

The City of New York
HOUSING AND DEVELOPMENT ADMINISTRATION
Department of Buildings

DIRECTIVE NO. 3 OF 1972

TO: Borough Superintendents

Date: February 17, 1972

FROM: Director of Operations, T. V. Burke

SUBJECT: ISSUANCE OF STOP WORK ORDERS -- Section C26-123.1 Stop Work Notice & Order
Section C26-123.2 Unlawful continuance
Section C26-118.7 Revocation of Permit

The issuance of stop work orders especially when applied to new construction is a serious matter in that if not properly used may result in conditions adversely affecting public safety or on the other hand may cause unnecessary delays of needed construction and hardship to the industry.

I Where an inspector finds that construction or demolition work has started or is proceeding without a permit, he shall immediately file a stop work order in the manner presently in use. The order shall be given special handling and shall be typed and docketed without delay; all steps shall be taken to avoid clerical delays. A letter on prescribed form to the Commander of the local Police Precinct shall be prepared. The order shall be served the same day if possible and where this cannot be done the service of the order shall be the first business of the following morning. If upon service of the order, work is not stopped immediately, inspector shall report to the local Police Precinct and enlist the aid of the Police Department (T.O.P. #251, copies of which are posted in all borough offices). If all work stops immediately, the inspector shall visit the local Police Precinct and deliver to the desk officer a duplicate copy of the stop work order and a letter requesting surveillance by the Police Department of the site in question. It shall be the duty of the inspector to keep the site under close observation and report to the Chief Inspector any case of lack of cooperation by the Police Department.

II Where an inspector in the course of routine inspection finds that construction or demolition is being conducted in an unsafe manner, where a

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structural failure or defect is noted, where mechanical demolition is in progress without special permit or other condition exists which in the opinion of the inspector requires a stop work order, the inspector shall immediately notify the Chief Inspector. When the Chief Inspector and the Borough Superintendent or his delegate concur that such order should be issued, the Chief Inspector shall arrange for immediate preparation of such order and the order shall be served the same day whenever possible and where this cannot be done, shall be served as the first business on the following morning. Steps shall be taken to avoid clerical delays.

The remedy of all stop work orders issued under Paragraph II shall detail the work which may be necessary to safeguard life or property. Such work shall be permitted and required until the Borough Superintendent is satisfied that the intent and purpose of the stop work order has been served.

There shall be noted upon all stop work orders issued under Paragraph II that "failure to comply with the order will result in revocation of all work permits," and if indeed such order is not complied with all permits shall be revoked.

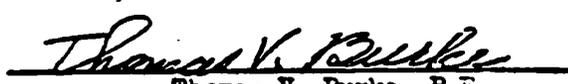
Nothing in this memorandum shall preclude the issuance of a stop work order for certain parts of the work if deemed advisable by the Borough Superintendent.

A copy of all stop work orders issued under Paragraph II shall be sent to the Director of Operations without delay.

The service of all stop work orders issued under Paragraph II shall be as indicated in Paragraph I and in compliance with Police Department T.O.P. #251.

It shall be the duty of the inspector to keep all sites under close observation where stop work orders are issued under Paragraph II and to inform the Chief Inspector where stop work orders are not being complied with so that any action needed to revoke permits can be put into affect immediately. It shall be the duty of the inspector to report to the Chief Inspector any cases where the cooperation of the Police Department is lacking.

TVB:JL:rmr
Executive Staff
Advisory Council
Industry
Allied Building Inspectors


Thomas V. Burke, P.E.
Director of Operations