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CITY OF NEW YORK
DEPARTMENT OF BUILDINGS

DIRECTIVE No. 7 of 1969

Summons
Violations
Inspections

• TO: Borough Superintendents

From: Director of Operations, T.V. Burke

DATE: September 24, 1969

SUBJECT: Services of Summonses by Inspectors

PURPOSE: - To expedite prosecution of violations and to reduce the increasing backlog of violations pending by processing a greater number of cases into the Criminal Courts. This procedure is intended to supplement Procedure No. 1 of 1968 which established a Legal Section in each borough office.

PROCEDURE:- All inspectors shall at the time a violation is found, make every possible effort to locate and determine the name of a responsible person who can be served at or near the premises with a copy of the violation and with a court summons if the violation remains uncorrected. Under Section 643a 3.0, a responsible person is the owner, lessee or occupant of the building, premises or property affected thereby or any person of suitable age and discretion in charge or apparently in charge of such building, premises or property. Such person shall be informed that there will be a reinspection in 10 days and that a court summons will be issued if the violation is not corrected.

When the violation is any of the following types:-

1. A violation which produces an imminent hazard to persons or property by reason of a change of occupancy or use without a permit, or because of the obstruction of exits, or by reason of permitting in a place of assembly more than the approved number of persons.

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2. A violation due to the omission of protective equipment or construction which would safeguard persons or property during construction or demolition.
3. A violation that is due to work being done by an unlicensed or non-qualified person, when the law requires that such work be done only by person licensed or possessed of a certificate of qualification to do such work.
4. A violation that consists of doing work without a permit and the worker refuses to discontinue the work, prior notification that a violation exists is not required under Section C26-85.5 of the Administrative Code and the inspector shall issue a summons forthwith.

All violations found shall be filed on the morning of the next working day. Inspectors shall write in legible form or print, 5 copies of the violation on form #35, and one copy of Form #53 "Inspectors Copy of Violation" which shall be reviewed by his supervisor. When the written violation order is reviewed and approved by the supervisor and his signature affixed, it shall be handed to the clerk in charge of the Violation Section.

The Violation Section shall without delay, docket and number the violation, affix the facsimile of required signatures and return the Form #53 "Inspectors Copy of Violation" to the inspector. A copy of Form #35 shall be placed in a window envelope and mailed to the person named in the violation. The clerk doing the mailing shall sign the affidavit of mailed service on back of one copy of Form #35. The signed copy shall be retained as part of the permanent record.

Each inspector shall be provided with a sufficient supply of the new Universal Summons form and instructions on how to execute such form. It shall be the responsibility of the inspector to have with him at all