§ 1102. Violation; injunction and abatement. 1. If any inspection discloses a violation of any rule or regulation promulgated pursuant to section one thousand one hundred of this chapter relating to a temporary or permanent source or act of contamination, the person, officer, board, or commission having the management and control of the potable water supply of the municipality, state or United States institution, park, reservation or post, and in the city of New York, the commissioner of environmental protection, and the board of water supply of the city of New York, or the corporation furnishing such supply shall cause a copy of the rule or regulation violated to be served upon the person violating the same, with a notice of such violation. If the person served does not comply immediately with the rule or regulation violated, such person, officer, board, corporation or commission, except in a case concerning the violation of a rule or regulation relating to a temporary or permanent source or act of contamination affecting the potable water supply of the city of New York, shall notify the department of the violation.

2. (a) Upon being notified of any violation as herein provided, the department shall examine immediately into such violation; and if the department finds such rule or regulation to have been violated, the commissioner shall order the local board of health of the health district wherein the violation or noncompliance occurs, to convene and enforce compliance with such rule or regulation.

(b) If the local board of health of the health district wherein the violation or noncompliance occurs, fails to enforce the order of the commissioner within ten days after its receipt, the corporation furnishing such water supply or the municipality, state, or United States or state or United States institution, park, reservation or post deriving its water supply from the waters to which such rule or regulation relates, or the commissioner, or the local board of health of the health district wherein the water supply protected by these rules is used, or any person interested in the protection of the purity of the water supply, may maintain an action in a court of record which shall be tried in the county where the cause of action arose against such person, for the recovery of the penalties incurred by such violation, and for an injunction restraining the person violating such rule or regulation from

the continued violation thereof.

3. (a) If the person served with notice of violation does not comply within five days with the rule or regulation violated, in case such rule or regulation relates to a temporary or permanent source or act of contamination affecting the potable water supply of the city of New York, the commissioner of environmental protection of said city, or the board of water supply of the city of New York, may summarily enforce compliance with such rule or regulation and may summarily abate or remove the cause of the violation of such rule or regulation or the nuisance so created, and to that end may employ such force as may be necessary and proper; provided, however, that no building or improvement shall be removed, disturbed or destroyed by the said commissioner of environmental protection or the said board of water supply until he or they shall cause measurements to be made of the buildings and photographs of the exterior views thereof, which measurements and photographs shall be at the disposition thereafter of the owners or their attorneys, and failure to exercise such right of abatement shall not be deemed a waiver thereof.

(b) Failure to comply within five days with such rule or regulation shall further entitle the city of New York to maintain an action in any court having jurisdiction thereof for the recovery of the penalties incurred by such violation in an amount authorized by section one thousand one hundred three of this title and for an injunction restraining the person from violating such rule or regulation, or creating or continuing such nuisance. The remedy by abatement herein provided for shall not be construed to be exclusive.