



Issuance #398

DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
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OPERATIONS
POLICY AND PROCEDURE NOTICE # 8/93

TO: Distribution
FROM: Jacob Grill *JG*
DATE: April 19, 1993
SUBJECT: Computer Generated DOB Violations for Failure to File a Timely Low Pressure Boiler Report in Compliance with Local Law 62/91 and Remedy for Removal of Violations

Purpose:

To establish a standard procedure for generating, issuing and remedying DOB violations to premise owners for failure to file a timely low pressure boiler report in compliance with LL 62/91.

Reference:

Local Law 62/91 - Annual Low Pressure Boiler Inspection Reports.

Specifics:

Local Law 62/91 mandates that all premise owners are responsible for filing an annual Certificate of Inspection Report with the Department of Buildings by December 31st of each year. Failure to file this report results in the issuance of a DOB violation. Penalties are computed as follows:

1. Buildings greater than six stories - \$50 a day, not to exceed \$1500.
2. Buildings six stories or less - \$25 a day, not to exceed \$500.

Effective: Immediately

I). Violations

1. Computer Program: MIS will create a program identifying all low pressure boilers in the BIS data bank for which there is no compliance for previous year with LL62/91. Program shall be written based on date report is received by DOB. Any inspection date in current year shall be considered as satisfying the current year filing.
2. Mailer Violations: MIS will generate computer violations (sample text attached). The mailers shall be sorted by zip code of addressee for mailing. The mailers shall also contain the boiler number.
3. The printed violation mailers will be taken to BEC to be bursted. The original will be mailed immediately after bursting and the bursted cover sheet will be destroyed. A separate copy by block and lot will be produced by MIS and given to the Boiler Section.
4. Violation number will be listed in the BIS index system. Format of the violation will be 04 23 93 LL 62/91 00237. The borough clerks will be able to identify this as a LL 62/91 violation by the LL 62/91 designation in the violation format. Borough offices have been notified that violations will prevent the issuance of temp and final CO's as per Borough Operations PPN 6/93. The public must be referred to the Boiler Division at 60 Hudson Street to remedy violations.

II. Dismissal Procedure:

DOB boilers violations may only be dismissed by Central Inspection Administration (CIA). No owner will be allowed to pay civil penalties for dismissal of the DOB violation unless there is compliance with LL 62/91 for the current year. Also, if the respondent shows proof that the boiler violation was issued in error he files BR form #2 in duplicate for cancellation. (See Cancellation Procedure).

1. A boiler owner must go to the reception desk at 60 Hudson Street, 14th floor, New York City with the violation or violation number and to see the LL 62/91 clerk.
2. The Supervisor of the Boiler Support Operations or a designee will prepare a Boiler Report #1 form (sample attached) after ascertaining that there is compliance for the current year and will assess the amount of penalties due for the violation.

3. The Boiler Report #1 form along with payment (a certified check, money order or cash) must be brought to the cashier who will validate the amount of money received.
4. The owner will return to the LL 62/91 clerk and present the validated Boiler Report #1 form and receipt.
5. The clerk will pull the file copy of the violation and dismiss the violation on the computer, and also initial and stamp "Violation Dismissed" on the BR #1 form, the violation and the mailer. The clerk makes a copy of the BR #1 form with receipt attached in upper right hand corner for the respondent.
6. The clerk is to staple the violation to the BR #1 form and file them along with first test card in the boiler block and lot folder.

III. Cancellation Procedures:

1. Owner files BR form #2 in duplicate with necessary proof.
2. Clerk stamps both copies "Violation Cancelled" and returns one copy to owner or representative and forwards one copy and proof to the Data Entry Dismissal Clerk for computer cancellation of violation. The Assistant Commissioner of Central Operation shall initial the copy after review. When owner or representative is claiming cancellation under item #7 on BR Form #2 for legal matters she will be referred to the legal section for approval of cancellation in order to follow the same procedure as under Local Law 10/81.
3. BR form #2 and proof are attached and filed in block and lot folder together with the first test card and master card.

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