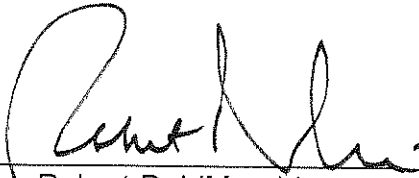


NOTICE OF ADOPTION OF RULE

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 classification of violations for concrete washout water and unsafe façades.

This rule was first published on May 2, 2012 and a public hearing thereon was held on June 1, 2012.

Dated: June 11, 2012
New York, New York


Robert D. LiMandri
Commissioner

STATEMENT OF BASIS AND PURPOSE

The rule amendments are pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter and Article 302 of the Administrative Code.

The amendments:

- Change the title of the section to reflect new classifications of violations.
- Add a new charge for violation of Local Law 70 of 2011 governing concrete washout water, which will take effect on July 1, 2012. This local law regulates wastewater generated from the rinsing of equipment used to mix, transport, convey, and/or place concrete. The failure to perform proper concrete washout procedures would damage the City's environment, sewers and drains.
- Add a new charge when a registered design professional fails to immediately notify the Department when there is an unsafe condition in a façade. When the Department is not immediately notified, the unsafe conditions may present a risk to public safety. The amendment would classify this charge as an Immediately Hazardous (Class 1) violation.
- Add a new charge for failure to secure public safety when there is an unsafe condition in a façade. When unsafe conditions are reported by the registered design professional to the Department and the owner, the owner must take immediate steps to remedy the conditions and take required measures to protect the public from the unsafe conditions. The Department believes that the lack of these safety measures presents an immediate danger to the public. Therefore, the amendment would classify this charge as an Immediately Hazardous (Class 1).
- Add a new charge for removal of public protection from unsafe façade without approval from the Department. Where required safety measures are already in place for unsafe façades, Department rules require Department permission before removing the protection to ensure public safety.

"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.

New matter underlined; deleted matter is [in brackets].

Section 1. The title of section 102-01 of subchapter B of chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

§102-01 Violation [reclassification] classification and certification of correction.

§2. Subdivision (j) of section 102-01 is amended by adding, in numerical order, new entries relating to Sections 28-302.3 and 28-302.5 of the New York City Administrative Code and BC 3303.15 of the New York City Building Code, as follows:

| Section of Law | Classification | Violation Description |
|---------------------------------|----------------|---|
| <u>BC 3303.15</u> | <u>Class 2</u> | <u>Failure to perform proper concrete washout water procedures</u> |
| <u>28-302.3</u> | <u>Class 1</u> | <u>Failure to immediately notify the department of unsafe façade condition(s)</u> |
| <u>28-302.5</u> | <u>Class 1</u> | <u>Failure to take required measures to secure public safety – unsafe façade</u> |
| <u>1 RCNY 103-04(b)(5)(iii)</u> | <u>Class 2</u> | <u>Removal of public protection from unsafe façade without approval from the department</u> |