

THE CITY OF NEW YORK  
HOUSING AND DEVELOPMENT ADMINISTRATION  
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: February

TO: Borough Superintendents

FROM: Irving E. Minkin, Director of Operations

SUBJECT: VACATING PREMISES OCCUPIED AS PLACES OF ASSEMBLY

The procedure to be observed in the vacation of places of assembly is as follows:

1. A place of assembly shall be vacated for defective exits or other hazards that may seriously interfere with the ability of the occupants to leave quickly in an emergency.
2. Where the exits are blocked or obstructed by furniture, boxes, or other material that may be removed without difficulty, the inspector shall require the obstruction to be removed before he leaves the premises. Likewise, where slide bolts or other illegal fastenings are found on exit doors, he shall require that they be removed before he leaves. If the delay in removing obstructions and fastenings exceeds a reasonable time, he shall inform the proprietor of the premises that the unlawful conditions are to be eliminated as quickly as possible and that he will return later in the day. Where the obstructions or fastenings are removed, the filing of a violation order or vacation of the premises will not be required. The Fire Department is to be notified where such obstructions are found, so that it may reinspect and keep the places under surveillance.
3. Where the lighting of exit signs may be provided by replacement of light bulbs or by other simple means, or where phosphorescent exit signs are missing, the owner shall be advised to correct the deficiency immediately, before the inspector leaves the premises, or before he returns the following day. If correction has not been made, a summons to court shall be served.
4. Where exits are obstructed because of an alteration of the structure or have been reduced in size or have been eliminated, or when the number of persons found in the premises exceeds the permitted number of persons, or when an owner does not remove other obstructions, the owner or manager shall be notified by the inspector that the premises may be vacated.

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5. The inspector shall notify by telephone, the Chief Inspector, advising him of the nature of the exit deficiencies, and that in the inspector's opinion a vacate order should be issued. The Chief Inspector shall promptly notify the Borough Superintendent, who, after personal review and agreement with recommendation, shall notify the Director of Operations. The premises shall not be vacated until approval of the Director of Operations is granted.

6. Upon receiving such approval, the Borough Superintendent shall immediately have a vacate order drafted and shall send an inspector to the premises to serve the vacate order upon the owner or person in charge of the place of assembly. A copy of the order shall be left with the Commander of the police precinct station, and his assistance in enforcing the order shall be requested. The vacate order shall be based on the provisions of Section C26-85.0a. Emergency measures- a. Stopping work and vacating and securing structures, and the provisions of Section 643a-13.0 Dangerous buildings, places and things; nuisance; and, in addition, on the provisions of sections 643a-1.0, C26-80.0, C26-67.0, C26-85.0c, and 641-7.0.

7. When possible, the Borough Superintendent shall call the owner or manager on the telephone and notify him that the place is to be vacated and ask for his cooperation in keeping the place closed until the unlawful exit conditions have been eliminated.

8. Upon failure to comply with the vacate order, the police shall be requested to establish a fixed post at the entrance to prevent entry to the premises. Where this procedure is not effective, the Borough Superintendent shall notify the Director of Operations, who shall call police headquarters to request further cooperation.

9. In addition to enlisting the assistance of the Police Department, the Borough Superintendent shall immediately notify the State Liquor Authority that serious violations exist on the premises, with copies of the violation orders, and the name and address of the place of assembly, and names of owners and managers. Under regulations of the Authority, sale of liquor on the premises is not permitted where there is a violation of a local building code.

10. The Department of Consumer Affairs shall be notified in writing of any illegal condition pertaining to the exits of a place of assembly, together with the name and address of the place of assembly and the names of the owners and managers.

11. Upon elimination of the violations concerning the exits, the Borough Superintendent shall permit reoccupancy as quickly as possible, provided there is no other reason to prevent such occupancy and shall notify the State Liquor Authority that the violations have been removed.

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12. Communications with the State Liquor Authority are to be addressed to -

Mr. Thomas G. Spencer,  
Chief Executive Officer  
State Liquor Authority  
2 World Trade Center  
New York, N. Y. 10047

Communications with the Department of Consumer Affairs are to be addressed to -

Mr. J. O. Baez,  
Director of License Issuance  
Department of Consumer Affairs  
80 Lafayette St.  
New York, N. Y. 10013

This memorandum is effective immediately.

IEM/df

CC: Exec. Staff

  
Irving E. Mirkin  
Director of Operations

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