

## 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(j) of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding clarification of existing violations in the Department's rules by amending their sections of law and violation descriptions.

This rule was first published on February 19, 2015 and a public hearing thereon was held on March 25, 2015.

Dated: 4.13.15  
New York, New York

  
Rick D. Chandler, P.E.  
Commissioner

### **Statement of Basis and Purpose**

Local Law 141 of 2013, which went into effect on December 31, 2014, amends the Administrative Code of the City of New York, the New York City Plumbing Code, the New York City Building Code, the New York City Mechanical Code and the New York City Fuel Gas Code.

Local Law 141 amended some requirements, added new requirements and renumbered existing sections of the affected codes. The following amendments to 1 RCNY § 102-01 add certain new violations contained in the NYC Construction Codes and Zoning Resolution, some of which were created by the enactment of Local Law 141. In addition, unrelated to Local Law 141, the Department of Buildings clarifies existing violations in its rules by amending their sections of law and violation descriptions. These violations relate to:

- the requirement to obtain a service equipment Certificate of Compliance prior to operation;
- the operation, maintenance, testing, and inspection of elevators and conveying systems, and the provision of notice when an elevator will be out of service due to repair work;
- the tampering, removing or defacing of a Stop Work Order or Vacate Order prior to its rescission by the Commissioner;
- failing to obey a Vacate Order;
- failing to conduct or file a final inspection of permitted work with the Department of Buildings;
- damaging or removing trees in a Special Natural Area District without certification, authorization or special permit; and
- the requirement to make readily available a scaffold training certificate card.

Finally, the Department of Buildings makes one change to correct a typographical error in a previously adopted Rule change regarding scaffold training certification violations.

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter and sections 28-201.2, 28-201.2.1, 28-201.2.2, and 28-202.1 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Subdivision (j) of section 102-01 of Title 1 of the Rules of the City of New York is amended by adding eight new violations relating to sections 28-116.2.4.2, 28-207.2.5, 28-207.4, 28-207.4.4, 28-304.6, and 28-304.10 of the New York City Administrative Code and section 105-20 of the New York City Zoning Resolution, and amending five existing violations relating to sections 27-185 and 28-301.1 of the New York City Administrative Code and sections 3314.4.6 of the 2008 Building Code and 3314.4.5.2 of the 2014 Building Code, to read as follows:

Section of Law	Classification	Violation Description
<u>28-116.2.4.2</u>	<u>Class 2</u>	<u>Failure to conduct or file a final inspection of permitted work with the Department.</u>
[27-185 & BC 3007.1] <u>28-116.4.1</u>	Class 2	Operation of [an elevator without equipment use permit or] service equipment <u>without Certificate of Compliance.</u>
<u>28-207.2.5</u>	<u>Class 1</u>	<u>Tampered with, removed or defaced a written posted Stop Work Order.</u>
<u>28-207.4</u>	<u>Class 1</u>	<u>Failure to obey a Vacate Order.</u>
<u>28-207.4.4</u>	<u>Class 1</u>	<u>Removed or defaced a written posted Vacate Order.</u>
[28-301.1] <u>28-304.1</u>	Class 1	Failure to maintain [building in code-compliant manner: service equipment – elevator per BC 3001.2; 27-987] <u>elevator or conveying system.</u>
[28-301.1] <u>28-304.1</u>	Class 2	Failure to maintain [building in code-compliant manner: service equipment – elevator per BC 3001.2; 27-987] <u>elevator or conveying system.</u>
[28-301.1] <u>28-304.1</u>	Class 3	Failure to maintain [building in code-compliant manner: service equipment – elevator per BC 3001.2; 27-987] <u>elevator or conveying system.</u>
<u>28-304.6</u>	<u>Class 1</u>	<u>Failure to inspect or test elevator or conveying system.</u>
<u>28-304.6</u>	<u>Class 2</u>	<u>Failure to inspect or test elevator or conveying system.</u>
<u>28-304.10</u>	<u>Class 2</u>	<u>Failure to provide notice of elevator to be out of service for alteration work.</u>
<u>ZR 105-20</u>	<u>Class 2</u>	<u>Damaged or removed a tree within a Special Natural Area District without certification, authorization or special permit.</u>
BC 3314.4.6 (2008 code) & BC [3314.4.5.2] 3314.4.5.8 (2014 code)	Class 2	Scaffold training [certification] <u>certificate card not readily available for inspection.</u>