



Issuance # 148

DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
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Assistant Commissioner/Operations

OPERATIONS
POLICY AND PROCEDURE NOTICE # 31/88

To: Distribution
From: Fredric J. Pocchi, P.E., Assistant Commissioner
Date: December 27, 1988
Subject: Environmental Control Board Violations

Effective: January 3, 1989

Purpose: To ensure that Environmental Control Board (ECB) Notice of Violations (NOVs) can be tracked on the index system to confirm their service or conversion to Department of Buildings violations. Also, to provide guidelines for the dismissal and reinspection of these violations.

Specifics:

Index

Service by Borough

Inspectors in the field must attempt at least one service of an ECB NOV. If service is completed, the NOV should be forwarded within one week to the Administrative Enforcement Unit (AEU) to be input into the BARAMIS System. Prior to forwarding, the Borough office must file the hard copy of the violation and place a soft copy in the violation book. The index system will be updated through BARAMIS daily to reflect these NOVs. The following designation will appear before the violation number: "VECB".

Unservd by Borough

If service is not completed by the field inspector, the appropriate Borough, BEST or Central Inspections Data Input group must enter the violation into the index system prior to forwarding the NOV to AEU for service. When entering the violation an "x" must be placed in the box after "If unserved ECB violation enter "x":". The violation will appear on the index screen with "VP" before the violation number.

Service by AEU Process Servers

If the AEU process servers are able to serve the NOV, AEU will key the information onto the BARAMIS System. The index system will delete the existing "VP" violation and create a new "VECB" violation.

Unservd by AEU Process Servers

If the AEU process servers are not able to serve the NOV after one attempt for non-hazardous or two attempts for hazardous violations the NOV will be returned to the appropriate office (Borough, BEST, Central Inspections). This office must then mail a copy of the violation to the appropriate party and change the status of the violation on index from "VP" to "V". The NOV will then be considered a DOB violation.

Format of Violations

All involved offices (AEU, Borough, BEST, Central Inspections) must ensure that violations are input in a consistent manner. To avoid errors, the date should always be entered using the first six positions, for example, 010388. The remaining data should be entered exactly as written on the violation. For example, if the inspector writes in area "2", "2" should be entered not "02". If the numbers do not match exactly, the updates between BARAMIS and the Index System will not be accurate.

Dismissal of ECB Violations

ECB violations can only be dismissed after being adjudicated through the Environmental Control Board process. ECB will input the dismissal data onto the BARAMIS system. AEU will input the compliance data. The index system will be appropriately updated. ECB violations can not be dismissed by the Borough Office, BEST or Central Inspections. When the violation is dismissed through BARAMIS, the Index System will automatically show the status as "VEC*".

Reinspections of Self-Certifications

The Management Information Systems Unit (MIS) will provide a monthly report of all ECB violations dismissed through self-certification process. The report will sort these self-certifications into two categories for each office (Borough, BEST, Central Inspections).

The first category will contain all violations pertaining to Certificates of Occupancy or zoning where the self-certification stated that the respondent ceased use of the premises for the illegal use. These premises must be reinspected and second offense violations should be issued if the illegal use remains.

The second category would be all other self-certifications. These items will be spot-checked by the Department for compliance.

Reinspections of Defaults

All violations where no representative for the defendant appeared in court will be considered in default. A printout of defaulted hazardous violations and the corresponding address will be forwarded to the appropriate Borough, BEST or Central Inspections office. Reinspections must be made for all defaulted hazardous violations and a second offense ECB violation issued, if necessary. If the violation was already a second offense ECB violation, rather than write another ECB violation, a criminal court summons should be issued.

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