

THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: August 20, 1982

TO: The Borough Superintendents

FROM: Irwin Fruchtman, P.E., Commissioner *IF*

SUBJECT: Dismissal of Local Law 10/80, Unsafe Violations

This supplements prior memorandums dated March 2, 1982, June 4 1982, July 28, 1982 and August 2, 1982.

This memorandum is intended to facilitate the dismissal of violations, relating to the exterior walls of a building and appurtenances thereof that are issued as a consequence of a report (B Form 29) filed by an architect or engineer with the Department of Buildings, to Section C26-105.3 of the Administrative Code in which unsafe conditions (dangerous to human life and safety) are described.

The procedures for dismissing unsafe violations and to discontinue court action are as follows:

A. Unsafe Condition Removed or Compliance (repair work) Required Has been Completed.

The architect or engineer that filed the original B Form 29, or another professional files another B Form 29 at the Borough Office stating that all of the unsafe conditions noted have been corrected. The name of the firm that did the repair work and the specifics of what was done shall be indicated.

2. The Unsafe Violation is removed and a dismissal card (B Form 106) is issued by the Borough.

3. A copy of the B Form 29 is to be sent to Assistant Commissioner Jacob Grill, P.E., at 120 Wall Street, who will then note the violation dismissal from Executive Office records. There is no objection to the Applicant hand carrying the copy to the Executive Office, if a request is made.

B. Unsafe Condition, Additional Time for Completion or Removal is Requested.

1. The architect or engineer that filed the original B Form 29, or another professional files a letter with the Borough Superintendent, indicating:

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- a. The premises have been made safe by means of a shed, fence, or other appropriate temporary means.
- b. The status of the work and its time table is provided.
- c. A contract for the work to be done is attached.
- d. A statement as to who will be in responsible charge of the work is submitted.


2. The Borough Superintendent may allow up to 90 days for the work for removal or compliance of the unsafe condition, subject to re-evaluation.

3. Criminal or civil action in regard to the unsafe condition is to be stayed during this period, unless reinstated for good cause by the Department.

4. A copy of the Borough Superintendent's action is to be sent to Assistant Commissioner Jacob Grill, P.E., at 120 Wall Street for informational purposes.

The foregoing procedures shall not apply to:

1. No Report Filed (NRF) violations.
2. Specific complaints received by the Department in regard to alleged unsafe conditions.


Irwin Fruchtman, P.E.
Commissioner

IF/IP/gt

cc: Exec. Staff
BIAC
Industry
Ms. B. Shuman
Mr. L. Whiteman
Mr. V. De Simone, P.E.
File

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