

NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on proposed rule amendments to subdivision j of section 102-01 of chapter 100 of title 1 of the Rules of the City of New York, relating to the classification of violations for project information panels and construction signs.

Date / Time: **November 14, 2013 / 10a.m.**

Location: 49-51 Chambers Street
New York, NY 10007

Contact: Deborah Glikin
Assistant General Counsel
New York City Department of Buildings
280 Broadway, 7th floor
New York, NY 10007

Proposed Rule Amendment

Pursuant to the authority vested in the Commissioner of Buildings by section 643 and 1043 of the New York City Charter and sections 28-201.2, 28-201.2.1, and 28-202.1 of the New York City Administrative Code, and in accordance with section 1043 of the Charter, the Department of Buildings proposes to amend subdivision j of section 102-01 of chapter 100 of title 1 of the Rules of the City of New York, relating to the classification of violations for project information panels and construction signs.

This rule was not included in the agency's most recent regulatory agenda because the need for it was not anticipated at that time.

Instructions

- Prior to the hearing, you may submit written comments about the proposed amendment to Ms. Glikin by mail or electronically through the [NYC Rules](http://www.nyc.gov/nycrules) website at <http://www.nyc.gov/nycrules> by **November 14, 2013**.
- To request a sign language interpreter or other reasonable accommodation for a disability at the hearing, please contact Ms. Glikin by **October 23, 2013**.
- Written comments and a summary of oral comments received at the hearing will be available until **December 16, 2013** between the hours of 9:00 a.m. and 5:00 p.m. at the Office of the Commissioner, Department of Buildings, 280 Broadway, 7th floor, New York, NY 10007.

STATEMENT OF BASIS AND PURPOSE

This rule amendment is proposed pursuant to the authority of the Commissioner of Buildings under sections 643 and 1043(a) of the New York City Charter and sections 28-201.2, 28-201.2.1, and 28-202.1 of the New York City Administrative Code.

On July 1, 2013, the Mayor signed Local Law 47 of 2013. This law requires contractors and building owners to consolidate required construction signage and permits into a single new standard in order to provide information that is more useful to the public and minimize the visual clutter of signage at construction sites.

The law repeals existing Section 3301.9 of the New York City Building Code, pertaining to required signage, and replaces it with a new Section 3301.9, detailing requirements for signs to be posted at construction or demolition sites.

The law also amends Section 3307.6.4 of the Building Code to require sidewalk sheds erected after July 1, 2013 to be painted hunter green and adds that same requirement for fences in Section 3307.7.2.

In order to enforce the new requirements under Sections 3301.9, 3307.1 and 3307.7, the proposed rule will modify the following existing violations:

- 1 RCNY 27-03/Section 3307.1.1 (Building Code): “Prohibited sign on sidewalk shed or construction fence” will now reference only Section 3307.1.1 and read “Prohibited Outdoor Advertising Company sign on sidewalk shed or construction fence.”
- Section 28-105.11 of the Administrative Code: “Failure to post permit for work at premises” will now read “Failure to post or properly post permit for work at premises.”
- Section 3301.9 (Building Code)/Section 27-1009(c) (Admin Code): “Failure to provide/post sign(s) at job site pursuant to subsection” will delete the reference to Section 27-1009(c) and will now read “Project Information Panel/Sidewalk Shed Parapet Panel/Construction Sign not provided or not in compliance with section.”
- Section 3307.6 (Building Code)/Section 27-1021 (Admin Code): “Sidewalk shed does not meet code specifications” will delete the references to Section 27-1021 and Building Code Section 3307.6, will now reference Section 3307.1 of the Building Code, and will read “Pedestrian protection does not meet code specifications.”
- Section 3307.7 (Building Code)/Section 27-1021(c) (Admin Code): “Job site fence not constructed pursuant to subsection” will delete the reference to Section

27-1021(c) and will now read “Job site fence not constructed or maintained pursuant to subsection.”

In order to enforce the requirement that sidewalk sheds be hunter green in Section 3307.6.4 of the Building Code and to enforce the prohibition on the placement of unlawful signs on protective structures set out in Section 3707.1.1 of the Building Code, the proposed rule amendment will add the following new violations:

- A class 2 violation of Section 3307.1.1 of the Building Code: “Posting of unlawful signs, information, pictorial representation, business or advertising messages on protective structures.”
- A class 2 violation of Section 3307.6.4 of the Building Code: “Sidewalk shed does not meet color specification.”

In order to effectively enforce the requirement under Section 3307.3 of the Building Code, that construction and demolition sites have pedestrian protection for sidewalks and walkways, the proposed rule will make the following additional changes:

- Section 3307.3.1 (Building Code)/27-1021(a) (Admin Code): This charge is being deleted and will be replaced by the new Section 3307.3 charge listed below.
- A Class 1 violation of Section 3307.3 of the Building Code: “Failure to provide pedestrian protection for sidewalks and walkways.” This charge replaces and expands the current charge under Section 3307.3.1/Section 27-1021(a), which is being deleted. While this change is not strictly necessary to implement Local Law 47, it is being made because the current charge only addresses the failure to provide sidewalk shed protection. However, there may be instances where there is a failure to provide other types of pedestrian protection (not just sidewalk sheds) and this expanded charge will allow the Department to address that.

New matter is underlined. Matter in brackets is deleted.

Subdivision (j) of section 102-01 of Title 1 of the Rules of the City of New York is amended by adding, in numerical order, new entries relating to Sections BC 3307.1.1, BC 3307.3 and BC 3307.6.4 of the New York City Building Code, by amending the entries relating to Sections 28-105.11 of the New York City Administrative Code and BC 3301.9, BC 3307.6 and BC 3307.7 of the New York City Building Code and 1 RCNY 27-03, and by deleting the entry for BC 3307.3.1/AC 27-1021(a), as follows:

Section of Law	Classification	Violation Description
28-105.11	Class 2	Failure to post or properly post permit for work at premises
BC 3301.9 [& 27-1009 (c)]	Class 2	[Failure to provide/post sign(s) at the job site pursuant to subsection] <u>Project Information Panel/Sidewalk Shed Parapet Panel/Construction Sign not provided or not in compliance with section</u>
[BC 3307.6 & 27-1021(c)] <u>BC 3307.1</u>	Class 2	[Sidewalk shed] <u>Pedestrian protection</u> does not meet code specifications
[1 RCNY 27-03] <u>BC 3307.1.1</u>	Class 1	Prohibited <u>Outdoor Advertising Company</u> sign on sidewalk shed or construction fence
<u>BC 3307.1.1</u>	<u>Class 2</u>	<u>Posting of unlawful signs, information, pictorial representation, business or advertising messages on protective structures</u>
<u>BC 3307.3</u>	<u>Class 1</u>	<u>Failure to provide pedestrian protection for sidewalks and walkways</u>
[BC 3307.3.1 & 27-1021 (a)]	[Class 2]	[Failure to provide sidewalk shed where required]
<u>BC 3307.6.4</u>	<u>Class 2</u>	<u>Sidewalk shed does not meet color specification</u>
BC 3307.7 [& 27-1021 (c)]	Class 2	Job site fence not constructed <u>or maintained</u> pursuant to subsection

**NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Violation Classifications Relating to Construction Signage

REFERENCE NUMBER: 2013 RG 082

RULEMAKING AGENCY: Department of Buildings

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

September 26, 2013
Date

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Violation Classifications Relating to Construction Signage

REFERENCE NUMBER: DOB-44

RULEMAKING AGENCY: Department of Buildings

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Provides a cure period for some violations, but does not provide a cure period for other violations because a) code compliance violations pose a risk to public health and safety, or b.) the class of violation does not allow for a cure period (Class 1 violations).

/s/ Hunter Gradie
Mayor's Office of Operations

9/27/2013
Date