

**RULES OF THE CITY OF NEW YORK  
TITLE 43, CHAPTER 14, SUBCHAPTER 8  
ENFORCEMENT**

**§ 43-1480 Civil penalties.**

Pursuant to Section 24-907 of the Administrative Code, the Office may impose civil penalties in accordance with the following penalty schedule:

<b>Section/Rule</b>	<b>Violation Description</b>	<b>Minimum Penalty</b>	<b>Default Penalty</b>
43 RCNY § 1407(l)(3); 43 RCNY § 1474(a)(4) (C)	Failure to submit an institutional control/engineering control certification per an OER site management plan	\$10,000	\$20,000

(Added City Record 11/23/2022, eff. 12/23/2022)

**§ 43-1481 Summons.**

a. Pursuant to Section 24-907 of the Administrative Code, civil penalties may be recovered in an action in a court of competent jurisdiction or in a proceeding before an administrative tribunal within the jurisdiction of the Office of Administrative Trials and Hearings. Such proceedings will be commenced by the service of an administrative summons returnable before such tribunal.

1. A summons will be served by delivery to an owner or other person in control of the property or premises, upon a member of the partnership, limited liability company or other group, upon an officer, director or managing agent of a corporation, or upon any other person of suitable age and discretion owning or in control of such property. Service may be made to such person(s) at the address of the premises that is the subject of the summons or at such person's last known residence or business address by personal delivery in accordance with Article 3 of the New York Civil Practice Law and Rules or Article 3 of the Business Corporations Law.

b. Unless the Office has accepted a certification of correction described in §1482 of this subchapter, failure to appear at a hearing before the tribunal will result in a default penalty indicated on the penalty schedule contained in §1480 of this subchapter.

(Added City Record 11/23/2022, eff. 12/23/2022)

**§ 43-1482 Correction and certification of correction.**

a. If the respondent files a certification of correction acceptable to the Office within forty-five days from the date of service of the summons, the Office will withdraw prosecution of the summons before the scheduled hearing date, and the respondent will no longer be subject to monetary penalty.

1. The required certification must be submitted on the form prescribed by the Office.
2. The certification must be signed by an individual with personal knowledge of the correction and must be notarized.
3. The certification must be accompanied by true and legible copies of any and all documentary proof of compliance. Examples of such proof include, but are not limited to, an acceptable site management inspection report.
4. Where more than one violation is listed on the same summons, the respondent may submit a single certification of correction form covering all of the corrected violating conditions.

b. The Office will review all certifications of correction and accompanying documentation to determine their acceptability. The Office will notify the respondent if the certification of correction is accepted or rejected and, if rejected, the reasons for the rejection.

c. Failure to submit an acceptable certification of correction for all violating conditions indicated on the summons within the time period prescribed in subdivision a of this section will require the respondent to appear at a hearing before the tribunal.

(Added City Record 11/23/2022, eff. 12/23/2022)