permit for street/sidewalk closing.
BC 3303.4 & 27-1018	Class 1	Failure to maintain adequate housekeeping per section requirements.
BC 3303.4 & 27-1018	Class 2	Failure to maintain adequate housekeeping per section requirements.
BC 3303.4.5 & 27-1018	Class 1	Unsafe storage of materials during construction or demolition.
BC 3303.4.6 & 27-1018	Class 1	Unsafe storage of combustible material and equipment.
BC 3303.7.3	Class 1	Smoking at construction/demolition site.
BC 3303.7.3	Class 2	Smoking at construction/demolition site.
BC 3303.7.3	Class 2	Failure to post No Smoking signs at construction/demolition sites per Fire Code.
BC 3303.8.1	Class 1	Failure to provide air pressurized alarm system for standpipe system during construction or demolition operation.
BC 3303.8.1	Class 1	Failure to conduct proper planned removal from service of standpipe system and/or standpipe air pressurized alarm.
BC 3303.15	Class 2	Failure to perform proper concrete washout water procedures
BC 3304.3 & 1 RCNY 52-01(a)	Class 1	Failure to notify the Department prior to the commencement of earthwork.
BC 3304.3 & 1 RCNY 52-01(b)	Class 2	Failure to notify the Department prior to the cancellation of earthwork.
BC 3304.4 & 27-1032	Class 1	Failure to provide protection at sides of excavation.

BC 3306 & 27-1039	Class 1	Failure to carry out demolition operations as required by section.
BC 3306.2.1	Class 1	Failure to provide safety zone for demolition operations.
BC 3306.3& 27-195	Class 1	Failure to provide required notification prior to the commencement of demolition.
BC 3306.5	Class 1	Mechanical demolition without plans on site.
BC 3307.3.1& 27-1021(a)	Class 1	Failure to provide sidewalk shed where required.
BC 3307.3.1& 27-1021(a)	Class 2	Failure to provide sidewalk shed where required.
BC 3307.6 & 27-1021	Class 2	Sidewalk shed does not meet code specifications.
BC 3307.7 & 27-1021(c)	Class 2	Job site fence not constructed pursuant to subsection.
BC 3309.4 & 27-1031	Class 1	Failure to protect adjoining structures during excavation operations.
BC 3310.5 & 27-1009(d)	Class 1	Failure to have Site Safety Manager or Coordinator present as required.
BC 3310.8.2	Class 1	Site safety manager/coordinator failed to immediately notify the Department of conditions as required.
BC 3310.9.1	Class 1	No concrete safety manager present at site where at least 2,000 cubic feet of concrete will be poured.
BC 3314.2 & 27-1042	Class 1	Erected or installed supported scaffold 40 feet or higher without a permit.
BC 3314.1.1 & 27-1050.1	Class 2	Failed to notify Department prior to use/inst. off C-hooks/outrigger beams in connection with Suspended Scaffold.
BC 3314.4.3.1 & 27-1045	Class 1	Failure to perform safe/proper inspection of suspended scaffold.
BC 3314.4.3.1 & 27-1045(b)	Class 1	No record of daily inspection of Suspended Scaffold performed by authorized person at site.
BC 3314.4.5	Class 1	Erected, dismantled repaired, maintained, modified or removed supported scaffold without a scaffold certificate of completion.
BC 3314.4.6	Class 1	Use of supported scaffold without a scaffold user certificate.
BC 3314.6.3 & 27-1009	Class 1	Failure to provide/use lifeline while working on scaffold.
BC 3314.6.3 & 27-1009	Class 2	Failure to provide/use lifeline while working on scaffold.
BC 3316.2 & BC 3319.1& 27-1054	Class 1	Inadequate safety measures: Oper'n of crane/derrick/hoisting equip in unsafe manner.

BC 3319.3	Class 1	Operation of a crane/derrick without a Certificate of Operation.
BC 3319.3 & 27-1057(b)	Class 2	Operation of crane/derrick without Certificate of Approval/Certificate of Operation.
BC 3319.3 & 27-1057(d)	Class 2	Operation of a crane/derrick without a Certificate of Onsite Inspection.
BC 3319.8	Class 1	Failure to provide erection, jumping, climbing, dismantling plan for tower/climber crane.
BC 3319.8.2	Class 1	Failure to conduct a safety coordination meeting.
BC 3319.8.3	Class 1	Failure to conduct a pre-jump safety meeting.
BC 3319.8.4	Class 1	Failure to notify the Department prior to pre-jump or safety coordination meeting.
BC 3319.8.4.2	Class 1	Failure to provide time schedule indicating erection, jumping, climbing or dismantling of crane.
BC 3319.8.6	Class 1	No meeting log available.
BC 3319.8.7	Class 1	Failure to file a complete and acceptable tower/climber Installation Report per BC 3319.8.7.
BC 3319.8.8	Class 1	Erection, jumping, climbing, dismantling operations of a tower or climber crane not in accordance with 3319.8.8.
EC-Misc	Class 1	Miscellaneous violation of the Electrical Code Technical Standards.
EC-Misc	Class 2	Miscellaneous violation of the Electrical Code Technical Standards.
EC-Misc	Class 3	Miscellaneous violation of the Electrical Code Technical Standards.
EC 110.2(A)	Class 1	Unapproved/unsafe/unsuitable electrical equipment, apparatus, materials, devices, appliances or wiring in use
EC 110.2(A)	Class 2	Unapproved/unsafe/unsuitable electrical equipment, apparatus, materials, devices, appliances or wiring in use
EC 110.2(B)	Class 2	Constructed electrical installation without required commissioner's approval per section.
EC 110.2	Class 2	Failure to use approved conductors and/or equipment.
EC 110.2	Class 3	Failure to use approved conductors and/or equipment.
EC 110.12	Class 3	Failure to close unused openings (knockouts) in outlet/panel box.
EC 110.14(A)	Class 2	Failure to properly connect conductors to terminals

EC 110.25	Class 1	Electrical closet not dedicated to electrical distribution equipment only.
EC 110.25	Class 2	Electrical closet not dedicated to electrical distribution equipment only.
EC 110.25	Class 3	Electrical closet not dedicated to electrical distribution equipment only.
EC 110.26	Class 2	Failure to provide/maintain sufficient access/work space about electrical equipment.
EC 210.8	Class 2	Failure to install Ground-fault circuit interrupter (GFCI) protection as required.
EC 210.12(B)	Class 2	Failure to provide Arc-fault circuit interrupter (AFCI) protection in dwelling units.
EC 210.52(A)	Class 3	Failure to provide proper spacing between receptacle outlets.
EC 230.72(A)	Class 1	Failure to properly group/label disconnects.
EC 230.72(A)	Class 2	Failure to properly group/label disconnects.
EC 240.3	Class 1	Failure to provide adequate circuit overcurrent protection device per table
EC 240.3	Class 2	Failure to provide adequate circuit overcurrent protection device per table
EC 240.3	Class 3	Failure to provide adequate circuit overcurrent protection device per table
EC 240.4	Class 1	Failure to protect conductor(s) against overcurrent per EC.
EC 240.4	Class 2	Failure to protect conductor(s) against overcurrent per EC.
EC 240.21	Class 2	Tap conductors not in compliance with section.
EC 250.4	Class 1	Failure to ground electrical systems
EC 250.4	Class 1	Failure to properly bond electrical systems.
EC 250.4	Class 2	Failure to properly bond electrical systems.
EC 250.4	Class 3	Failure to properly bond electrical systems
EC 250.4	Class 2	Failure to provide adequate grounding of electrical systems.
EC 250.64	Class 1	Failure to install grounding electrode conductor in accordance with section.

EC 300.10	Class 2	Fail to provide effective electrical continuity for metal raceways/enclosures/cable armor.
EC 300.11	Class 2	Failure to secure/support raceways/cable assemblies/boxes/cabinets/fittings.
EC 314.23	Class 3	Failure to secure electrical device enclosure per section requirement
EC 314.25	Class 2	Failure to provide cover/faceplate/lampholder/luminaire canopy for electrical outlet.
EC 358.12	Class 2	Prohibited use of electrical metallic tubing (EMT).
EC 358.30	Class 2	Failure to properly secure/support electrical metallic tubing (EMT)
EC 408.4	Class 3	Failure to provide required circuit directory/identification.
EC 410.30	Class 2	Luminaires and Lampholders not installed in an approved manner.
EC 590.4(G)	Class 2	Improper splicing of temporary wiring
EC 590.4(J)	Class 1	Failure to provide proper support for temporary wiring.
EC 590.4(J)	Class 1	Failure to protect temporary wiring from improper contact per section.
PC-Misc, FGC-Misc, MC-Misc	Class 1	Miscellaneous violations.
PC-Misc, FGC-Misc, MC-Misc	Class 2	Miscellaneous violations.
PC-Misc, FGC-Misc, MC-Misc	Class 3	Miscellaneous violations.
RS 6-1	Class 1	Failure to file affidavits and/or comply with other requirements set forth for photoluminescent exit path marking.
ZR 11-62	Class 2	Violation of discretionary Zoning conditions on privately owned public space.
ZR 42-543	Class 1	Outdoor Ad Co sign in M Dist exceeds height limit.
ZR 22-00	Class 2	Illegal use in residential district.
ZR 22-00	Class 3	Illegal use in residential district.
ZR 22-32	Class 1	Outdoor Ad Co has impermissible advertising sign in an R Dist.
ZR 22-342	Class 1	Outdoor Ad Co sign in R Dist exceeds height limits.

ZR 25-41	Class 2	Violation of parking regulations in a residential district.
ZR 25-41	Class 3	Violation of parking regulations in a residential district.
ZR 32-00	Class 2	Illegal use in a commercial district.
ZR 32-63	Class 1	Outdoor Ad Co advertising sign not permitted in specified C Dist.
ZR 32-64	Class 2	Sign(s) in specified C Dist exceed(s) surface area restrictions.
ZR 32-64	Class 1	Outdoor Ad Co sign(s) in specified C Dist exceed surface area limits.
ZR 32-652	Class 2	Sign in specified C Dist extends beyond street line limitation.
ZR 32-653	Class 2	Prohibited sign on awning, canopy, or marquee in C Dist.
ZR 32-655	Class 1	Outdoor Ad Co sign exceeds permitted height for specified C Dist.
ZR 42-00	Class 2	Illegal use in a manufacturing district.
ZR 42-52	Class 1	Outdoor Ad Sign not permitted in M Dist.
ZR 42-53	Class 1	Outdoor Ad sign in M Dist exceeds surface area limits.
ZR-Misc	Class 2	Miscellaneous violations of the Zoning Resolution.
ZR-Misc	Class 3	Miscellaneous violations of the Zoning Resolution.
ZR-Misc.	Class 1	Misc sign violation under the Zoning Resolution by an Outdoor Ad Co.
ZR-Misc.	Class 2	Misc sign violation under the Zoning Resolution.
Misc – ZR Misc – Title 28	Class 1	Misc outdoor sign violation of ZR and/or Building Code.
Misc – ZR Misc – Title 28	Class 2	Misc outdoor sign violation of ZR and/or Building Code.
Misc ZR	Class 2	Misc. violation of condition on as of right privately owned public space.

Section 3. This rule shall take effect July 1, 2008.