

CHAPTER 23 – APPENDIX 23-C FOOD SERVICE ESTABLISHMENT AND NON RETAIL FOOD SERVICE ESTABLISHMENT PENALTY SCHEDULE

SCORED VIOLATIONS

VIOLATION CODE	CITATION	CATEGORY	VIOLATION DESCRIPTION	VIOLATION PENALTY CONDITION I*	VIOLATION PENALTY CONDITION II*	VIOLATION PENALTY CONDITION III*	VIOLATION PENALTY CONDITION IV*	VIOLATION PENALTY CONDITION V*
02A	NYCHC 81.09(c)(1)	Public Health Hazard	Poultry, poultry stuffing not heated to 165°F for 15 seconds				\$400	\$600
02A	NYCHC 81.09(c)(2)	Public Health Hazard	Pork/food containing pork not heated to 150°F for 15 seconds				\$400	\$600
02A	NYCHC 81.09(c)(3)	Public Health Hazard	Rare roast beef/steak not heated to minimum time/temperature				\$400	\$600
02A	NYCHC 81.09 (c)(4)	Public Health Hazard	Ground meat not heated to 158°F				\$400	\$600
02A	NYCHC 81.09(c)(5)	Public Health Hazard	Stuffed meats, fish, ratites and tenderized meats not heated to 165°F for 15 seconds				\$400	\$600
02A	NYCHC 81.09 (c)(6)	Public Health Hazard	Shell eggs/food containing shell eggs not heated 145°F for 15 seconds				\$400	\$600
02A	NYCHC 81.09(c)	Public Health Hazard	Other potentially hazardous hot food not heated to 140°F for 15 seconds				\$400	\$600
02B	NYCHC 81.09(a)	Public Health Hazard	Hot potentially hazardous food not held at 140°F or above	\$250	\$300	\$350	\$400	\$600
02C	NYCHC 81.09(d)	CRITICAL	Previously heated and cooled potentially hazardous hot food not reheated to 165°F for 15 seconds within 2 hours	\$200	\$200	\$250	\$300	
02D	NYCHC 81.09(d)(2)	CRITICAL	Commercially processed potentially hazardous food not heated to 140°F within 2 hours	\$200	\$200	\$250	\$300	
02E	NYCHC 81.09(f)(5)	CRITICAL	Whole frozen poultry or poultry breast, other than a single portion, cooked frozen or partially thawed	\$200	\$200			
02F	NYCHC 81.11	CRITICAL	Meat, fish, or shellfish served raw or partially cooked					
02G	NYCHC 81.09(a)	Public Health Hazard	Cold potentially hazardous food not held at 41°F or below			\$250	\$300	\$350
02G	NYCHC 81.09(a)(3)	Public Health Hazard	Processed or smoked fish not held at or below 38°F	\$250	\$300	\$350	\$400	\$600
02G	NYCHC 81.09(a)(2)	Public Health Hazard	Eggs not held at ambient temperature of 45°F or below	\$250	\$300	\$350	\$400	\$600
02G	NYCHC 81.12(d)(2)	Public Health Hazard	Reduced oxygen packaged raw foods not held at proper temperatures	\$250	\$300	\$350	\$400	\$600
02G	NYCHC 81.12(d)(4)	Public Health Hazard	Reduced oxygen packaged cold foods not held at proper temperatures	\$250	\$300	\$350	\$400	\$600

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02G	NYCHC 81.12(d)(4)	Public Health Hazard	Reduced oxygen packaged foods not held at proper temperatures	\$250	\$300	\$350	\$400	\$600
02H	NYCHC 81.09(e)	Public Health Hazard	Potentially hazardous food not cooled by approved method	\$250	\$300	\$350	\$400	\$600
02I	NYCHC 81.09(e)(2)	CRITICAL	Potentially hazardous food not cooled to 41°F when prepared from ambient temperature ingredients within 4 hours	\$200	\$200	\$250	\$300	
02J	NYCHC 81.12(d)(4)	Public Health Hazard	Reduced oxygen packaged foods not properly cooled	\$250	\$300	\$350	\$400	\$600
03A	NYCHC 81.04	Public Health Hazard	Food not from an approved source				\$400	\$600
03A	NYCHC 81.12(c)	Public Health Hazard	Reduced oxygen packaged foods not from an approved source				\$400	\$600
03A	NYCHC 81.12(e)	Public Health Hazard	Reduced oxygen packaging fish not frozen before processing				\$400	\$600
03A	NYCHC 81.04(b)	Public Health Hazard	Meat not from an approved source				\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish not from an approved source				\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish improperly tagged or labeled				\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish required tags not retained at least 90 days				\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Wholesale shellfish records not on premises				\$400	\$600
03C	NYCHC 81.07(c)	Public Health Hazard	Eggs cracked, dirty or unpasteurized[; source of eggs not identified on container]	\$250	\$300	\$350	\$400	\$600
03D	NYCHC 81.07(b)	Public Health Hazard	Food packages damaged; cans of food swollen, leaking and/or rusted	\$250	\$300	\$350	\$400	\$600
03E	NYCHC 81.20(a)	Public Health Hazard	Potable water not provided; inadequate				\$400	\$600
03E	NYCHC 141.13	Public Health Hazard	Bottled water not from an approved source				\$250	\$250
03E	NYCHC 81.20(a)	Public Health Hazard	Cross-connection observed between potable and non-potable water				\$400	\$600
03E	NYCHC 81.20 (c)	Public Health Hazard	Carbon dioxide gas lines unacceptable, improper materials used				\$400	\$600

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03F	NYCHC 81.07(k)	Public Health Hazard	Unpasteurized milk and milk products				\$400	\$600
03G	NYCHC 81.07(a)(4)	CRITICAL	Fruits and vegetables not washed prior to serving	\$200	\$200	\$250	\$300	
04A	NYCHC 81.15(a)	CRITICAL	Food Protection Certificate not held by supervisor or manager of food operations					\$600
04B	NYCHC 81.13(a)	Public Health Hazard	Food worker with illness, communicable disease and/or injury preparing food				\$400	\$600
04C	NYCHC 81.07(j)	Public Health Hazard	Bare hand contact with ready-to-eat foods	\$250	\$300	\$350	\$400	\$600
04D	NYCHC 81.13(d)	Public Health Hazard	Food worker failed to wash hands after contamination				\$400	\$600
04E	NYCHC 81.23(d)(3)	Public Health Hazard	Pesticides not properly used; food, equipment, utensils, etc., not protected from pesticide contamination	\$250	\$300	\$350	\$400	\$600
04F	NYCHC 81.20(b)	Public Health Hazard	Sewage and liquid waste not properly disposed of				\$400	\$600
04G	NYCHC 81.07(l)	Public Health Hazard	Unprotected potentially hazardous food re-served				\$400	\$600
04H	NYCHC 81.07(a)(2)	Public Health Hazard	Food not protected from cross-contamination	\$250	\$300	\$350	\$400	\$600
04H	NYCHC 81.07(a)	Public Health Hazard	Food in contact with toxic material	\$250	\$300	\$350	\$400	\$600
04H	NYCHC 81.07(a)	Public Health Hazard	Food not protected from adulteration or contamination	\$250	\$300	\$350	\$400	\$600
04H	NYCHC 81.06(b)(3)	Public Health Hazard	Food not discarded in accordance with HACCP plan	\$250	\$300	\$350	\$400	\$600
04I	NYCHC 81.07(l)	CRITICAL	Food other than in sealed packages re-served	\$200	\$200	\$250	\$300	
04J	NYCHC 81.09(g)	CRITICAL	Thermometer not provided, calibrated properly, accessible for use and/or inadequate				\$300	
04J	NYCHC 81.12(g)(1)	CRITICAL	Thermocouple not provided				\$300	
04K	NYCHC 81.23(a)	CRITICAL	Evidence of rats	\$200	\$200	\$250	\$300	\$350
04L	NYCHC 81.23(a)	CRITICAL	Evidence of mice	\$200	\$200	\$250	\$300	\$350
04M	NYCHC 81.23(a)	CRITICAL	Evidence of roaches	\$200	\$200	\$250	\$300	\$350
04N	NYCHC 81.23(a)	CRITICAL	Filth flies	\$200	\$200	\$250	\$300	\$350
04O	NYCHC 81.25	CRITICAL	Live animal other than fish in tank or service animal	\$200	\$200	\$250	\$300	\$350

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05A	NYCHC 81.20(b)	Public Health Hazard	Sewage disposal system improper or unapproved					\$400	\$600				
05B	NYCHC 81.19(c)	Public Health Hazard	Harmful noxious gas or vapor detected; CO levels at or exceeding 9 ppm									\$400	\$600
05C	NYCHC 81.17(d)	CRITICAL	Food contact surface improperly constructed, located and/or made of unacceptable materials	\$200	\$200	\$250	\$300	\$350					
05C	NYCHC 81.07(a)(1)	CRITICAL	Culinary sink or alternative method not provided for washing food	\$200	\$200	\$250	\$300	\$350					
05D	NYCHC 81.21(a)	CRITICAL	Hand washing facilities not provided or not located where required					\$300	\$350				
05D	NYCHC 81.21(a)(1)	CRITICAL	Hand washing facilities not provided within 25 feet of food preparation area or ware washing area									\$300	\$350
05D	NYCHC 81.21(a)	CRITICAL	Hand wash facility not provided with running water, or properly equipped									\$300	\$350
05D	NYCHC 81.21(b)	CRITICAL	Hand wash facility inadequate									\$300	\$350
05E	NYCHC 81.22(a)	CRITICAL	Toilet facilities not provided for employees									\$300	\$350
05E	NYCHC 81.22(b)	CRITICAL	Toilet facilities not provided for patrons									\$300	\$350
05E	NYCHC 81.22(d)	CRITICAL	Shared patron/employee toilet accessed through kitchen, food prep or storage area									\$300	\$350
05F	NYCHC 81.18	CRITICAL	Hot or cold holding equipment not provided or inadequate									\$300	\$350
05G	NYCHC 89.27(c)	CRITICAL	Enclosed service area not provided, equipped in mobile food vending commissary									\$300	\$350
05H	NYCHC 81.29	CRITICAL	Manual or mechanical tableware, utensil and/or ware washing facilities not provided									\$300	\$350
05I	NYCHC 81.12 (d)(5)	CRITICAL	Refrigeration unit not equipped with an electronic system					\$300	\$350				
06A	NYCHC 81.13	CRITICAL	Food worker does not maintain personal cleanliness					\$300	\$350				
06A	NYCHC 81.13(e)	CRITICAL	Fingernails not clean, trimmed, or with nail polish	\$200	\$200	\$250	\$300						
06A	NYCHC 81.13(c)	CRITICAL	Clean outer garment not worn	\$200	\$200	\$250	\$300						
06A	NYCHC 81.13(b)	CRITICAL	Effective hair restraint not worn	\$200	\$200	\$250	\$300						
06B	NYCHC 81.13(h)	CRITICAL	Eating in food preparation or service areas	\$200	\$200	\$250	\$300						
06B	NYCHC 81.13(g)	CRITICAL	Smoking tobacco, using e-cigarettes or other substance in establishment	\$200	\$200	\$250	\$300						
06C	NYCHC 81.07(a)	CRITICAL	Food not protected from contamination	\$200	\$200	\$250	\$300						

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06C	NYCHC 81.07(q)	CRITICAL	Unnecessary traffic through food prep area	\$200	\$200	\$250	\$300		
06C	NYCHC 81.07(d)	CRITICAL	Food not properly protected when stored	\$200	\$200	\$250	\$300		
06C	NYCHC 81.07(e)	CRITICAL	Food not properly protected when displayed	\$200	\$200	\$250	\$300		
06C	NYCHC 81.07(f)	CRITICAL	Condiments for self service not properly dispensed	\$200	\$200	\$250	\$300		
06C	NYCHC 81.07(i)	CRITICAL	Supplies and equipment placed under overhead sewage pipe	\$200	\$200	\$250	\$300		
06C	NYCHC 81.31	CRITICAL	Cooking by FSE on street, sidewalk, except as authorized by Articles 88, 89					\$350	
06D	NYCHC 81.27(b)	CRITICAL	Food contact surface not sanitized; and/or not clean to sight and/or touch	\$200	\$200	\$250	\$300		
06D	NYCHC 81.27(b)	CRITICAL	Equipment with food contact surfaces not clean and sanitized	\$200	\$200	\$250	\$300		
06E	NYCHC 81.07(h)	CRITICAL	In-use food dispensing utensil not properly stored	\$200	\$200	\$250	\$300		
06E	NYCHC 81.07(g)	CRITICAL	Ice not properly dispensed	\$200	\$200	\$250	\$300		
06E	NYCHC 81.07(h)	CRITICAL	Food dispensing utensil not provided	\$200	\$200	\$250	\$300		
06F	NYCHC 81.27(c)	CRITICAL	Wiping cloth improperly stored and/or sanitized	\$200	\$200	\$200			
06G	NYCHC 81.06(b) and (c)	Public Health Hazard	Approved HACCP plan not maintained on premises or not approved					\$400	\$600
06H	NYCHC 81.06(b)(4)	CRITICAL	Records and logs not maintained on site						\$350
06I	NYCHC 81.12(d)(6)	CRITICAL	Food not labeled in accordance with the approved HACCP plan					\$300	\$350
07A	NYCHC 3.15(a)	CRITICAL	Obstruction of Department personnel						\$1,000
08A	NYCHC 81.23(a)	CRITICAL	Conditions conducive to pests					\$200	\$200
08A	NYCHC 81.23(b)	GENERAL	Prevention and control measures not used for pest management					\$200	\$200
08A	NYCHC 81.23(b)(3)	GENERAL	Door openings into the establishment from the outside not properly equipped					\$200	\$200
08A	NYCHC 81.23(b)(4)	GENERAL	Pest monitors incorrectly used					\$200	\$200
08A	NYCHC 81.23(b)(2)	GENERAL	Contract with pest exterminator or record of pest extermination activities not kept on premises					\$200	\$200
08B	NYCHC 81.24(a)	GENERAL	Garbage not properly removed or stored	\$200	\$200	\$200	\$200		
08B	NYCHC 81.24(c)	GENERAL	Garbage receptacles and covers not cleaned after emptying and prior to reuse	\$200	\$200	\$200	\$200		
08C	NYCHC81.23(d)	GENERAL	Pesticides not properly labeled, not authorized for use, or improperly used	\$200	\$200	\$200	\$200	\$200	

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08C	NYCHC 81.23(d)(4)	GENERAL	Open bait station observed	\$200	\$200	\$200	\$200	\$200
08C	NYCHC 81.17(g)	GENERAL	Toxic materials not properly stored	\$200	\$200	\$200	\$200	\$200
09A	NYCHC 81.07(b)	GENERAL	Canned food observed dented and not segregated from other consumable foods	\$200	\$200	\$200	\$200	
09B	NYCHC 81.09(f)	GENERAL	Thawing procedures improper	\$200	\$200	\$200	\$200	
09C	NYCHC 81.17(d)(1)	GENERAL	Food contact surface improperly constructed and maintained; not easily cleanable	\$200	\$200	\$200	\$200	
10A	NYCHC 81.22(c)	GENERAL	Toilet facility not properly maintained	\$200	\$200	\$200	\$200	
10A	NYCHC 81.22(c)	GENERAL	Toilet facility not properly supplied	\$200	\$200	\$200	\$200	
10A	SSC 14-1.142(a)	GENERAL	Toilet room not completely enclosed with self-closing door	\$200	\$200	\$200	\$200	
10B	NYCHC 81.20(a)	GENERAL	Potable water not protected from backflow, back siphonage or cross-connection	\$200	\$200	\$200	\$200	
10B	NYCHC 81.20(b)	GENERAL	Improper disposal of sewage or liquid waste	\$200	\$200	\$200	\$200	\$200
10B	NYCHC 81.20(b)	GENERAL	Condensation pipes not properly installed or maintained	\$200	\$200	\$200	\$200	\$200
10C	NYCHC 81.19(a)	GENERAL	Lighting insufficient; inadequate	\$200	\$200	\$200	\$200	
10D	NYCHC 81.19(c)	GENERAL	Ventilation (mechanical or natural) not provided or inadequate	\$200	\$200	\$200	\$200	
10E	NYCHC 81.18(a)(3)	GENERAL	Thermometers not provided in cold storage and/or refrigerator	\$200	\$200	\$200	\$200	
10E	NYCHC 81.18(b)(1)	GENERAL	Thermometers not provided in hot storage or holding units	\$200	\$200	\$200	\$200	
10F	NYCHC 81.17(e)(1)	GENERAL	Flooring improperly constructed and/or maintained	\$200	\$200	\$200	\$200	
10F	NYCHC 81.17(e)(2)	GENERAL	Non-food contact surfaces (wall, ceiling, floors) improperly constructed/maintained	\$200	\$200	\$200	\$200	
10F	NYCHC 81.17 (e) (3)	GENERAL	Non-food contact surface (fixtures, decorative material, fans, etc.) not properly maintained or equipment not properly maintained	\$200	\$200	\$200	\$200	
10G	NYCHC 81.17(a)(2)	GENERAL	Food being processed, prepared, packed, or stored in a private home or apartment.	\$200	\$200	\$200	\$200	
10H	NYCHC 81.29(a)[(1)]	GENERAL	Hot water manual ware washing inadequate	\$200	\$200	\$200	\$200	
10H	NYCHC 81.29(a)	GENERAL	Manual chemical sanitizing procedure inadequate	\$200	\$200	\$200	\$200	
10H	NYCHC 81.29(b)(1)	GENERAL	High temperature mechanical ware washing inadequate	\$200	\$200	\$200	\$200	

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10H	NYCHC 81.29 (b)(2)	GENERAL	Mechanical chemical sanitizing procedure inadequate	\$200	\$200	\$200	\$200	
10H	NYCHC 81.29(a)	GENERAL	Test kit not accurate or used for manual dishwashing	\$200	\$200	\$200	\$200	
10H	NYCHC 81.29(b)(2)	GENERAL	Test kit not accurate or used for mechanical dishwashing	\$200	\$200	\$200	\$200	
10I	NYCHC 81.07(o)	GENERAL	Single service items improperly stored or reused	\$200	\$200	\$200	\$200	
10I	NYCHC 81.07(o)	GENERAL	Drinking straws improperly dispensed	\$200	\$200	\$200	\$200	
10J	NYCHC 81.21(c)	GENERAL	Wash hands sign not posted	\$200				
99B	Miscellaneous	GENERAL		\$200	\$200	\$200	\$200	

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UNSCORED VIOLATIONS

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15A	Admin. Code 17-177(b)	Tobacco vending machine present in a facility other than tavern; initial (#1) and repeat violations (#2, 3 or more)**	\$300 (#1); \$500 (#2) \$1,000 (#3 or more)
15B	Admin. Code 17-177(c)(1)	Tobacco vending machine not 25 feet from door; initial (#1) and repeat violations (#2, 3 or more)**	\$300 (#1); \$500 (#2); \$1,000 (#3 or more)
15C	Admin. Code 17-177(c)(1)	Tobacco vending machine not visible by owner; initial (#1); repeat violations (#2, 3 or more)**	\$300 (#1); \$500 (#2); \$1,000 (#3 or more)
15D	Admin. Code 17-177(d)	Sign not durable and lacks required information; initial (#1) and repeat violations (#2, 3 or more)**	\$300 (#1); \$1,000 (#2 or more)
15D	Admin. Code 17-177(d)	Sign not posted on machine and not visible to the public; initial (#1) and repeat violations (#2 or more)**	\$300 (#1); \$1,000 (#2 or more)
15E	Admin. Code 17-704	Out-of-package sale of tobacco products; initial (#1 or more on first day) and repeat violations (#2 or more after first day within 36 months)**	\$1,000 (#1); \$2,000 (#2 or more in 36 months)
15F	Admin. Code 17-705	Employee under 18 years of age selling tobacco products without direct supervision of an adult retailer; initial (#1 or more on first day) and repeat violations (#2 or more after first day within 36 months)**	\$1,000(#1); \$2,000 (#2 or more in 36 months)
15G	Admin. Code 17-706	Sale to persons under 21 observed; initial (#1 or more on first day) and repeat violations (#2 or more after first day within 36 months)**	\$,1000 (#1); \$2,000 (#2 or more in 36 months)
15H	Admin. Code 17-706	Sign prohibiting sale of tobacco products to persons under 21 not conspicuously posted; initial (#1 or more on first day) and repeat violations (#2 or more after first day within 36 months)**	\$1,000 (#1); \$2,000 (#2 or more in 36 months)
15I	Admin. Code 17-506(a)	Sign prohibiting smoking or using electronic cigarettes not conspicuously posted; initial (#1) and repeat violations (#2, 3 or more within 12 months of #1)**	\$400 (#1); \$500 (#2 in 12 months); \$1,000 (#3 or more in 12 months)
15I	Admin. Code 17-506(a)	Sign permitting smoking or using electronic cigarettes not conspicuously posted; initial (#1) and repeat violations (#2, 3 or more within 12 months of #1)**	\$400 (#1); \$500 (#2 within 12 months); \$1,000(#3 or more in 12 months)
15I	24 RCNY 10-11(b)	"No smoking or using electronic cigarettes" sign not posted with ashtrays in hotels, or at hotel entrances*	\$500
15I	24 RCNY 10-12(c)	Sign lettering and color does not meet specifications*	\$500
15J	Admin. Code 17-506(d)	Ashtrays in smoke-free area; initial (#1) and repeat violations (#2, 3 or more within 12 months of #1)*	\$400 (#1); \$500 (#2 within 12 months); \$1,000(#3 or more in 12 months)
15K	Admin. Code 17-508(b)	Operator failed to make a good faith effort to inform smokers or users of electronic cigarettes of the Smoke-Free Air Act; initial (#1) and repeat violations (#2, 3 or more within 12 months of #1) violations*	\$400 (#1); \$800 (#2 within 12 months); \$1,600 (#3 within 12 months)
15K	NYSPL 1399-0	No smoking permitted*	\$1,000
15L	Admin. Code 17-504(f)	Workplace SFAA policy not prominently posted in workplace; initial (#1) and repeat violations (#2, 3 or more within 12 months of #1)*	\$400 (#1); \$500 (#2 within 12 months); \$1,000(#3 or more in 12 months)
15M	Admin. Code 17-708	Use of tobacco on school premises*	\$50
15N	Admin. Code 17-176.1	Selling cigarettes, tobacco products, little cigars for less than listed price or price floor; initial (#1) and repeat violations (#2 or #3 within 60 months of #1	\$1,000 (#1); \$2,000 (#2 within 60 months); \$5, 000 (#3 within 60 months)
15N	Admin. Code 17-176(b)	Distributing tobacco products at less than basic cost; initial (#1) and repeat violations (#2 or more)*	\$500 (#1); \$1,000 (#2 or more)
15O	Admin. Code 17-714	Sale of herbal cigarettes to minors*	\$2,000

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15S	24 RCNY 28-02(a)	Flavored tobacco products sold or offered for sale*	\$500
15T	24 RCNY 28-06	Original label for tobacco products sold or offered for sale*	\$500
16A	NYCHC 81.08(a)	Cooking oil, shortening, margarine contains 0.5 grams or more of artificial trans fat.	\$200
16B	NYCHC 81.08(c)	Nutritional fact labels and/or ingredient label is not maintained on site.	\$200
16C	NYCHC 81.50(c)	Calorie information is not posted on menu and menu board	\$200
16E	NYCHC 81.50(c)	Calorie range of food item(s) that come in different flavors and varieties not provided.	\$200
16F	NYCHC 81.50(c)	Calorie range of food item(s) that comes in different combinations not provided	\$200
18A	NYCHC 81.05(c)	No currently valid permit, registration or other authorization to operate food service establishment	\$1,000
18A	NYCHC 88.05(c)	No currently valid permit, registration or other authorization to operate a temporary food service establishment	\$1,000
18B	NYCHC 3.19	Submitting false, misleading statements, documents; documents unlawfully reproduced or altered.	\$1,000
18C	NYCHC 3.17	Notice of the Department mutilated, obstructed, or removed	\$1,000
18D	NYCHC 3.05(a)	Failure to comply with an Order of the Board of Health, Commissioner, or Department	\$1,000
18E	NYCHC 81.43(a)	Failure to report occurrences of suspected food borne illness to the Department	\$200
18F	NYCHC 81.15(b)	Food Protection Certificate not available for Department inspection	\$200
18F	NYCHC 5.15	Permit not conspicuously displayed or posted	\$200
18G	SSC 14-1.190(a)	Manufacture and sell frozen dessert at retail not authorized on permit	\$200
18H	NYCHC 81.05(g)	Operator of shared kitchen allowing user without currently valid permit	\$500
18H	NYCHC 88.05(a)	Failure of temporary event sponsor to exclude vendor without a currently valid permit	\$500
20A	24 RCNY 27.03(c)	Allergy poster not posted or not in correct location; penalty may not be doubled on default	\$100
20B	24 RCNY 27.03(b)	Allergy poster not in languages; penalty may not be doubled on default	\$100
20C	24 RCNY 27.03(b)	Allergy poster is not approved by the Department, and it does not contain the required text; penalty may not be doubled on default	\$100
20D	Admin. Code 17-172(a)	Choking first aid poster not posted	\$200
20D	Admin. Code 17-173(2)(b)	Alcohol/pregnancy sign not posted	\$100
20D	24 RCNY 18-02	Resuscitation equipment not available	\$200
20D	24 RCNY 18-04	Resuscitation equipment required notice to all patrons not posted	\$200
20E	NYCHC 81.51	Current letter grade or "Grade Pending" card not conspicuously posted and/or visible to passersby	\$500
20F	NYCHC 81.51	Current letter grade or "Grade Pending" card not posted	\$1,000
22A	NYCHC 3.07	Failure to take reasonable precautions to protect health and safety, e.g., by not securing CO2 cylinders	\$1,000
22A	NYCHC 3.09	Failing to abate or remediate nuisance	\$1,000
22A	NYCHC 131.07(c)(2)	Insufficient heat in commercial premises	\$300
22B	SSC 14-1.142(b)	No covered waste receptacle in women's toilets	\$200
22C	NYCHC 81.19(b)	Light fixtures not shielded, shatterproofed, or otherwise protected from accidental breakage	\$200
22E	NYCHC 81.12(g)	Equipment used for ROP not approved by the Department	\$200

CHAPTER 23 - APPENDIX 23-C FOOD SERVICE ESTABLISHMENT AND NON RETAIL FOOD SERVICE ESTABLISHMENT PENALTY SCHEDULE

UNSCORED VIOLATIONS

22F	NYCHC 71.05(a) and 71.05(d)	Misbranded; mislabeled packaged food products	\$200
22G	Admin. Code 16-329(c)	Possess, sell expanded polystyrene single service articles	\$250 (#1); \$500 (#2) \$1,000 (#3 or more in 12 months)
99A	NYCHC miscellaneous	Other Health Code unscored violations	\$200

*Default Penalties. When a respondent is found in default, the penalty for each violation of the Health Code or the State Public Health Law must be doubled, except that in no case may the penalty imposed exceed \$2000.

Except as indicated in this Appendix, when a respondent is found in default for any violation of the rules of the Department found in 24 RCNY, the penalty must be doubled, except that in no case may the penalty imposed exceed \$1,000.

When a respondent is found in default for any violation of the New York City Administrative Code or the New York State Sanitary Code, the penalty shall remain the same as that set forth herein.

**Pursuant to applicable provisions of the New York City Administrative Code, the repeat violation penalty listed in this penalty schedule applies if, within the time period noted in this schedule, a prior violation of the same section of law occurred at the same location and was sustained against the same respondent at the Health Tribunal.

The penalties listed in this Appendix for violations of NYCHC sections 3.05(a), 3.07, 3.09, 3.15, 3.17 and 3.19 shall apply to any notice of violation citing these provisions, regardless of whether the respondent is operating a food service establishment.