

1 9 6 8 BUILDING CODE OF THE CITY OF NEW YORK

**Plus Reference Standards and Selected Rules and
Regulations of the Department of Buildings**

Update Set # 2

Includes Amendments to July 1, 2008

**Note: Do not insert this Update Set #2
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Replace each page in your book with the same numbered page in this update, add new pages, and discard old ones (those you replaced). Any pages which contain a letter after the page number should be placed in alphabetical order following the number, i.e. 5, 6, 6a, 6b, etc.

- **Note:** Revised pages are marked with the word “revision:” and the date of update publication. For Update Set # 2, the publication date is July 1, 2008.
- **Note:** Following this page is a listing of all the revised pages your Building Code should contain when you have inserted this update.
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Update Set #2

Volume 1

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1968 BUILDING CODE OF THE CITY OF NEW YORK

**Plus Reference Standards and Selected Rules and
Regulations of the Department of Buildings**

**Local Law No. 76 Effective December 6, 1968
Includes Amendments to July 1, 2008**

**Michael R. Bloomberg
Mayor**

**Robert D. LiMandri
Commissioner
Department of Buildings**

**Martha K. Hirst
Commissioner
Department of Citywide Administrative Services**



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Volume 1 of 2**

New York City Department of Buildings
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First Deputy Commissioner

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**THE BUILDING CODE OF THE CITY OF NEW YORK
VOLUME 1**

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**1968 BUILDING CODE
OF THE CITY OF NEW YORK**

**Plus Selected Rules of the Department of Buildings
LOCAL LAW NO. 76 Effective Dec. 6, 1968
INCLUDES AMENDMENTS To July 1, 2008**

MICHAEL R. BLOOMBERG
MAYOR

ROBERT D. LiMANDRI
Commissioner

PREFACE

This revision brings the 1968 Building Code current to July 1, 2008.

When enacted by the City Council on October 22, 1968, the 1968 Building Code was hailed as a great improvement over the anachronistic 1938 Building Code and included what was then the latest thinking in building code science, incorporating advances in technology and construction that had been made following the Second World War. Over the years, the Council amended the 1968 Building Code to address certain changes as needed; however, the 1968 Building Code never enjoyed a complete overhaul, gradually falling behind and becoming increasingly outdated. By the turn of the 21st Century, the 1968 Building Code had become an antiquated, complicated tangle of provisions.

In 2003, the Department of Buildings began a multi-year effort to replace the 1968 Building Code, culminating with Mayor Michael R. Bloomberg's signing of Local Law 33 of 2007. The result was the 2008 New York City Construction Codes, which replaced the 1968 Building Code with a new set of codes that increases public

safety, incorporates the latest in engineering and technology, and contains progressive ideas on sustainable development. Most importantly, the new Construction Codes must be thoroughly reviewed and updated every three years, ensuring that New York City's construction regulations never again become outdated.

While the 2008 New York City Construction Codes will apply to all new buildings beginning July 1, 2009, the 1968 Building Code, and its predecessor from 1938, will continue to remain relevant for years to come. First, certain new buildings filed prior to July 1, 2009 will continue to be subject to the 1968 code. Additionally, provisions of the 1968 code will apply to most alterations to existing buildings. Lastly, buildings constructed in accordance with the 1968 code generally must maintain compliance with its provisions.

The flowchart that follows the editor's note illustrates the circumstances under which the 1968 code remains applicable for alteration projects.



Robert D. LiMandri
Commissioner

Preface

EDITOR'S NOTE:

For further information, readers may wish to refer to the published series of the Department of Buildings' Directives and Memorandums, which are available at CityStore (NYC.gov/citystore) or visit the Department of Buildings website at NYC.gov/buildings for the latest policy and procedure notices.

The legislature enacted, effective September 1, 1986, Chapter 839 of the state laws of 1986, which made certain technical corrections and changes to the recodification.

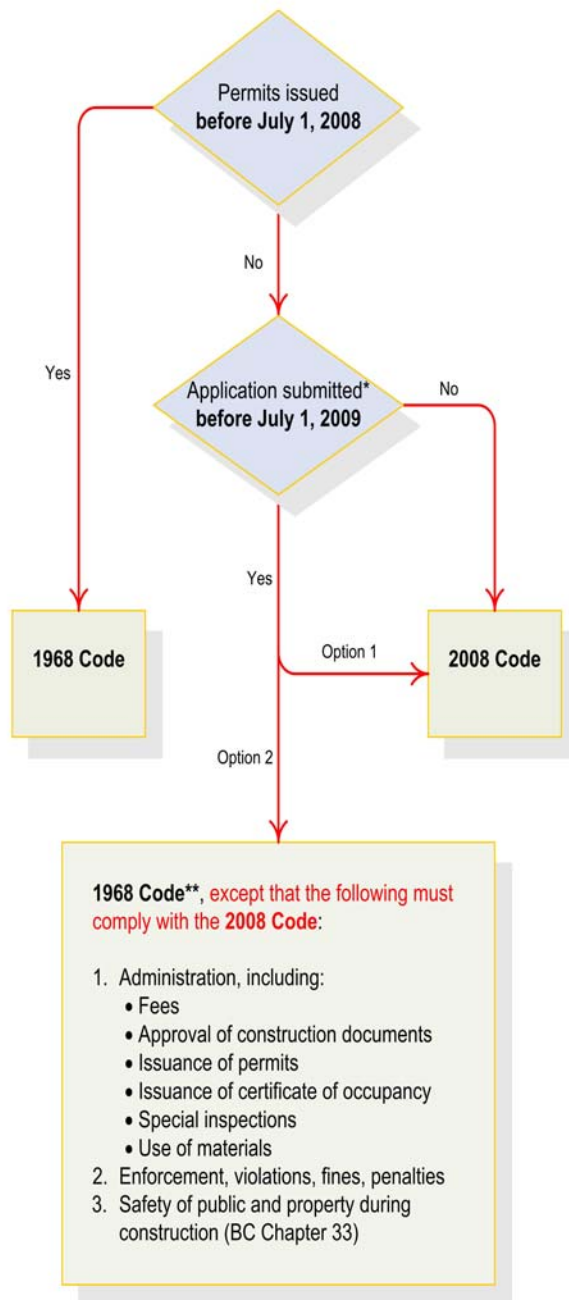
Within the Reference Standards Appendix of this volume are references to specific sections in the Building Code. Standards enacted prior to the recodification of the Building Code refer to the code using the old section numbers. Editorial notes pointing out discrepancies between the former code and the recodified version not specifically indicated as changes, or references to laws that have amended the code since recodification, are indicated with asterisks and corresponding footnotes in bold italics at the following the section. Obvious errors (such as misspellings) are corrected and noted within the text with a *[sic]* following the particular word.

Page Setup:

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Which code applies?

New Buildings



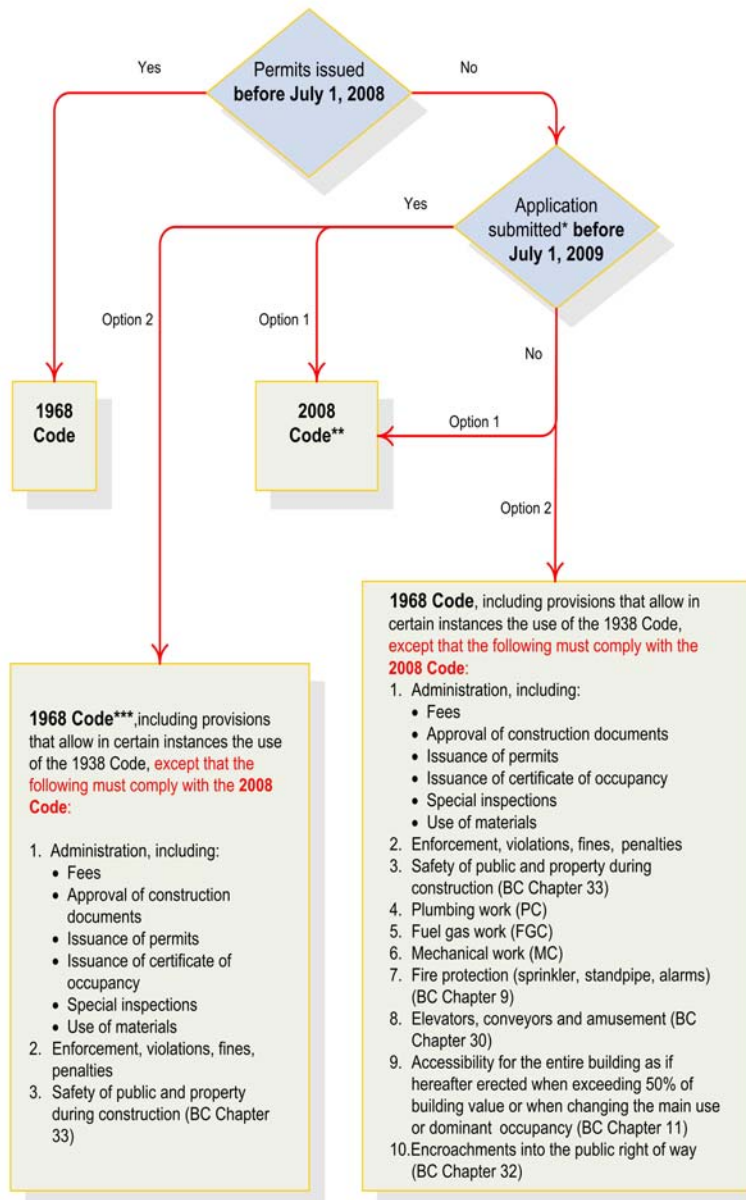
* Submission of application for construction document approval

** In addition, this option remains available only if:

- (1) the application is not abandoned;
- (2) the work is commenced within 12 months of issuance of a permit, and
- (3) the work is diligently carried out to completion

Which code applies?

Alterations to Existing Buildings



* Submission of application for construction document approval

** The 2008 Code cannot be elected where the 2008 Code provisions as applied to the particular building would result in a reduction in fire safety or structural safety. As an alternative, the entire building may be made to comply with 2008 Code

*** In addition, this option remains available only if:

- (1) the application is not abandoned;
- (2) the work is commenced within 12 months of issuance of a permit, and
- (3) the work is diligently carried out to completion

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(See Title 28 of Administrative Code for new provisions)

Preface

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TITLE 26 HOUSING AND BUILDINGS

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SUBCHAPTER 1 GENERAL PROVISIONS

~~§[641-1.0] 26-101 Definitions.~~ For the purposes of this chapter:

1. The term "multiple dwelling" shall mean such dwelling as defined by section four of the multiple dwelling law;
2. The term "building" shall mean any building, structure, premises, or part thereof;
3. The term "service equipment" shall mean equipment, and all components thereof, which provide sanitation, power, light, heat, ventilation, air conditioning, refuse disposal, fire-fighting, transportation or other facilities for buildings.
4. The term "commissioner" shall mean the city commissioner

of buildings.

5. The term "department" shall mean the city department of buildings.

~~§[641-2.0] 26-102 Seal; judicial notice.-~~

The commissioner may design and adopt a seal for the department, and cause the same to be used in the authentication of the orders and proceedings of the department, and for such other purposes as he or she may prescribe. The courts shall take judicial notice of such seal, and of the signature of the commissioner and the deputy commissioners of such department.

~~§[641-3.0] 26-103 Records in department.-~~

The department shall keep records of every building in the city. Such records shall be kept in the manner and form prescribed by the commissioner.

~~§[641-4.0] 26-104 Complaint book.~~** The department shall keep a general complaint book, or several such books, in which may be entered any complaint made by any person in reference to any building. Such entry shall include the name and residence of the complainant, the name of the person complained of, the date of the entry of the complaint and any suggested remedies. Except for entries of names and residences of the complainants, such book shall be open to public examination during the office hours of the department, subject to such regulations as the commissioner may prescribe. The commissioner shall cause all complaints to be investigated.

*~~** Local Law 91-1989.~~*

~~§[641-5.0] 26-105 Taxpayers' requests for institution of actions.~~ Taxpayers' requests for institution of actions for liens upon buildings shall be presented to the department.

~~§[641-6.0] 26-106 Proofs, affidavits and oaths.-~~

Proofs, affidavits and examinations as to any matter arising in connection with the performance of any of the duties of the department may be taken by or before the commissioner, or a deputy commissioner, or such other person as the commissioner may designate; and such commissioner, deputy or other person may administer oaths in connection therewith.

~~§[641-7.0] 26-107 Cooperation of other departments.-~~

Upon request of the commissioner, it shall be the duty of all departments to cooperate with the department of buildings at all times, and to furnish to such department such information, reports and assistance as the commissioner may require.

~~§[641-8.0] 26-108 Reports from different institutions and agencies.-~~

a. All dispensaries and hospitals in the city shall make weekly statements to the department as to the cases of sickness received in such hospital or treated in such

dispensary from each building. Such statement shall show the location of such building by street and number, the nature of the sickness treated, whether the patient was an adult or child and the date of the treatment.

b. The police department shall furnish to the department a weekly statement of the number of arrests of persons living in such buildings. Such statement shall show the location of such building, by street and number, the offense with which the person is charged, the age and name of the offender, and such other information as the department may require. The commissioner shall prescribe and furnish blank forms for making such statements.

c. Such department may require reports and information of such facts relative to the condition of persons residing in such buildings as the commissioner may deem useful in carrying out the duties of the department. Such reports also may be required from all dispensaries, hospitals, charitable or benevolent societies, infirmaries, prisons and schools, and from the managers, principals and officers thereof. The managers, principals and officers of such institutions shall give such information promptly and shall make such reports, verbally or in writing, as the commissioner may require.

~~§[641-9.0] 26-109 Annual report.~~ The annual report of the department shall be published in book form for public information. Such report shall contain the statistics kept by the department.

~~§[641-10.0] 26-110 Publication of statistics and other data.~~ The commissioner may provide for the publicity of the papers, files, reports, records and the proceedings of the department whenever he or she deems it necessary for the public good.

~~§[642-1.0] 26-111 Uniforms and badges.~~ The commissioner may provide or designate a suitable uniform to be worn by inspectors. He or she shall also provide a metal badge with a suitable inscription thereon, and shall require that such badge shall be worn by the inspectors, officers and other employees of the department.

~~§[642-2.0] 26-112 Falsely impersonating an officer.-~~**

Any person who falsely represents himself or herself as an officer, inspector or employee of the department, or a not for profit corporation performing services on behalf of the department pursuant to article twenty seven of subchapter one of chapter one of title twenty seven of the code, or as acting under the authority of the department or of such not for profit corporation, or who without authority uses, wears or displays a shield or other insignia or emblem such as is worn by such officer, inspector or employee, shall be guilty of a misdemeanor.

*~~** Local Law 107-1993.~~*

~~§[642-3.0] 26-113 Subordinates; discipline of.~~ The commissioner shall have power to punish any employee, for:

neglect of duty, or omission to properly perform his or her duty, or for violation of rules, or neglect or disobedience of orders, or incapacity or absence without leave, by forfeiting or withholding compensation for a specified time, or by suspension from duty with or without pay for a period of not exceeding thirty days.

~~§[642-4.0] 26-114 Certain outside work, employment and financial interests prohibited.~~ It shall be unlawful for any officer or employee of the department to be engaged in conducting or carrying on business as an architect, civil engineer, structural engineer, sanitary engineer, carpenter, plumber, iron worker, mason or builder, or any other profession or business concerned with the construction, alteration or equipment of buildings. It shall also be unlawful for such employees to be engaged in the manufacture or sale of automatic sprinklers, fire extinguishing apparatus, fire protection devices, fire prevention devices, devices relating to the means or adequacy of exit from buildings, or articles entering into the construction or alteration of buildings, or to act as agent for any person engaged in the manufacture or sale of such articles, or own stock in any corporation engaged in the manufacture or sale of such articles.

~~§[643a-1.0] 26-115 Notices and orders.~~ The commissioner shall have the power to issue notices and orders for enforcing compliance with any law, rule or regulation in respect to any matters under the jurisdiction of the department, and for remedying any condition found to exist in, on or about any building, enclosure or premises, in violation of any law, rule or regulation in respect to any such matters. Each such notice or order issued by the commissioner shall have his or her signature affixed thereto; but the commissioner may authorize any subordinate to affix such signature.

~~§[643a-2.0] 26-116 Contents of notices and orders.~~ All notices and orders issued by the commissioner shall, in addition to the statement of requirements, contain a description of the building, premises or property affected; and except for such orders as may be served pursuant to section three hundred twenty six of the multiple dwelling law, the notice or order shall be addressed to the owner, lessee or occupant of the building, premises or property affected. It shall be unnecessary to designate such owner, occupant or lessee by name in the notice or order; but the premises shall be designated in the address so that the premises may readily be identified.

~~§[643a-3.0] 26-117 Service of notices and orders.~~ Except for such orders as may be served pursuant to section three hundred twenty six of the multiple dwelling law, service of notices and orders issued by the commissioner may be made: (a) by delivery of a copy thereof personally to the owner, lessee or occupant of the building, premises or property affected thereby; or (b) by

delivery of a copy thereof personally to any person of suitable age and discretion in charge or apparently in charge of such building, premises or property, or any building work being executed thereon; or (c) by posting a copy thereof in a conspicuous place upon such building, premises or property and mailing a copy thereof to the owner of such building, premises or property at his or her last known address, in which latter case the service shall be deemed to have been effected three days after the date of mailing.

~~§[643a-4.0] 26-118 Stop Work notices and orders.~~ Notwithstanding the provisions of sections 26-115 through 26-117 of this subchapter, a notice or order to stop work may be issued by the commissioner, or his or her authorized representative, at any time when it is found that building work is being executed in violation of the provisions of any law, rule or regulation enforceable by the department, or in a dangerous or unsafe manner. Such notice or order may be given orally or in writing to the owner, lessee or occupant of the property involved, or to the agent of any of them, or to the person or persons executing the work and may require all persons in and about the building or premises to vacate the same forthwith, and also require such work to be done as, in the opinion of the commissioner, may be necessary to remove any danger therefrom. The police department shall, upon the request of the commissioner, assist the department in the enforcement of this section.

Conditions warranting issuance of a stop work order include but are not limited to, the failure to have a construction site safety coordinator present in the course of on going construction at those sites where department rules and regulations require that a construction site safety coordinator be designated and present; the failure to erect a sidewalk shed (or portions thereof) as required by section 27-1021 of the code, or the removal of a sidewalk shed or portions thereof, when such sidewalk shed is still required pursuant to such section.

In addition to the penalties provided for in this subchapter, failure to comply with a stop work order shall be subject to the payment of a penalty in the sum of two thousand dollars for the first violation, five thousand dollars for the second violation, and ten thousand dollars for the third and every subsequent violation, to be paid to the department prior to the rescission of the stop work order; provided, however, this shall not apply to any work performed to remedy an unsafe or hazardous condition.

**Local Law 48-2006.*

~~§[643a-5.0] 26-119 Lis pendens.~~ The commissioner, after issuing any notice or order, or in any subsequent action or proceeding, may also file a notice of lis pendens, consisting of a copy of the notice or order issued by the commissioner and a notice of the action or proceeding instituted or to be instituted thereon.

~~§[643a-6.0] 26-120 — Enforcement proceedings.—~~

a. Upon the violation of any law, rule or regulation enforceable by the department, or the failure to comply with any order issued by the commissioner thereunder, the commissioner may, in his or her discretion, request the corporation counsel to institute legal proceedings to restrain, correct or abate such violation, or to compel compliance with such order; and the corporation counsel shall thereupon institute such actions or proceedings as may be necessary and appropriate for such purposes.

b. Such actions and proceedings may be instituted by the corporation counsel in the name of the city in any court of civil jurisdiction in the city and shall be given preference over pending causes therein. In such actions or proceedings, the city may apply for restraining orders preliminary injunctions or other provisional remedies, with or without notice; and no undertakings shall be required as a condition to the granting or issuing of any such order, injunction or remedy, or by reason thereof.

c. In no case shall the department, or any officer or employee thereof, be liable for costs in any such action or proceeding; and officers and employees of the department, acting in good faith and without malice, shall be free from liability for acts done in any such action or proceeding.

d. Any judgment rendered in any such action or proceeding shall be and become a lien upon the premises involved and named in the complaint in such action or proceeding, the lien to date from the time of filing a notice of lis pendens in the office of the clerk of the county in which the premises is located, and to have priority before any mortgage or other lien existing prior to such filing, except tax and assessment liens.

~~§[643a-7.0] 26-121 Certificate of commissioner; presumptive evidence.—~~ In any action or proceeding founded upon a claim by the commissioner that any law, rule or regulation enforceable by the department has been violated, or that a lawful order issued by him or her has not been complied with, a certificate in writing by the commissioner, or his authorized representative shall be presumptive evidence of any matter stated therein.

~~*§[643a-8.0] 26-122 Non-compliance with order and illegal places of assembly; punishment; penalty.—~~ Every person who owns or operates a place of assembly without a current permit or emergency lighting as required by law, or who shall fail to comply with an order issued by the commissioner except an order issued pursuant to section 26-126.2; or who shall knowingly violate any requirement of any notice or order of the commissioner, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punishable by a fine not to exceed five thousand dollars, or by imprisonment not to exceed six months, or both. Such person shall also be subject to the payment of a penalty of not more than five thousand dollars to be

recovered in a civil action brought in the name of the city in any court of competent jurisdiction or in a proceeding before the environmental control board.

**Local Law 80-1985, language juxtaposed per Ch. 907-1985.*

~~§[643a-9.0] 26-123 Non-compliance with orders; execution of work by department.—~~ Upon the failure to comply with any order of the commissioner within the time limited thereby, and subject to the provisions of article eight of subchapter three of this chapter, any work required to be executed by such order may be executed by the commissioner through the officers, agents or contractors of the department; and the city shall be reimbursed promptly for all costs and expenses of such work. Such costs and expenses shall become a lien upon the premises involved and named in the commissioner's order, from the time of filing of a notice of lis pendens as provided in section 26-119 of this subchapter; and such lien shall be enforceable in accordance with the mechanics' lien laws applicable in the city.

~~*§[643a-10.0] 26-124 False statements in certificates, forms, written statements, applications, reports or certificates of correction.—~~

a. Any person who shall knowingly make a false statement or who shall knowingly falsify or allow to be falsified any certificate, form, signed statement, application, report or certification of the correction of a violation required under the provisions of this code or any rule or regulation of any agency promulgated thereunder, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars, or by imprisonment not to exceed six months, or both.

b. Such person shall also be liable for a civil penalty of not less than one thousand dollars nor more than five thousand dollars which may be recovered in a proceeding before the environmental control board. In any such proceeding which relates to a false statement in a certification filed pursuant to section 26-126.2, if an inspection made within six months after the filing of the certification finds a condition constituting a violation which is the same as the condition described in the notice of violation with respect to which such certification was filed, there shall be a rebuttable presumption that the condition described in such notice of violation continued and is the same condition found in the inspection.

*c. In addition to any other penalty provided by law, the commissioner may refuse to accept any application or other document submitted pursuant to or in satisfaction of any requirement of this chapter or of chapter one of title twenty-seven of this code or any rule or regulation of any agency promulgated thereunder that bears the signature of any person who has been found, after a hearing at the office of administrative trials and hearings pursuant to the

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~~department's rules, to have knowingly or negligently made a false statement or to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application, report or certification of the correction of a violation required under the provisions of this chapter or of chapter one of title twenty-seven of this code or any rule or regulation of any agency promulgated thereunder.~~

~~[†]d. The provisions of this section shall apply with respect to any certificate, form, signed statement, application or report submitted to a not-for-profit corporation performing services on behalf of the department pursuant to article twenty-seven of subchapter one of chapter one of title twenty-seven of the code.~~

~~^{*}Local Law 80-1985, language juxtaposed per Ch. 907-1985.~~

~~[†]Chapter 542 of Laws of 2007; Local Law 107-1993.~~

~~****§[643a-11.0] 26-125 Violations of building laws: punishments; penalty.--**~~

~~a. Except as otherwise provided in subdivisions b and f of~~

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~~this section, section 26-126 or 26-248 of this title, every person who shall violate any of the provisions of any laws, rules or regulations enforceable by the department or who shall knowingly take part or assist in any such violation shall be guilty of an offense, and upon conviction thereof shall be punishable by a fine of not more than five thousand dollars. Such person shall also be subject to the payment of a penalty of not more than five thousand dollars to be recovered in a civil action brought in the name of the city in any court of record in the city.~~

~~b. Notwithstanding any other law, rule or regulation, and in addition to any other penalties provided in this code or elsewhere, any person who shall convert, or knowingly take part or assist in the conversion or permit the maintenance of the conversion of a residence, which is legally approved for occupancy as a one family, or two-family dwelling, to a dwelling for occupancy by four or more families shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for a period not to exceed one year and by a fine for each dwelling unit added of not less than one thousand dollars nor more than five thousand dollars for the first offense, not less than two thousand five hundred dollars nor more than fifteen thousand dollars for a second offense and not less ten thousand dollars nor more than twenty thousand dollars for a third or subsequent offense.~~

~~c. In addition to the penalties provided in subdivision a of this section, any owner who shall fail to file a report pursuant to the provisions of section 27-228.5 or 27-1000 of the code shall be liable for a civil penalty of not less than twenty five dollars nor more than one hundred dollars per day not to exceed one thousand dollars commencing with the date after which such report was required to be filed with the department and terminating on the date of the filing of such report with the department.~~

~~d. In addition to the penalties provided in subdivision a of this section, any owner who shall fail to file a report pursuant to the provisions of section 27-793 of this code shall be liable for a civil penalty of not less than twenty five dollars nor more than fifty dollars per day, commencing with the day following the date on which such report was required to be filed with the department and terminating on the date of the filing of such report with the department, provided that the maximum amount of such penalty shall not exceed one thousand five hundred dollars for any report for a building greater than six stories and five hundred dollars for any report for a building of six stories or less.~~

~~*e. In addition to the penalties provided in subdivision a of this section and notwithstanding the provisions of subdivision d of this section, any owner who files a report pursuant to the provisions of section 27-793 of this code after the date such report was required to be~~

~~filed with the department but who provides evidence in accordance with rules promulgated by the commissioner that the boiler was inspected in accordance with the provisions of subdivision b of section 27-793 of this code shall only be liable for a civil penalty of fifty dollars for any report for a building six stories or less and one hundred fifty dollars for any report for a building greater than six stories.~~

~~f. As an alternative to the penalties provided in subdivision b of this section, any person who violates the provisions of such subdivision may be subject to the payment of a civil penalty of one thousand dollars per day for each dwelling unit added, commencing on the date such notice of violation was issued and terminating on the date of the filing of a valid certification that the condition constituting the violation has been corrected or the date of final adjudication of the violation, whichever occurs first, to be recovered in a civil action brought in the name of the city in any court of record in the city or returnable to an administrative tribunal of competent jurisdiction. There shall be a rebuttable presumption that the violation continued to exist from the date of the issuance of a notice of violation until the date of adjudication or proof of correction to the satisfaction of the commissioner.~~

~~†g. (i) Notwithstanding any other provision of law, where a notice of violation or summons is issued on or after July fourteen, two thousand three for a violation of section 27-147 of this code or paragraph (a) of section 32-653 or paragraph (a) of section 42-542 of the zoning resolution, or any provision amending, replacing or supplementing such sections of the zoning resolution, for an awning in existence on such date, no penalty may be imposed, nor may injunctive relief be sought to restrain such violation, during the period commencing on such date and ending on the later of (A) January fourteen, two thousand six and (B) the date established by the commissioner in accordance with paragraph (iii) of this subdivision as the date of the conclusion of a program of education of the public regarding amendments of section 32-653 or 42-542 of the zoning resolution or the replacement or supplementation of such sections. Where the person to whom the violation was issued cures such violation during such period, no penalty may subsequently be sought or imposed for such violation.~~

~~(ii) The provisions of paragraph i of this subdivision shall not apply where such awning creates an imminent threat to public health or safety.~~

~~(iii) The commissioner shall develop a program to educate the public regarding amendments, adopted after the enactment of the local law that added this paragraph, of section 32-653 or 42-542 of the zoning resolution or the replacement or supplementation of such sections. Such program shall be implemented as soon as practicable following the adoption of such amendments, replacement or supplementation, and~~

shall continue for a period of time deemed sufficient by the commissioner to provide reasonable notice to the public of the requirements imposed by such amendments, replacement or supplementation. The date of the conclusion of such program shall be established by the commissioner by rule which date shall be no later than May thirty-one, two thousand six.

~~**Local Law 65 1997; Local 62 1991; Local Law 80 1985, language juxtaposed per Ch. 907 1985.~~

~~*Local Law 27 1996.~~

~~*Local Law 77 2005; 35 2004; Local Law 44 2003.~~

~~*§26-125.1 Violation of building laws; punishment and penalties for illegal operation of cranes and derricks.~~**

a. Any person who:

(1) shall operate a crane or derrick as such terms are defined in section 27-232 of this code without first having obtained a license required to operate such crane or derrick, except for learners operating such crane or derrick in the presence of and under the direct supervision of a licensed operator, pursuant to reference standard 19-2; or (2) is in charge of, in control of, or is either supervising or directing construction activities at a construction site, and who (i) either permits or authorizes the operation of a crane or derrick by a person who he or she either knows or should know does not have a license to operate such equipment, except for learners operating such crane or derrick in the presence of and under the direct supervision of a licensed operator, pursuant to reference standard 19-2; or (ii) either permits or authorizes the operation of a crane or derrick without having first obtained all necessary approvals and permits for the operation of the equipment, or for the work to be performed, shall be guilty of a class B misdemeanor and upon conviction thereof shall be subject to a civil penalty of not more than twenty-five thousand dollars in addition to a sentence not to exceed ninety days.

b. Any person who:

(1) shall operate a crane or derrick as such terms are defined in section 27-232 of this code without first having obtained a license required to operate such crane or derrick, except for learners operating such crane or derrick in the presence of and under the direct supervision of a licensed operator, pursuant to reference standard 19-2; (2) is in charge of, in control of, or is either supervising or directing construction activities at a construction site, and who (i) either permits or authorizes the operation of a crane or derrick by a person who he or she either knows or should know does not have a license to operate such equipment, except for learners operating such crane or derrick in the presence

of and under the direct supervision of a licensed operator, pursuant to reference standard 19-2; or (ii) either permits or authorizes the operation of a crane or derrick without having first obtained all necessary approvals and permits for the operation of the equipment, or for the work to be performed, where such operation results in serious physical injury to another person or persons, as such term is defined in section 10.00 of the penal law, shall be guilty of a class A misdemeanor and upon conviction thereof shall be subject to a civil penalty of not more than one hundred thousand dollars in addition to a sentence not to exceed six months.

e. There shall be no liability under the provisions of this section for the operation of a crane or derrick by any person who has been duly licensed by the department to operate such crane or derrick, or by a learner who operates such crane or derricks in the presence of and under the direct supervision of such person, during the thirty calendar days subsequent to the expiration of such person's license; provided, however, that, for one year after the effective date of this section, there shall be no liability under the provisions of this section for the operation of a crane or derrick by any person who has been duly licensed by the department to operate such crane or derrick, or by a learner who operates such crane or derrick in the presence of and under the direct supervision of such person, during the one year period subsequent to the expiration of such person's license.

d. For purposes of this section, the terms "crane" and "derrick" shall have the meaning as ascribed by section 27-232 of this code.

~~***Local Law 99 1991.~~

~~†[§643a-12.0] 26-126 Violations of zoning resolutions.~~

a. The owner, lessee, or occupant of any building in which a violation of the zoning resolution has been committed or shall exist, or the agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building in which any such violation shall exist, shall be guilty of a misdemeanor, and where the violation shall be for the construction, alteration, use or occupancy of any building, structure or area set forth within use groups five through eighteen inclusive in a zoning district where such use is not permitted, the person convicted thereof shall be punished by a fine of not less than two hundred fifty dollars nor more than one thousand dollars for the first offense, not less than five hundred dollars nor more than one thousand dollars for a second offense and five thousand dollars for a third, and all subsequent offenses, or for any such offense by imprisonment for not more than ninety days, or by both fine and imprisonment.

~~b. Any such person, having been served with an order to remove any such violation, who shall fail to comply with such order within ten days after such service or who shall continue to violate any provision of the zoning resolution in the respect named in such order, shall be guilty of a misdemeanor.~~

~~c. In addition to the foregoing remedies, the city may maintain an action for an injunction to restrain any violation of such zoning resolution.~~

~~*d. (i) Notwithstanding any other provision of law, where a notice of violation or summons is issued on or after July fourteen, two thousand three for a violation of section 27-147 of this code or paragraph (a) of section 32-653 or paragraph (a) of section 42-542 of the zoning resolution, or any provision amending, replacing or supplementing such sections of the zoning resolution, for an awning in existence on such date, no penalty may be imposed, nor may injunctive relief be sought to restrain such violation, during the period commencing on such date and ending on the later of (A) January fourteen, two thousand six, and (B) the date established by the commissioner in accordance with paragraph (iii) of this subdivision as the date of the conclusion of a program of education of the public regarding amendments of section 32-653 or 42-542 of the zoning resolution or the replacement or supplementation of such sections. Where the person to whom the violation was issued cures such violation during such period, no penalty may subsequently be sought or imposed for such violation.~~

~~(ii) The provisions of paragraph i of this subdivision shall not apply where such awning creates an imminent threat to public health or safety.~~

~~(iii) The commissioner shall develop a program to educate the public regarding amendments, adopted after the enactment of the local law that added this paragraph, of section 32-653 or 42-542 of the zoning resolution or the replacement or supplementation of such sections. Such program shall be implemented as soon as practicable following the adoption of such amendments, replacement or supplementation, and shall continue for a period of time deemed sufficient by the commissioner to provide reasonable notice to the public of the requirements imposed by such amendments, replacement or supplementation. The date of the conclusion of such program shall be established by the commissioner by~~

~~rule which date shall be no later than May thirty one, two thousand six.~~

~~*e. Notwithstanding any other law, rule or regulation, and in addition to any other penalties provided by law, any person who shall convert, or knowingly take part or assist in the conversion or permit the maintenance of the conversion of a building legally approved for industrial or manufacturing use, except as provided by section 42-03 of the zoning resolution and the multiple dwelling law, to occupancy as a dwelling shall be subject to imprisonment for a period not to exceed one year and by a fine for each dwelling unit added of not less than one thousand dollars nor more than five thousand dollars for the first offense, not less than two thousand five hundred dollars nor more than fifteen thousand dollars for a second offense committed within an eighteen month period of the first offense and not less than ten thousand dollars nor more than twenty thousand dollars for a third or subsequent offense committed within an eighteen month period of the first offense.~~

~~*Local Law 37-2007; Local Law 77-2005; Local Law 35-2004; Local Law 44-2003.~~

~~***§[643a-12.1] 26-126.1 Environmental control board; civil penalties.**~~

~~a. In addition to or as an alternative to any of the remedies and penalties provided in subchapters one, two and three of chapter one of this title or chapter one of title twenty seven any person who shall violate or fail to comply with any of the provisions of subchapters one, two and three of chapter one of this title or chapter one of title twenty seven or the rules and regulations promulgated hereunder shall, except as otherwise specifically provided in subdivision c of section 26-126.2, be liable for a civil penalty which may be recovered in a proceeding before the environmental control board. Such proceeding shall be commenced by the service of a notice of violation returnable before the board. The provisions of sections 26-244, 26-246 and 26-248 relating to notification prior to the commencement of judicial proceedings shall not apply to the recovery of civil penalties in proceedings before the environmental control board.~~

~~Except as otherwise specifically provided, such civil penalty shall be determined in accordance with the following schedule:~~

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	First Violation		Second or Subsequent Violation by the respondent of the same provision of law, rule or regulation and, if the respondent is the owner, agent, lessee or other person in control of the premises with respect to which the violations occurred, at the same premises (all violations committed within an eighteen month period).	
	Minimum (Dollars)	Maximum (Dollars)	Minimum (Dollars)	Maximum (Dollars)
[†] 27-118.1(a).....	250	2,500	1,000	10,000
[†] 27-118.1(b).....	2,500	5,000	5,000	25,000
27-508.3(b).....	0	300	350	1,000
Any Provision of subchapter 19 of Chapter 1 of title 27.....	0	5,000	0	10,000
Any provisions of subchapters 1,2, and 3 of chapter 1 of this title and all other provisions of chapter 1 of title 27 or any provisions of the zoning resolution and related rules and regulations.....	0	2,500	0	10,000

(Reference to a section of the code is intended to include any rules and regulations related to such section).

[†]~~Local Law 37-2007.~~

b. For the purposes of the multiple offense schedule, if the respondent is the owner or agent of the building or structure with respect to which the violation occurred or a lessee of the entire building or structure, the term premises shall mean the entire building or structure. If the respondent is the lessee or person in control of a part of such building or structure, the term premises shall mean that part of such building or structure leased to or under the control of the respondent.

c. Notwithstanding any other provision of this section, if the respondent is the owner or agent of the building or structure with respect to which the violation occurred or a lessee of the entire building or structure, a prior violation by the same respondent shall not serve as a predicate for purposes of the multiple offense schedule set forth in this section if the prior violation or the violation for which penalties are to be imposed occurred within an area of the building or structure which, at the time of the violation, was leased to and under the control of a person other than the respondent, except that this provision shall not apply if both the prior violation and the violation for which penalties are to be imposed occurred within areas leased to and under the control of the same lessee. In any proceeding before the board, the burden of proof with respect to this exception shall be upon the respondent.

d. The commissioner may, by rule or regulation, establish a schedule of civil penalties providing a maximum penalty for the violation of each separate provision of law, rule or regulation based on the degree of seriousness of the violation. Such maximum penalties shall not exceed the maximum penalties for such violations set forth in this section.

e. In addition to the penalties set forth in subdivision a of this section: (i) any individual who shall violate or fail to comply with the provisions of section 27-118.1 of this

code shall also be subject to the payment of a penalty of not less than fifty dollars nor more than one hundred dollars per day, for each dwelling unit added, commencing on the date such notice of violation was issued and terminating on the date of the filing of a certification that the condition constituting the violation has been corrected or the date of final adjudication of the violation by the environmental control board, whichever occurs first, and there shall be a rebuttable presumption that the violation continued to exist from the date of the issuance of the notice of violation until the date of the filing of the certification or final adjudication; and (ii) a third or subsequent violation of section 27-118.1 of this code by the same respondent and, if the respondent is the owner, agent, lessee or other person in control of the premises with respect to which the violation occurred at the same premises (all violations committed within an eighteen month period), shall result in a civil penalty of not less than five thousand dollars nor more than fifteen thousand dollars.

[‡]~~Local Law 37-2007; Local Law 3-1998; Local Law 65-1997; Local Law 80-1985, language juxtaposed per Ch. 907-1985.~~

***f. In addition to the penalties set forth in subdivision a of this section any person who shall violate or fail to comply with the provisions of subdivision b of section 27-118.1 of this code shall also be subject to the payment of a penalty of not less than two hundred fifty dollars nor more than five hundred dollars per day, for each dwelling unit added, commencing on the date such notice of violation was issued and terminating on the date of the filing of a certification that the condition constituting the violation has been corrected or the date of final adjudication of the violation by the environmental control board, whichever occurs first, and there shall be a rebuttable presumption that the violation continued to exist from the date of the issuance of the notice of

violation until the date of the filing of the certification or final adjudication.

~~***Local Law 37-2007.~~

~~** §1643a 12.2] 26-126.2 Environmental control board proceedings; order to certify correction.~~

~~***a. Except as otherwise provided in subdivision e, f, i and j of this section whenever the commissioner serves a notice of violation such notice shall include an order which requires the respondent to correct the condition constituting the violation and to file a certification with the department that the condition has been corrected. Such order shall require that the condition be corrected within thirty days from the date that the order is issued and that certification of the correction of the condition shall be filed with the department in a manner and [sic] form and within such further period of time as shall be established by rule or regulation of the department.~~

~~b. If the board finds, upon good cause shown, that the respondent cannot correct the violation within the period specified in subdivision a, it may, with the concurrence of the commissioner, postpone the period for compliance with such order upon such terms and conditions and for such period of time as shall be appropriate under the circumstances.~~

~~c. For violations which are subject to the penalties for a first violation as set forth in section 26-126.1 of this title, if the respondent complies with the order issued pursuant to subdivision a of this section within the time set forth in such subdivision, there shall be no civil penalty for such first violation. Such violation may however serve as a predicate for purposes of the multiple offense schedule set forth in section 26-126.1 of this title.~~

~~d. In any proceeding before the environmental control board, if the board finds that the commissioner has failed to prove the violation charged, it shall notify the commissioner and the order requiring the respondent to correct the condition constituting the violation shall be deemed to be revoked.~~

~~e. Subdivisions a, b, c and d of this section shall not apply to environmental control board proceedings to impose penalties for violations of section 26-122 (except violations relating to the operation of an illegal place of assembly), section 26-124 and section 26-126.3 of this title or to impose penalties for any violation which the commissioner in his [or her]** discretion determines to be hazardous.~~

~~**Copy in brackets not enacted but probably intended.~~

~~*f. A notice of violation alleging a violation of subdivision a or b of section 27-508.3 of this code shall include an order (i) directing the respondent to correct the condition constituting the violation within thirty days from the date that the order is issued and to file a certification that the condition has been corrected with the department in a manner and form and within such further period of time as shall be established by rule of the department or (ii) directing a respondent who is a record owner of a premises~~

~~on which a tobacco product advertisement is placed or maintained in violation of subdivision a of section 27-508.3 of this code but who has not posted or placed such advertisement or has not directed, caused or contracted for the posting or placing of such advertisement by a servant, agent, employee, contractor or other individual under such record owner's control, to notify, within thirty days from the date the notice of violation alleging a violation of subdivision a of section 27-508.3 of this code was issued, the person who posted or placed such advertisement or who directed, caused or contracted for the posting or placing of such advertisement, by certified mail of the notice of violation, and to send, by certified mail, a copy of such notification to the department. A record owner shall not be deemed to have directed, caused or contracted for the posting or placing of a tobacco product advertisement by a servant, agent, employee, contractor or other individual under such record owner's control unless the record owner retains the right to cause the content of an advertisement to be changed. A general "compliance with laws" provision in a lease or contract shall not constitute such a right for purposes of this subdivision. A notice of violation issued pursuant to subdivision a or b of section 27-508.3 of this code shall also contain a statement that any hearing for a third or subsequent violation of subdivision a or b of section 27-508.3 by a wholesale or retail dealer of cigarettes shall also constitute a hearing for the revocation of a license issued to such wholesale dealer pursuant to section 11-1303 of this code or to such retail dealer pursuant to section 20-202 of this code, where the wholesale or retail dealer of cigarettes is found to be in violation.~~

~~***g. Where the respondent receives a notice of violation of subdivision a or b of section 27-508.3 of this code and the respondent complies with item (i) of subdivision f of this section, there shall be no civil penalty for such violation; provided, however, where such violation is a first violation, such violation may serve as a predicate for purposes of the multiple offense schedule as set forth in section 26-126.1 of this chapter and for purposes of revoking a license pursuant to subdivision k of this section.~~

~~***h. Where the respondent receives a notice of violation of subdivision a of section 27-508.3 of this code and the respondent is a record owner of premises who complies with item (ii) of subdivision f of this section, the notice of violation issued to such record owner shall be dismissed and shall not serve as a predicate for purposes of the multiple offense schedule as set forth in section 26-126.1 of this chapter.~~

~~***i. Where a respondent receives a notice of violation alleging a violation of subdivision a or b of section 27-508.3 of this code, and such respondent establishes that the school building, playground, amusement arcade, child day care center, or youth center that is within one thousand feet of the respondent's building, structure or premises opened, or was authorized or licensed by, or received a permit from a city or state, or certified to the~~

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~~department as required pursuant to subdivision o of section 27-508.2 of this code after the date such respondent placed or caused to be placed, maintained or caused to be maintained the tobacco product advertisement that is the subject of the alleged violation on such respondent's building, structure or premises, then upon the respondent so establishing within thirty days of the date of issue of the notice of violation, the environmental control board shall grant an adjournment in contemplation of dismissal. Where the respondent corrects the condition constituting the violation and certifies such correction to the department (i) within ninety days of the issuance of such adjournment in contemplation of dismissal of a notice of violation of subdivision a of section 27-508.3 or (ii) within thirty days of the granting of such adjournment in contemplation of dismissal of a notice of violation of subdivision b of section 27-508.3, in a manner and form as shall be established by rule of the department, the notice of violation shall be dismissed and shall not serve~~

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as a predicate for purposes of the multiple offense schedule as set forth in section 26-126.1 of this chapter or for purposes of revoking a license pursuant to subdivision k of this section.

~~***j.~~ Where the respondent receives a notice of violation of section 27-508.5 of this code, the respondent shall be liable for a civil penalty as set forth in section 26-126.1 of this chapter and for purposes of revoking a license pursuant to subdivision k of this section.

~~***k.~~ In addition to the penalties provided in subdivision f of this section, where a wholesale or retail dealer of cigarettes is found liable for a third or subsequent violation, within an eighteen month period, the license issued to such wholesale dealer of cigarettes pursuant to section 11-1303 of this code, or to such retail dealer of cigarettes pursuant to section 20-202 of this code, shall be revoked.

~~***Local Law 3-1998.~~

~~***Local Law 80-1985, language juxtaposed per Ch. 907-1985.~~

~~***Local Law 2-2000; Local Law 3-1998.~~

~~***§[643a-12.3] 26-126.3 Civil penalty for failure to certify the correction of a violation.~~ a. Any person who shall fail to comply with an order of the commissioner issued pursuant to subdivision a of section 26-126.2 of this title within the time specified in such subdivision or within such further period of time as may be provided by the environmental control board pursuant to subdivision b of section 26-126.2 of this title, in addition to the penalties which may be imposed for the violation pursuant to section 26-126.1 of this title be liable for a civil penalty of not more than five thousand dollars for each violation for which there has been a failure to comply with such order. Such civil penalty may be recovered in a proceeding before the environmental control board.

b. For the purposes of this section, if the environmental control board finds that a respondent has knowingly made false statements relating to the correction of a violation in a certification filed pursuant to section 26-126.2 of this title such certification as to correction shall be null and void and the penalties set forth in this section may be imposed as if such false certification had not been filed with and accepted by the department.

~~***Local Law 80-1985, language juxtaposed per Ch. 907-1985.~~

~~***§[643a-12.4] 26-126.4 Limitations on power of commissioner to designate administrative code provisions which may be enforced by the environmental control board.~~ Notwithstanding any other provision of law, the commissioner may not designate the following provisions of the administrative code for enforcement by the environmental control board:

- (1) Paragraph (6) or (7) of subdivision (c) of section 27-339.
- (2) Subdivision (c) of section 27-353.
- (3) Section 2-4 or 4-4 of building code reference standard RS13-1.
- (4) Paragraph (12) of subdivision (f) of section 27-972.
- (5) Paragraph (10) of subdivision (g) of section 27-972.

(6) Subdivision (c) of section 27-975.

(7) Subdivision (c) of section 27-989.

(8) Section 27-228.

(9) Any provision of the administrative code specified in section 15-232 of such code.

~~***Ch. 349, Laws of 1990; Local Law 80-1985, language juxtaposed per Ch. 907-1985. Sub.10 Local Law 3-1998, repealed by Local Law 14-2001.~~

~~***26-126.5 Enforcement of environmental control board judgements against owners for certain building code violations.~~

a. Notwithstanding any provision of law to the contrary, an environmental control board judgement against an owner for a building code violation with respect to (i) a private dwelling, (ii) a wooden framed single occupancy multiple dwelling, or (iii) a dwelling with a legal occupancy of three or fewer dwelling units shall constitute a tax lien on the property named in the violation with respect to which such judgement was rendered, as hereinafter provided.

b. Such liens shall be entered and enforced as follows:

(i) There shall be filed in the office of the department a record of all such unpaid judgements. Such records shall be kept by tax lot and block number and shall be accessible to the public during business hours. An entry of a judgment on the records of the department shall constitute notice to all parties.

(ii) All such unpaid judgments shall constitute a lien upon the property named in the violation with respect to which such judgment was rendered when the amount thereof shall have been definitely computed as a statement of account by the department, and the department shall cause to be filed in the office of the city collector an entry of the account stated in the book in which such charges against the property are to be entered. Such lien shall have a priority over all other liens and encumbrances except for the lien of taxes and assessments. However, no lien created pursuant to this section shall be enforced against a subsequent purchaser in good faith or mortgagee in good faith unless the requirements of paragraph (i) of this subdivision are satisfied.

(iii) A notice thereof, stating the amount due and the nature of the charge, shall be mailed by the city collector within five days after such entry to the last known address of the person whose name appears on the records in the office of the city collector as being the owner or agent of the property or as the person designated by the owner to receive tax bills or, where no name appears, to the property, addressed to either the "owner" or the "agent".

(iv) Such notice mailed by the city collector pursuant to this section shall have stamped or printed thereon a reference to this section.

(v) If such charge is not paid within thirty days from the date of entry, it shall be the duty of the city collector to receive interest thereon at the same rate as unpaid real property taxes, to be calculated to the date of payment from the date of entry.

(vi) ~~Such charge and the interest thereon shall continue to be, until paid, a lien on the property. Any remedy or procedure available for the enforcement of tax liens against such property, including, but not limited to, any sale of a tax lien or any foreclosure of a tax lien, shall be available with respect to such tax lien. In addition, such tax lien may be satisfied in accordance with the provisions of section thirteen hundred fifty four of the real property actions and proceedings law.~~

(vii) ~~In any proceeding to enforce or discharge a lien created pursuant to this section, the validity of the lien shall not be subject to challenge based on the lawfulness of the judgment, except as provided in this section.~~

(viii) ~~No such challenge may be made except by (1) the owner of the property or (2) a mortgagee or lienor whose mortgage or lien would, but for the provisions of this section, have priority over the department's lien.~~

e. ~~Notwithstanding the foregoing provisions, no such judgement shall be entered and enforced as a tax lien against any property unless at the time of the issuance of the notice of violation a copy of such notice was also served on all mortgagees and lienors of record of such property by mail addressed to the recorded addresses of such mortgagees and lienors.~~

d. ~~The procedures provided in this section for the enforcement of environmental control board judgements against owners shall be in addition to any other methods provided under any other provision of law for the enforcement of such judgements.~~

~~*Chapter 45, Laws of 2000.~~

~~ §[643a-13.0] 26-127 Dangerous buildings, places and things; nuisance; order to vacate building; expenses.~~**

a. ~~Whenever any building, excavation, business, pursuit, matter or thing, or the lot on which it is situated, or the plumbing, sewerage, drainage, light or ventilation thereof is, in the opinion of the commissioner, in a condition or in effect dangerous or detrimental to life or health, the commissioner may declare that the same, to the extent that he or she may specify, is a public nuisance and he or she may order the same to be removed, sealed, abated, suspended, altered or otherwise improved or purified. The commissioner may order or cause any excavation, building, sewer, plumbing, pipe, passage, ground, matter or thing or the lot on which it is situated to be purified, cleansed, disinfected, removed, altered, repaired or improved. Any building, structure, place or premises perilous to life or property by reason of the nature or condition of its contents, its use, the overcrowding of persons therein, defects in its construction, or deficiencies in fire alarm, or fire extinguishing equipment or fire escape equipment, or by reason of any condition in violation of law or order of the commissioner, is a public nuisance within the meaning of the code and the penal law. The commissioner is empowered to abate any such public nuisance.~~

b. ~~In case any order to remedy a condition imminently perilous to life or property issued by the commissioner or~~

~~the department is not complied with, or the commissioner certifies in writing that an emergency exists requiring such action, he or she may order and immediately cause any building, structure, place or premises (i) to be vacated; and, also, if the commissioner determines such action is necessary to the preservation of life and safety, (ii) to be sealed, secured and closed; provided, however, that the commissioner shall not order sealed, secured and closed any dwelling unit or other space lawfully used for residential purposes unless such dwelling unit or other space is sealed pursuant to article eight of subchapter three of chapter one of title twenty six of the code.~~

e. ~~All orders issued pursuant to this section shall be posted upon the premises. Immediately upon the posting of an order upon the premises, officers and employees of the police department, the department, and other authorized officers and employees of the city shall immediately act upon and enforce such order. The police department shall provide all reasonable assistance to the department and other authorized officers and employees necessary to carry out the provisions of this section.~~

d. ~~For the purpose of this section, "sealed" and "sealed, secured and closed" shall mean the use of any means available to render the building, structure or part thereof inaccessible, including but not limited to the use of a padlock or cinder blocks.~~

e. (i) ~~Any order to seal, secure and close issued pursuant to item (ii) of subdivision b of this section shall contain notice of the opportunity for a hearing with respect to such order to determine if the order was properly issued in accordance with the provisions of this section. Such hearing shall be conducted by the commissioner, or in the commissioner's discretion, by the office of administrative trials and hearings or the environmental control board. If the matter is referred to such office or board, the hearing officer shall submit his or her findings of fact and a recommended decision to the commissioner. The hearing shall be held within three business days after the receipt of the written request of an owner, lessor, lessee, or mortgagee for such hearing and the commissioner shall render a decision within three business days after such hearing is concluded.~~

(ii) ~~Any order issued pursuant to this section shall be served in accordance with section 26-117 of the code and, in addition, shall be mailed to the record owner of such premises and any record mortgagee of such premises at the address for such person as set forth in the recorded instrument and to the person designated as owner or agent of the building or designated to receive real property tax or water bills for the building at the address for such person contained in one of the files compiled by the department of finance for the purpose of the assessment or collection of real property taxes and water charges or in the file compiled by the department of finance from real property transfer forms filed with the city register upon the sale or transfer of real property. A copy shall also be~~

filed with the county clerk of the county in which such premises are located. Such filing shall be notice of the order to any subsequent owner and such owner shall be subject to such order

f. An order issued pursuant to this section shall not be rescinded unless the owner, lessor, lessee or mortgagee seeking such rescission provides assurance, in a form satisfactory to the commissioner, that the conditions which caused the issuance of such order have been corrected and will not reoccur. If such order is rescinded, upon the request of the owner, lessor, lessee or mortgagee, the commissioner shall provide a certified copy of such rescission, which may be filed with the county clerk of the county in which such premises are located.

g. Expenses of enforcing orders. The expenses attending the execution of any and all orders duly made by the department shall respectively be a several and joint personal charge against each of the owners or part owners, and each of the lessees and occupants of the building, structure, enclosure, place or premises to which such order relates, and in respect to which such expenses were incurred; and also against every person or body who was by law or contract bound to do that in regard to such building, structure, enclosure, place or premises which such order requires. Such expenses shall also be a lien on all rent and compensation due, or to grow due, for the use of any building, structure, place or premises, or any part thereof, to which such order relates, and in respect to which such expenses were incurred.

h. The commissioner shall give written notice of the closing of any building, structure, enclosure, place or premises pursuant to this section, and any subsequent actions taken with respect thereto, as soon as practicable, to (i) the borough president of the borough within which the closing has occurred; (ii) the council member representing the district within which the closing has occurred; and (iii) the local community board. On January first of each year, the commissioner shall submit a report to the council, setting forth the number of closings made in the previous year, the locations of such closings, and the nature and use of the premises closed. The commissioner shall, in addition, as soon as practicable after a building, structure, enclosure, place or premises has been closed, make and publish a report of said closing in a manner calculated to quickly notify the local community in which such closing occurred. The commissioner shall also make and publish a report of any premises reopened pursuant to his or her permission under this section. Failure to comply with this subdivision shall not invalidate any action taken by the commissioner pursuant to this section.

**** Local Law 22-1990.**

*** §26-127.1 Penalties for violation of order to vacate and order to seal, secure and close; access to premises.**

a. Any person who violates the provisions of a vacate

order issued pursuant to section 26-127 of this code shall be liable for a civil penalty of not more than twenty five thousand dollars and an additional civil penalty of not more than one thousand dollars for each day the violation continues.

b. Except as authorized by the commissioner, any person who removes or causes to be removed the seal from any premises sealed in accordance with an order of the commissioner or his or her designee shall be guilty of a misdemeanor punishable by imprisonment for no more than one year or a fine not to exceed fifty thousand dollars, or both such fine and imprisonment. Such person shall also be subject to a civil penalty not to exceed fifty thousand dollars.

c. The commissioner shall allow access to the premises to an owner, or a lessor, lessee or mortgagee, in accordance with the terms of the parties' lease or mortgage agreement, upon the following conditions: (i) the submission of a written affirmation, satisfactory to the commissioner, that such person or persons will commence or cause to be commenced without delay all work necessary to correct the conditions stated in the vacate order or otherwise to make the premises meet all applicable laws, rules and regulations and will complete such work within a period of time and in a manner to be approved by the commissioner; (ii) the submission of an affirmation or other proof satisfactory to the commissioner describing the steps that have been taken and will be taken in the future to ensure that the premises will be used or operated in a lawful manner and specifying such lawful use; (iii) if a license, permit or certificate of occupancy is necessary for such lawful use, the submission of a written affirmation or other proof, satisfactory to the commissioner, describing the steps that have been taken and will be taken in the future to ensure that such premises will be used or operated in compliance with any law requiring such license, permit or certificate of occupancy; and (iv) if the premises are leased and the person making the affirmations described in items (i), (ii) and (iii) is not such lessee, the commissioner may also require any authorized person seeking access pursuant to this subdivision to submit an affirmation or other proof that proceedings to enable such person to take actions necessary to ensure compliance with the affirmations submitted by such authorized person pursuant to items (i), (ii) and (iii) have been commenced.

d. Any person who makes a material false statement in any document submitted pursuant to subdivision c of this section which statement he or she knows or has reason to know will be relied upon by the commissioner in determining whether he or she will allow access to the premises shall be liable for a civil penalty of not more than fifty thousand dollars.

e. Notwithstanding any other law, rule, or regulation, any person, corporation, partnership, association or any other legal entity who permits a building, structure, enclosure, place or premises, or any part thereof, to be unlawfully occupied or used in contravention of an order of the

~~commissioner pursuant to section 26-127, or who negligently fails to prevent or prohibit such unlawful occupancy or use, shall be liable for a civil penalty of not more than one million dollars, if any other person suffers serious physical injury, as defined in section ten of the penal law, or death in the building, structure, place or premises or any part thereof subject to such order as a result of such unlawful occupancy or use. If more than one person suffers serious physical injury or death, such penalty shall be recoverable for each person suffering injury or death. Such penalty shall be recovered in a civil action brought by the corporation counsel in the name of the city in any court of competent jurisdiction. In determining the amount of the civil penalty to be imposed the court shall consider:~~

- ~~(i) The extent and severity of injury to persons and property caused by the violation;~~
- ~~(ii) The history of violations by the defendant at such premises, or any other premises, of laws, rules or regulations enforced by the department;~~
- ~~(iii) The degree of willfulness, recklessness, or negligence displayed by the defendant in committing the subject violation;~~
- ~~(iv) The defendant's financial resources; and~~
- ~~(v) The defendant's good faith efforts to cure the subject violation, including efforts to obtain entry or possession of the premises in order to do so.~~

~~In the event that any person seriously injured or the family of any person [sic] who has died as the result of any unlawful occupancy or use described in this subdivision is unable to collect a judgment recovered in a civil action for personal injury or wrongful death against a defendant who has violated this subdivision because of the insolvency of such defendant, the city may, in its discretion, pay to such injured person or the family of such deceased person an amount, as hereinafter provided, collected from such defendant in an action relating to the same injury or death commenced by the corporation counsel against such defendant pursuant to this subdivision. Payments pursuant to this subdivision shall be made as a matter of grace and shall be in such amounts and in accordance with such standards and procedures as shall be established by the mayor, provided, however, that any payment made pursuant to this subdivision shall be in an amount not exceeding out-of-pocket expenses, including indebtedness reasonably incurred for medical or other services necessary as a result of the injury upon which such action is based; loss of earnings or support resulting from such injury; burial expenses not exceeding two thousand five hundred dollars of a person who died as a result of such unlawful occupancy or use described in this subdivision; and the unreimbursed cost of repair or replacement of articles of essential personal property lost, damaged or destroyed as a direct result of such unlawful occupancy or use. In no event shall the payment made to any person exceed the amount of such person's uncollected judgment for personal injury or wrongful death and in no event shall the total amount paid~~

~~to any number of persons with such uncollected judgments against a single defendant exceed the actual amount collected by the city from such defendant in an action under this subdivision.~~

~~*Local Law 23-1990.~~

~~**§26-127.2—Violations of the zoning resolution in residential districts; public nuisance; order of closure.~~

~~a. Any building or part thereof that is located in a residential district, which is occupied for a commercial or manufacturing use in violation of the zoning resolution without a valid certificate of occupancy, is hereby declared to be a public nuisance.~~

~~b. If a building or part thereof in which such a nuisance occurs is not occupied primarily as a residence, the commissioner may, in addition to or as an alternative to any other remedy under any other provision of law, after notice and the opportunity for a hearing in accordance with section, order the closing of such building or part thereof to the extent necessary to abate the nuisance.~~

~~c. A notice of hearing with respect to an order of closure shall be served on the owner and mortgagee of record of such building or part thereof and on the person alleged to be occupying such building or part thereof for commercial or manufacturing use in the following manner:~~

~~(1) service may be made on the owner by delivering such notice to the owner or to an agent of the owner or to a person of suitable age and discretion at the residence or place of business of the owner or, if upon reasonable application such delivery cannot be completed, by affixing such notice in a conspicuous place at the owner's place of business or residence or by placing it under the entrance door at either of such locations or by delivering such notice to a person employed by the owner to work at or to manage or maintain the premises at which the nuisance is located and, in all instances except personal delivery upon such owner by mailing the notice of hearing as follows:~~

- ~~(i) to the person registered with the department of housing preservation and development as the owner or agent of the premises, at the address filed with such department in compliance with article two of subchapter four of chapter two of title twenty-seven of the administrative code; or~~
- ~~(ii) to the person designated as owner of the building or designated to receive real property tax or water bills for the building at the address for such person contained in one of the files compiled by the department of finance for the purpose of the assessment or collection of real property taxes and water charges or in the file compiled by the department of finance from real property transfer forms filed with the city register upon the sale or transfer of real property; or~~
- ~~(iii) to the person in whose name the real estate affected by the order of the commissioner is recorded in the office of the city register or the county clerk as the case may be at the address set forth on the recorded instrument.~~

~~(2) service may be made on an owner that is a corporation pursuant to section three hundred six of the business~~

corporation law; however, service upon a corporation shall be deemed to have been completed forty five days following service upon the secretary of state;

(3) service may be made upon mortgagees of record by mailing such notice to the mortgagees at the address set forth on the recorded instrument;

(4) service may be made upon an occupant (i) by delivering such notice to the occupant or to a person employed by the occupant to work at or to manage or maintain the premises at which the nuisance is located; or (ii) by affixing such notice to the premises at which the nuisance is located in a conspicuous place or by placing a copy under the entrance door of such premises and mailing a copy of such notice to the occupant at such premises; (iii) and in all instances except personal delivery upon such occupant, by mailing the notice of hearing to the occupant at the premises at which the nuisance is located.

(5) proof of service pursuant to paragraphs (1), (2), (3), and (4) of this subdivision shall be filed with commissioner.

d. Such hearing shall be conducted by the office of administrative trials and hearings. The administrative law judge assigned to hear the matter shall submit his or her proposed findings of fact and recommended decision to the commissioner. If based on such recommended decision, proposed findings of fact, and the record of the hearing the commissioner determines that the building or part thereof is located in a residential district and that it has been occupied for a commercial or manufacturing use in violation of the zoning resolution without a valid certificate of occupancy, he or she may issue an order of closure. Such order shall not bar legally required ingress or egress for residential occupancy of parts of the building, which are not subject to the order of closure.

e. At such hearing it shall not be a defense that the owner, occupant, lessor, lessee, mortgagee, or other person having an interest in the property lacked knowledge of or did not acquiesce or participate in the commercial or manufacturing use of such property.

f. A closure ordered by the commissioner pursuant to this section shall not constitute an act of possession, ownership, or control by the city over the closed premises.

g. An order of closure shall be posted at the building or part thereof, which is the subject of such order, and shall be mailed to the record owner of such premises, and any record mortgagee at the address for such person set forth in the recorded instrument, and to the person designated as owner or agent of the building or designated to receive real property tax or water bills for the building at the address for such person contained in one of the files compiled by the department of finance for the purpose of the assessment or collection of real property taxes and water charges or in the file compiled by the department of finance from real property transfer forms filed with the city register upon the sale or transfer of real property. A copy shall also be filed with county clerk or register of the county in which such premises are located. Such

filing shall be notice of the order to any subsequent owner and such owner shall be subject to such order.

h. On the tenth business day after the posting of such order and upon the written directive of the commissioner, police officers and authorized employees of the department shall act upon and enforce such order by sealing, padlocking, or otherwise preventing access to the premises in a manner that will not bar legally required ingress or egress for residential occupancy of parts of the building that are not subject to the closure order.

i. If at any time after the issuance of such order, the owner, mortgagee, or other person having an interest in the property provides assurance, in a form satisfactory to the commissioner, that the commercial or manufacturing use of the premises has been discontinued and will not reoccur, or such owner, mortgagee, or other person establishes that the premises may be lawfully occupied for such manufacturing or commercial use, the commissioner shall rescind the closure order. If such order is rescinded, the commissioner shall, upon request of such owner, mortgagee, or other person, provide a copy of such *rescission, which may be filed with the county clerk or register of the county in which such premises are located.

j. It shall be a misdemeanor for any person to use or occupy or to permit any other person to use or occupy any building or part thereof that has been sealed, padlocked, or otherwise closed pursuant to an order of the commissioner. Mutilation or removal of a posted order of the commissioner shall be punishable by a fine of not more than two hundred fifty dollars or by imprisonment not exceeding fifteen days, or both, provided such order contains therein a notice of penalty.

k. Intentional disobedience or resistance to any provision of an order issued by the commissioner pursuant to this section, in addition to any other punishment prescribed by law, shall be punished by a fine of not more than one thousand dollars, or by imprisonment not exceeding six months, or both.

****Local Law 6 1993.**

***As enacted but "recission" probably intended.**

*****26 127.3 Illegal outdoor signs; public nuisance.**

a. A sign with a surface area greater than two hundred square feet that is erected, maintained, attached, affixed, painted on, or in any other manner represented on a building or premises in violation of the zoning resolution, the administrative code or rules adopted pursuant thereto is hereby declared to be a public nuisance. The commissioner may, after notice and hearing, order the removal of such illegal sign or its sign structure or both, as hereinafter provided.

b. The commissioner shall serve a notice of hearing with regard to the proposed nuisance abatement on the owner and mortgagee of record of the building or premises and other persons having a recorded interest in the property in the manner provided in subdivision c of section 26 127.2 of this code for the service of an order of closure. If the sign is under the control of an outdoor advertising company, as defined in section 26 259 of the code, and an address for such company is reasonably

ascertainable, the notice shall also be served on such outdoor advertising company by mail to the last known address for such company or, if such company is registered in accordance with section 26-260 of the code, at the address provided to the department by the registrant.

~~c. The office of administrative trials and hearings shall conduct the hearing. The administrative law judge assigned to hear the matter shall submit his or her proposed findings of fact and recommended disposition to the commissioner. If based on such recommended disposition, proposed findings of fact and the record of the hearing the commissioner determines (i) that the sign has a surface area greater than two hundred square feet and, (ii) that the sign has been erected, maintained, attached, affixed, painted on, or in any other manner represented on the building or premises in violation of the zoning resolution, the administrative code or rules adopted pursuant thereto, he or she may order the removal of the illegal sign or its sign structure or both.~~

~~d. At such hearing it shall not be a defense that an owner or other person having an interest in the property lacked knowledge of or did not participate in the erection or maintenance of the illegal sign.~~

~~e. The commissioner's order of removal shall be posted, mailed and filed in the manner provided in subdivision g of section 26-127.2 of this code for an order of closure.~~

~~f. On or after the tenth business day after the posting of such order and upon the written directive of the Commissioner, police officers and authorized representatives of the department shall act upon and enforce such order by removing, covering, painting over or otherwise rendering ineffective the illegal sign or its sign structure or both. Such work shall at all times be performed by a licensed sign hanger where required by law. Nothing in this section shall be construed to prohibit an owner or other person having an interest in the property from removing or causing the removal of an illegal sign or its sign structure prior to the arrival of such enforcement officers. On and after the posting of such removal order, no further permits for signs shall be issued for such building or premises pursuant to section 26-253 or sections 27-147, 27-148 and article sixteen of sub chapter one of title twenty seven of this code and, if the sign structure is not removed, no further display shall be exhibited on such sign structure unless and until the commissioner rescinds such order. The commissioner may rescind the order if the owner or other person having an interest in the building or premises provides assurance in a form satisfactory to the commissioner that all signs erected or maintained at such building or premises will be in compliance with the zoning resolution, the administrative code or rules adopted pursuant to such provisions. If such order is rescinded, the commissioner shall, upon request of such owner, mortgagee or other person, provide a certified copy of such rescission which may be filed with the county clerk or register of the county in which such building or premises is located.~~

~~*g. The costs and expenses for painting over, covering, rendering ineffective or for the removal and storage of such sign and its sign structure may be recovered from the owner of the premises or, if the illegal sign is under the control of an outdoor advertising company and notice was served on such company in accordance with subdivision b of this section, from such outdoor advertising company. Such amounts may be recovered by the city in an action or proceeding in any court of appropriate jurisdiction and, with respect to amounts owed by an outdoor advertising company, by drawing upon any bond posted or other security provided by such company pursuant to section 26-260 of this code. Nothing in this subdivision shall be construed to limit the ability of an owner to seek recovery of such costs and expenses from any other party.~~

~~***Local Law 31-2005~~

~~h. In addition, such costs and expenses shall constitute a lien on the land and building on which the sign was located which may be entered and enforced pursuant to section 26-128 of this code in the same manner as an unpaid fee.~~

~~i. The commissioner shall adopt rules to provide for the storage and disposal of any sign or sign structure removed pursuant to this section. If the identity and address of the owner of such property is reasonably ascertainable, notice of the removal shall be sent to the owner within a reasonable period of time after the removal. If such property is not claimed within thirty days after its removal it shall be deemed to be abandoned and may be sold at a public auction after having been advertised in the City Record and the proceeds paid into the general fund or if the commissioner determines that the property is not saleable, he or she may turn over such property to the department of sanitation for disposal. Property removed pursuant to this section shall be released to the owner or other person lawfully entitled to possession upon payment of the costs of removal and storage as set forth in the rules of the department and any fines or civil penalties imposed for the violation or, if an action or proceeding for the violation is pending in court or before the environmental control board, upon the posting of a bond or other form of security acceptable to the department in an amount which will secure the payment of such costs and any fines or civil penalties which may be imposed for the violation.~~

~~j. For the purposes of this section the terms "sign" and "surface area", in reference to a sign, shall be as defined under section 12-10 of the zoning resolution.~~

~~k. An order of the commissioner issued pursuant to subdivision c of this section shall be a final determination of the commissioner for purposes of review pursuant to article seventy eight of the civil practice law and rules. Notwithstanding any inconsistent provision of paragraph (a) of subdivision six of section six hundred sixty-six of the New York city charter, such order shall not be subject to review by the board of standards and appeals.~~

~~***Local Law 14-2001.~~

~~§[643a-14.0] 26-128 Liens on premises for inspection, reinspection, examination, service or permit fees.-~~

a. Any unpaid fee for an inspection, reinspection, examination or service performed by the department, and all permits issued by the department, pursuant to law shall constitute a lien upon the land and buildings upon or in respect to which such inspection, reinspection, examination or service was performed or permit issued, as hereinafter provided.

b. There shall be filed in the office of the department a record of all fees for inspections, reinspections, examinations or services performed and all permits issued by or on behalf of the department. Such records shall be kept on a building by building basis and shall be accessible to the public during business hours. An entry of a fee on the records of the department shall constitute notice to all parties.

c. All such unpaid fees shall constitute a lien upon the land and building upon, or in respect to which, such inspection, reinspection, examination or service was performed or permit issued when the amount thereof shall have been definitely computed as a statement of account by the department and the department shall cause to be filed in the office of the city collector an entry of the account stated in the book in which such charges against the premises are to be entered. Such lien shall have a priority over all other liens and encumbrances except for the lien of taxes and assessments. However, no lien created pursuant to this section shall be enforced against a subsequent purchaser in good faith or mortgagee in good faith unless the requirements of subdivision b of this section are satisfied.

d. A notice thereof, stating the amount due and the nature of the charge, shall be mailed by the city collector, within five days after such entry, to the last known address of the person whose name appears on the records in the office of the city collector as being the owner or agent or as the person designated by the owner to receive tax bills or, where no name appears, to the premises, addressed to either the owner or the agent.

e. If such charge is not paid within thirty days from the date of entry, it shall be the duty of the city collector to receive interest thereon at the rate of fifteen percent per annum, to be calculated to the date of payment from the date of entry.

f. Such charge and the interest thereon shall continue to be, until paid, a lien on the premises. Such lien shall be a tax lien within the meaning of sections 11-319 and 11-401 of the code and may be sold, enforced or foreclosed in the manner provided in chapter three or four of title eleven of such code or may be satisfied in accordance with the provisions of section thirteen hundred fifty four of the real property actions and proceedings law.

g. Such notice mailed by the city collector pursuant to this section shall have stamped or printed thereon a reference to this section.

h. In any proceedings to enforce or discharge a lien created pursuant to this section the validity of the lien shall not be subject to challenge based on:

- (1) The lawfulness of the inspection, reinspection, examination, service or permit, or
- (2) The propriety and accuracy of the fee for which a

lien is claimed, except as provided in this section.

i. No such challenge may be made except by (1) the owner of the property, or (2) a mortgagee or lienor whose mortgage or lien would, but for the provisions of this section, have priority over the department's lien.

~~§[644 1.0] 26-129 Record of applications.~~

Each borough superintendent shall keep a record of all applications presented to him or her concerning, affecting or relating to the construction, alteration or removal of buildings. Such record shall include the date of the filing of each such application; the name and address of the applicant; the name and address of the owner of the land on which the building mentioned in such application is situated; the names and addresses of the architect and builder employed thereon; a designation of the premises by street number, or by any means sufficient to identify the same;* statement of the nature and proposed use of such building; and a brief statement of the nature of the application, together with a memorandum of the decision of the borough superintendent upon such application and the date of the rendition of such decision. The books containing such records are hereby declared to be public records, and shall be open to inspection at all reasonable times.

**Colon enacted; semicolon probably intended.*

~~§[644 2.0] 26-130 Borough superintendents to furnish tax department with copies of permits.~~

Whenever any permit shall be granted by the commissioner or any borough superintendent for the erection or alteration of any building or for the installation or alteration of any service equipment therein, a copy of such permit shall be furnished by the commissioner or such superintendent to the department of finance within five days after the issuance of such permit.

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**SUBCHAPTER 2
LICENSES**

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~~* "B26" omitted from section numbers in this column.~~

~~** "26" omitted from section numbers in this column.~~

ARTICLE 1 GENERAL PROVISIONS

~~§[26 1.0] 26 131 General license requirements.~~ It shall be unlawful, on and after December sixth, nineteen hundred sixty eight, for any person to engage in or carry on in the city any business, trade or calling regulated by this subchapter, without having first obtained a license therefor from the commissioner in accordance with and subject to the provisions of this subchapter, except that any certificates of qualification or licenses issued for any such business, trade or calling issued by the department, or by any other city department or agency, prior to December sixth, nineteen hundred sixty eight, shall continue to remain in full force and effect until the expiration or termination thereof in accordance with the terms thereof, unless sooner revoked or suspended for cause as hereinafter provided.

~~§[26 1.1] 26 132 Application for license.~~

~~All applications for licenses shall be submitted on forms furnished by the department, and shall be accompanied by the required fee, as hereinafter provided. Each application for a license shall set forth the name, residence address and business address of the applicant, and such information and supporting data concerning his or her qualifications for the license as the commissioner may require.~~

~~*§[26 1.2] 26 133 Qualifications of applicant.~~ All applicants for licenses shall be at least eighteen years of age, shall be able to read and write the English language, shall be of good moral character, and shall meet the qualifications prescribed for the particular license, as hereinafter provided.

~~*Local Law 55 1989.~~

~~**§[26 1.3] 26 134 Examination of applicant.~~ Every applicant for a license shall be examined as to his or her fitness and qualifications [†]therefor in accordance with

~~rules and regulations adopted and promulgated by the commissioner under and pursuant to the provisions of chapter forty five of the charter. The commissioner may require the applicant to submit to an oral, written and practical examination or any or all of said examinations; and such examinations and investigations required to determine the fitness and qualifications of said applicant shall, upon the request of the commissioner, be conducted by the department of citywide administrative services, which shall certify the results thereof, pursuant to the provisions of section eight hundred eighteen of the charter.~~

~~**Local Law 59 1996.~~

~~†As enacted but "therefore" probably intended.~~

~~§[26 1.4] 26 135 Exemptions from examination.~~

~~Notwithstanding the provisions of section 26 134 of this subchapter, the commissioner shall have the power to exempt from examination any person who, prior to December sixth, nineteen hundred sixty eight, held a license or was otherwise qualified under the provisions of the code theretofore in effect.~~

~~§[26 1.5] 26 136 Issuance of license.~~

~~The commissioner shall issue a license to each applicant who shall have submitted satisfactory evidence of his or her qualifications, and shall have satisfactorily passed all required examinations to determine his or her fitness and qualifications, provided that no license shall be issued unless and until the applicant shall have paid the required fee therefor and complied with such other and further requirements for the particular license as may be hereinafter provided. All licenses issued by the commissioner shall have his or her signature affixed thereto; but the commissioner may authorize any subordinate to affix such signature.~~

~~***§[26 1.6] 26 137 Term of license and registrations; renewal.~~

~~All licenses and registrations, except for plumbing licenses, fire suppression piping contractor licenses and general contractor registrations, issued by the commissioner under the provisions of this subchapter shall expire one year from the date of issuance thereof, and may be renewed annually, provided that application for renewal of the license or registration is made thirty calendar days prior to the expiration date of the license or registration. A plumbing license, a fire suppression piping contractor license and a general contractor registration shall expire two years from the date of issuance thereof, and may be renewed every two years thereafter, provided that application for renewal of the license or registration is made between thirty and sixty calendar days prior to its expiration date. All applications for renewal of a license or registration shall be accompanied by the required renewal fee. If application for renewal is not made as provided above, the commissioner may, nevertheless, renew the license or registration provided the applicant pays an additional fee in an amount specified by rule of the department, except as otherwise provided in this subchapter, and provided~~

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further that the applicant satisfies the commissioner as to his or her qualifications.

~~***Local Law 36 2007; Local Law 51 2001.~~

~~*§[26-1.7] 26-138 Use of license.~~

a. ~~No holder of a license issued under this subchapter shall authorize, consent to or permit the use of his or her license by or on behalf of any other person, and subject to the provisions of section 26-131 of this subchapter, no person who has not qualified and obtained a license under this subchapter shall hold himself or herself out to the public as licensed or as the holder of a license issued under this subchapter, either directly or indirectly, by means of signs, sign cards, metal plates, stationery, or in any other manner whatsoever.~~

b. ~~Except for plumbing licenses, and fire suppression piping contractor licenses, nothing herein contained, however, shall be construed to prohibit the use of a license by the holder thereof for or on behalf of a partnership, corporation or other business association, provided that at least one member of the partnership or at least one officer of the corporation is licensed for the same business, trade or calling, and that all work performed~~

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by such partnership or corporation is performed by or under the direct supervision of such license holder or holders.

c. ~~For plumbing licenses, nothing herein contained, however, shall be construed to prohibit the use of a license by the holder thereof for or on behalf of a partnership, corporation or other business association, provided that fifty one percent or more of the control or voting capital stock of such partnership, corporation, or other business association is owned by one or more holders of licenses for the same business trade or calling and that all work performed by such partnership, corporation or other business association is performed by or under the direct and continuing supervision of such license holder or holders. For plumbing licenses, however, where previous to the effective date of this code, a company, corporation, partnership or other business association or its predecessor has been doing plumbing work, it may continue to do so in any one or more of said business forms without complying with the foregoing, if application is made to the department previous to six months after the effective date of this subdivision as amended and necessary evidence shall be furnished within one year of such effective date, when such company, corporation, partnership or other business association or its predecessor has employed an average of ten or more journeymen plumbers doing plumbing work for at least five days a week for a period of ten years or more, such period need not be consecutive but must have occurred within a period of twenty years and provided, however, that such plumbing business must continue to have all plumbing work conducted under the management and direction of a licensed master plumber employed by such plumbing business and that said licensed master plumber is not otherwise interested in, associated with or employed by any other plumbing business operating in this city except as a joint venture in which the said master plumber's employer is one of the joint venturers.~~

d. ~~For fire suppression piping contractor licenses, nothing herein contained, however, shall be construed to prohibit the use of a license by the holder thereof for or on behalf of a partnership, corporation or other business association, provided that fifty one percent or more of the control or voting capital stock of such partnership, corporation, or other business association is owned by one or more holders of licenses for the same business trade or calling and that all work performed by such partnership, corporation or other business association is performed by or under the direct and continuing supervision of such license holder or holders. For fire suppression piping contractor licenses, however, where previous to the effective date of this subdivision, a company, corporation, partnership or other business association or its predecessor has been doing fire suppression piping contractor work, it may continue to do so in any one or more of said business forms without complying with the foregoing, if application is made to the department previous to six~~

~~months after the effective date of this subdivision and necessary evidence shall be furnished within one year of such effective date when such company, corporation, partnership or other business association [sic] or its predecessor has employed an average of ten or more journeymen doing fire suppression piping contractor for at least five days a week for a period of ten years or more, such period need not be consecutive but must have occurred within a period of twenty years and provided, however, that such fire suppression piping contractor business must continue to have all fire suppression piping contractor work conducted under the management and direction of a licensed master fire suppression piping contractor employed by such fire suppression piping contractor business and that said licensed master fire suppression piping contractor is not otherwise interested in, associated with or employed by any other fire suppression piping contractor business operating in this city except as a joint venture in which the said master fire suppression piping contractor's employer is one of the joint venturers.~~

~~*Local Law 55-1989.~~

~~§[B26 1.8] 26-139 Revocation of licenses.~~ The commissioner shall have power to revoke or suspend any license upon proof of fraud, deceit, collusion or misrepresentation on the part of the holder in obtaining the license or any renewal thereof, or upon proof of violation of or failure to comply with the provisions of the building code and other applicable laws, rules or regulations relating to the business, trade or calling of the licensee, provided that the commissioner shall not revoke or suspend any license for any cause, unless and until the holder shall have been given at least five calendar days' prior notice in writing and an opportunity to be heard. However, notwithstanding the foregoing, when the public safety may be imminently jeopardized the commissioner shall have the power, pending a hearing and determination of charges, to forthwith suspend any license for a period not exceeding five working days.

~~§[B26 1.9] 26-140 Violations and penalties.~~ Any person who shall violate any of the provisions of this subchapter shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not to exceed five hundred dollars, or by imprisonment for a period not to exceed six months, or both. Such person shall also be subject to the payment of a penalty of not more than two hundred fifty dollars, to be recovered in a civil action brought in the name of the city in any court of record in the city.

ARTICLE 2

~~*MASTER PLUMBER LICENSE; MASTER FIRE SUPPRESSION PIPING CONTRACTOR LICENSE~~

~~* §[B26 2.0] 26-141 Definitions.~~ For the purposes of this article:

a. "Board" means the license board established pursuant

to section 26-144 of this article.

b. "Certificate" means the certificate of competence as a master plumber or master fire suppression piping contractor issued by the commissioner to an individual who satisfies the requirements of this subchapter for certification as a master plumber or a master fire suppression piping contractor.

c. "Direct and continuing supervision" means responsible control exercised by a licensed master plumber or a licensed master fire suppression piping contractor, either personally or through one or more levels of competent supervision, over those persons in the direct employ of the licensed individual, partnership, corporation or other business association as authorized by the code performing the actual work of installing, maintaining, repairing, modifying, extending or altering plumbing or gas piping, or the actual work as permitted by the class of license held by the licensee for which such licensee assumes full responsibility. Such control shall be evidenced by such licensee's signature and seal upon any required statements, applications and/or permits.

d. "Direct employ" means that an individual performing the actual work of installing, maintaining, repairing, modifying, extending or altering plumbing or gas piping is an employee of the licensed master plumber, partnership, corporation or other business association as authorized by the code, having responsibility for such work, or an individual performing the actual work of installing, maintaining, repairing, modifying, extending or altering any fire suppression piping system or any part thereof as permitted by the class of license held by the licensee is an employee of the licensed master fire suppression piping contractor, partnership, corporation or other business association as authorized by this code having responsibility for such work. The employer shall not be restricted in the employer's right to use those employees in the employer's work force with proper and necessary training to perform the required work. Such employment shall be evidenced by payroll records such as social security payments, income tax withholding or the disbursement of other funds as required by law for the benefit of such employee.

*e. "Licensed master plumber" means an individual, partnership, corporation or other business association authorized under the provisions of this subchapter to install, maintain, repair, modify, extend or alter plumbing, standpipe where a sprinkler is not or is not now being connected, domestic water, connections to the domestic water, combination domestic water and reserve standpipe supply tank, up to and including the roof tank check valve, gas piping or any piping system referred to in subchapter sixteen of chapter one of title twenty seven of the code and in reference standard RS-16 and up to thirty sprinkler heads off the domestic water in any one building in the city of New York which has satisfied the provisions of this subchapter for operation pursuant to a plate, certificate issued to an individual and seal.

f. "Licensed master fire suppression piping contractor"

means an individual, partnership, corporation or other business association authorized under the provisions of this subchapter to install, maintain, repair, modify, extend or alter a fire suppression piping system in the city of New York who has satisfied the provisions of this subchapter for operation pursuant to a plate, certificate issued to an individual and seal.

g. "Plate" means a licensed master plumber or licensed master fire suppression piping contractor plate issued by the commissioner to an individual who has satisfied the provisions of this subchapter for certification and license as a master plumber or master fire suppression piping contractor. The plate shall permit the individual to perform the work and services permitted within the provisions of this subchapter.

h. "Fire suppression piping system" means any system including any and all equipment and materials in connection therewith with the exception of any electrical components which must be installed by a licensed electrician pursuant to this code, the purpose of which is to control, to contain, to suppress or to extinguish fire and shall include:

**1. the systems, materials and equipment described or referred to in articles one through four of subchapter seventeen of chapter one of title twenty seven of the code and in reference standards RS-17-1, RS-17-2, RS-17-2A and RS-17-2B of the code, with the exception of any electrical components which must be installed by a licensed electrician pursuant to this code, which systems, materials or equipment shall include any standpipe system to which a sprinkler system is or is now being connected; provided, however, that such systems, materials or equipment shall not include any systems, materials or equipment specified in subdivision e of this section, with the exception of up to thirty sprinkler heads off the domestic water in any one building; or

2. any dry, liquid or gaseous chemical fire containment, suppression, control or extinguishment system or any other device or means of control, suppression, containment or extinguishment of fire, with the exception of any electrical components which must be installed by a licensed electrician pursuant to this code, but not including portable fire extinguishers.

i. "Combined standpipe system" means a standpipe to which a sprinkler system is connected or is now being connected, as shown by drawings approved by the department.

j. All other words mean the same as the definitions provided in section 27-232 of the code.

**Local Law 55-1989.*

***Local Law 10-1999.*

~~§[B26-2.1] 26-142 Requirement of license.~~

a. It shall be unlawful for any person:

1. (a) ~~to install, maintain, repair, modify, extend or alter a plumbing standpipe where a sprinkler is not or is not now being connected, domestic water, connections to the domestic water, combination domestic water and standpipe supply tank, up to and including the roof tank~~

check valve, gas piping or any piping system referred to in subchapter sixteen of chapter one of title twenty seven of the code and in reference standard RS 16 and up to twenty sprinkler heads off the domestic water in any one building, in the city of New York unless such person is a licensed master plumber, partnership, corporation or other business association as permitted by this code and unless such work is performed under the direct and continuing supervision of a licensed master plumber;

— (b.) to install, maintain, repair, modify, extend or alter any fire suppression piping system in the city of New York unless such person is a licensed master fire suppression piping contractor, partnership, corporation or other business association as permitted by this code and unless such work is performed under the direct and continuing supervision of a licensed master fire suppression piping contractor; or

2. (a.) to use the title licensed master plumber, master plumber, or any other title in such manner as to convey the impression that such person is a licensed master plumber unless such person is licensed in accordance with provisions of this subchapter;

— (b.) to use the title licensed master fire suppression piping contractor, master fire suppression piping contractor, or any other title in such manner as to convey the impression that such person is a licensed master fire suppression piping contractor unless such person is licensed in accordance with the provisions of this subchapter.

b. A certificate of competence as a master plumber or master fire suppression piping contractor shall be issued only to an individual.

e. There shall be three classes of licenses for master fire suppression piping contractors which are as follows:

1. Class A. The holder of a class A master fire suppression piping contractor license is authorized to perform any work in connection with any and all fire suppression piping systems as defined in paragraphs one and two of subdivision h of section 26-141.

2. Class B. The holder of a class B master fire suppression piping contractor license is authorized to perform any work in connection with any and all fire suppression piping systems as defined in paragraph one of subdivision h of section 26-141.

3. Class C. The holder of a class C master fire suppression piping contractor license is authorized to perform any work in connection with any and all fire suppression piping systems as defined in paragraph two of subdivision h of section 26-141.

d. 1. No individual, corporation, partnership or other business association shall install, maintain, repair, modify, extend or alter a plumbing, standpipe where a sprinkler is not or is not now being connected, domestic water, connections to the domestic water, combination domestic water and reserve standpipe supply tank, up to and including the roof tank check valve, gas piping or any piping system referred to in subchapter sixteen of

chapter one of title twenty seven of the code and in reference standard RS 16 and up to twenty sprinkler heads off the domestic water in any one building in the city of New York or employ a name incorporating the term plumber or plumbing or any modification or derivative of such terms unless such individual has been issued a plate or, a corporation, partnership or other business association is operating pursuant to a plate authorizing the conduct of a plumbing contracting business in the city of New York.

2. No individual, corporation, partnership or other business association shall install, maintain, repair, extend or alter a fire suppression piping system, or any part thereof, in the city of New York or employ a name incorporating the term fire suppression piping or any modification or derivative of such term unless such individual has been issued a plate or, a corporation, partnership or other business association is operating pursuant to a plate authorizing the conduct of a fire suppression piping contracting business in the city of New York except as otherwise provided by this subdivision.

e. 1. No individual, corporation, partnership or other business association shall conduct a plumbing contracting business in the city of New York, unless:

(a) no less than fifty one percent of the control or voting capital stock of such entity is owned by one or more individuals who are licensed master plumbers except as otherwise provided; and

(b) all plumbing or gas piping work performed by such entity is performed by or under the direct and continuing supervision of a licensed master plumber; and

(c) The person in charge of such work is a licensed master plumber; and

(d) the persons actually performing such work are in the direct employ of such licensed master plumber, partnership, corporation or other business association as authorized by the code.

2. No individual, corporation, partnership or other business association shall conduct any fire suppression piping contracting business in the city of New York unless:

(a) no less than fifty one percent of the control or voting capital stock of such entity is owned by one or more individuals who are licensed master fire suppression piping contractors except as otherwise provided; and

(b) all work in connection with a fire suppression piping system performed by such entity is performed by or under the direct and continuing supervision of a licensed master fire suppression [sic] piping contractor; and

(c) the person in charge of such work is a licensed master fire suppression piping contractor; and

(d) the persons actually performing such work are in the direct employ of such licensed master fire suppression piping contractor, partnership, corporation or other business association as authorized by the code.

*Local Law 55-1989.

**** §[B26-2.2] 26-143 Exemption.** The provisions of

~~section 26-142 of this subchapter shall not apply to minor plumbing alterations or ordinary plumbing repairs, as defined and delimited by sections 27-124, 27-125 and 27-126 of the code, or to the installation or alteration of gas service piping and gas meter piping, including meters, valves, regulators or related equipment, when such work is to be performed, serviced and maintained by utility corporations subject to the jurisdiction of the public service commission nor shall the provisions of section 26-142 apply to minor alterations, ordinary repairs and maintenance of a fire suppression piping system.~~

~~**Local Law 55-1989.~~

~~* §[B26-2.3] 26-144 License board.~~

~~a. The commissioner shall appoint annually each member of a license board, to investigate and report, at the request of the commissioner, on all proposed suspensions or revocations of license, make recommendations regarding the surveillance of the practices of licensed master plumbers and licensed master fire suppression piping contractors, and the policing of the activities of unlicensed practitioners, and engage in such other functions as herein provided. The commissioner may, for cause shown, remove any member of the license board and shall fill any vacancy therein. Such board shall consist of:~~

- ~~1. Two officers or employees of the department representing the commissioner.~~
- ~~2. Five individuals who are licensed master plumbers at least four of whom shall be selected from nominees of the New York City contracting plumbing association whose members perform the largest dollar value of work within the city and one of whom shall be the holder of a class A or class B master fire suppression piping contractor license.~~
- ~~3. Two individuals who are licensed master fire suppression piping contractors both of whom shall hold a class A license and shall be selected from nominees of the New York city sprinkler/fire suppression piping contractors association whose members perform the largest dollar value of work within the city.~~
- ~~4. A professional engineer having at least five years' experience in the design of plumbing systems.~~
- ~~5. A registered architect.~~
- ~~6. A professional engineer who is a full member of the society of fire protection engineers.~~
- ~~7. A resident of the city.~~

~~8. Two officers or employees of the fire department representing the fire commissioner.~~

~~b. One of the members of the board who is an officer or employee of the department representing the commissioner shall serve as chairperson and all members shall serve without compensation. Eight members including the chairperson, who shall be entitled to vote, shall constitute a quorum of the board for the transaction of business. All actions shall be conducted by majority vote except as otherwise provided.~~

~~c. The commissioner may request the license board to investigate and hear any or all written complaints against anyone allegedly acting in violation of the provisions of~~

~~this subchapter and to report to the commissioner its findings and recommendations. It shall keep minutes of its proceedings and hearings and records of its investigations. Upon the holding of any hearing, the chairperson of the board presiding at such hearing may administer oaths, and the board may issue and cause to be served subpoenas requiring the attendance of witnesses and the production of books and papers pertinent to any hearing held by it upon written complaint. Such subpoenas shall by** signed by the chairperson and the fees and mileage paid to witnesses upon the service of such subpoenas shall be those prescribed by law. The board shall meet at least once a month except during the months of July and August, and at such other times upon call of the chairperson.~~

~~d. The license board may request the commissioner to appoint duly authorized representatives to conduct investigations and other activities incidental to the functions of the license board. Such appointees shall be non voting members of the committee to which they are appointed, and may include personnel who are not department employees who shall serve without compensation. In addition the commissioner may designate such employees of the department as he or she deems necessary to the service and support of the license board.~~

~~e. The license board shall make recommendations to the commissioner regarding plumbing and fire suppression piping practices and code applications.~~

~~f. The license board shall make recommendations to the commissioner regarding plumbing and fire suppression piping regulations and legislation.~~

~~*Local Law 55-1989.~~

~~**As enacted but "be" probably intended.~~

~~§[B26-2.4] 26-145 Certificate application.~~ All applications for a certificate shall be subject to the provisions of section 26-132 of this subchapter; and all applicants for a certificate shall comply with and be subject to the provisions of sections 26-133, 26-134 and 26-135 of this subchapter.

~~*§[B26-2.5] 26-146 Certificate qualifications.~~ In addition to meeting the general qualifications prescribed in section 26-133 of this subchapter:

~~a. all applicants for a master plumber certificate shall submit satisfactory proof establishing that the applicant:~~

~~1. has had at least seven years' prior experience in the design and installation of plumbing systems in the United States; or~~

~~2. has received a bachelors' degree in engineering or appropriate engineering technology from a college or university registered by the state department of education and has had at least three years prior experience in the design and installation of plumbing systems in the United States.~~

~~b. all applicants for a master fire suppression piping contractor certificate shall submit satisfactory proof establishing that the applicant:~~

~~1. has had at least seven years' prior experience in the design and installation of fire suppression piping systems or four years in the design and installation of plumbing systems and three years in the design and installation of fire suppression piping systems in the United States, for the class of license for which application is made; or~~
~~2. has received a bachelors' degree in engineering or appropriate engineering technology from a college or university registered by the state department of education and has had at least three years' prior experience in the design and installation of fire suppression piping systems in the United States, for the class of license for which application is made.~~

~~c. Applicants who were engaged in plumbing or fire suppression piping work as above provided, prior to entering the armed services of the United States shall be permitted to credit their time in the service as experience in the plumbing or fire suppression piping business, as above provided; but such service credit shall not exceed one third of the time required for experience in this section.~~

~~*Local Law 55-1989.~~

~~* §[B26 2.6] 26-147 License fees. a. The fee for obtaining a certificate shall be two hundred dollars; and the biennial renewal fee to maintain the certificate shall be one hundred dollars.~~

~~b. The fee for obtaining a plate shall be seventy-five dollars, and fifty dollars for a seal. If the plate or seal is lost, and an affidavit is submitted establishing such fact, a new plate or seal shall be issued by the commissioner upon application and payment of a fee of one hundred dollars for a plate and seventy-five dollars for a seal. The biennial renewal fee to retain such plate and seal shall be one hundred and fifty dollars. Such plate or seal shall remain the property of the city of New York. If application for renewal is not made between thirty and sixty calendar days prior to the expiration date of the license, the applicant shall be required to pay an additional fee of fifty dollars.~~

~~*Local Law 55-1989; Local Law 51-2001.~~

~~*§[B26 2.7] 26-148 Certificate of competence; plate; seal.~~

~~a. A certificate of competence shall be issued by the commissioner to an applicant who satisfactorily complies with the experience and examination requirements of this subchapter for a certificate, upon payment of a specified fee. Such certificate shall contain the full name of the individual and a certificate number, and shall be signed by the commissioner.~~

~~b. The issuance of a certificate shall constitute evidence that the person named therein is qualified to obtain a plate and seal while the certificate is valid. The certificate shall entitle the applicant to obtain a plate and seal from the commissioner upon approval of an application showing compliance with the requirements of this subchapter and upon the payment of the specified fees. The holder of a certificate shall not be entitled to perform work or hold him or herself out to perform work as a licensed master~~

~~plumber or licensed master fire suppression piping contractor until such plate and seal have been obtained.~~

~~c. The holder of a certificate shall obtain a plate and seal upon establishing either:~~

~~1. a plumbing contracting business conforming to the requirements of this subchapter and any rules and regulations promulgated by the commissioner. No holder of a certificate shall enter into any contractual agreement to install or alter any plumbing, gas piping, or any piping system referred to in reference standard RS-16, other than an employment agreement with a licensed master plumber, partnership, corporation or other business association as authorized by this code, other than on behalf of an employer holding such plate and seal, unless and until he or she shall have obtained a plate and seal.~~

~~2. a fire suppression piping contracting business conforming to the requirements of this subchapter and any rules and regulations promulgated by the commissioner. No holder of a certificate shall enter into any contractual agreement to install or alter any fire suppression piping system other than employment agreement with a licensed master fire suppression piping contractor, partnership, corporation or other business association as authorized by this code, other than on behalf of an employer holding such plate and seal, unless and until he or she shall have obtained a plate and seal.~~

~~d. The plate and seal shall contain the full name of the holder of the certificate with the words "licensed plumber" or "licensed master fire suppression piping contractor Class A, B or C", and the license number. The plate shall set forth the business organization which is operating pursuant to the plate. The plate shall be prominently and conspicuously displayed at the place of business registered with the department.~~

~~e. Prior to the issuance of any plate or seal, or renewal thereof, the applicant shall file with the department a liability bond and a property damage bond, or in lieu thereof, policies of insurance. The minimum amount of the bonds or insurance policies shall be subject to the approval of the commissioner, conditioned upon the observance of all applicable laws, rules and regulations governing the licensed activities and upon the payment of any judgment awarded for bodily injury, death or damage to or destruction of property occurring in the performance of any regulated work by or under the supervision of such licensee. Each bond or policy of insurance shall contain a provision for continuing liability notwithstanding any recovery thereunder. In addition, prior to the issuance of any plate or seal, or any renewal thereof, the applicant shall file with the department satisfactory evidence of compliance with the workers' compensation law and the disability benefits law.~~

~~f. All business vehicles, advertising and stationery used in connection with work or services requiring:~~

~~1. a master plumber license shall display prominently the full name of the licensee, the words "N.Y.C.licensed plumber", and the licensee's plate number and business~~

address. If the business is conducted under a trade name, or by a partnership or corporation, the trade name, partnership or corporate name shall be placed immediately above the full name or names of the certified master plumber or master plumbers to whom the plate was issued.

2. a master fire suppression piping contractor license shall display prominently the full name of the licensee, the words "N.Y.C. licensed master fire suppression piping contractor class A, B, or C," and the licensee's plate number and business address. If the business is conducted under a trade name, or by a partnership or corporation, the trade name, partnership or corporate name shall be placed immediately above the full name or names of the certified master fire suppression piping contractor or contractors to whom the plate was issued.

g. If a licensed master plumber or licensed master fire suppression piping contractor withdraws from a partnership, corporation, or other business association operating pursuant to such plate, the right of such business to perform the work and service requiring such license shall lapse if the provisions of this subchapter are no longer satisfied.

h. Not more than one plate and seal shall be issued to the holder of a certificate, and upon such individual's death or retirement from performing work and services, or upon the revocation or suspension of his or her certificate, his or her plate and seal shall immediately be surrendered to the commissioner. Nothing contained herein shall be construed to prevent the legal representative of a deceased plate and seal holder, with the consent of the commissioner, from retaining such plate and seal for the purpose of completing all unfinished work of such deceased licensee for which plans have been approved and a permit issued, provided such work is performed by or under the direct and continuing supervision of a licensed master plumber or licensed master fire suppression piping contractor as appropriate and is completed within one year from the date of the death of the original licensee.

i. The licensed master plumber or licensed master fire suppression piping contractor, partnership, corporation or other business association as authorized by the code, shall maintain a place of business within the city of New York at the time of issuance of the plate and during the life thereof which is in conformance with the zoning regulations and the rules and regulations of the commissioner and which complies in other respects with the building code. The licensee shall promptly notify the commissioner of any change of address of his or her place of business within thirty calendar days of such change.

j. 1. An individual who is a licensed master plumber whose interest or ownership in a corporation, partnership or other business association constitutes any portion of the fifty one per cent interest or control required by this subchapter shall be prohibited from possessing an interest or ownership in more than one other plumbing corporation, partnership or other business association at his or her established place of business, where such

interest or ownership would constitute any portion of the fifty one per cent interest or control required by this subchapter. Both corporations, partnerships or other business associations in which the individual who is a licensed master plumber has an interest shall be located at the same place of business. For the purposes of this subdivision, where two or more individuals who are licensed master plumbers possess an interest or ownership in any corporation, partnership or other business association which together represents more than fifty one per cent of the interest or control of such entity, all of such licensees shall be deemed to possess a portion of the fifty one percent interest or control required by this subchapter.

2. An individual who is a licensed master fire suppression piping contractor whose interest or ownership in a corporation, partnership or other business association constitutes any portion of the fifty one per cent interest or control required by this subchapter shall be prohibited from possessing an interest or ownership in more than one other fire suppression piping corporation, partnership or other business association, at his or her established place of business, where such interest or ownership would constitute any portion of the fifty one per cent interest or control required by this subchapter. Both corporations, partnerships or other business associations in which the individual who is a licensed master fire suppression piping contractor has an interest shall be located at the same place of business. For the purposes of this subdivision, where two or more individuals who are licensed master fire suppression piping contractors possess an interest or ownership in any corporation, partnership or other business association which together represents more than fifty one per cent of the interest or control of such entity, all of such licensees shall be deemed to possess a portion of the fifty one per cent interest or control required by this subchapter.

k. Nothing contained in this section shall be construed to prevent an individual, corporation, partnership or other business association authorized under the provisions of this subchapter from entering into a joint venture of limited duration for a particular project with another business entity similarly authorized.

**Local Law 55-1989.*

~~*§[B26-2.8] 26-149 Business operation, licensed master plumbers/licensed master fire suppression piping contractors.-~~

a. The master plumber or fire suppression piping contractor, so licensed, shall conduct his or her business to provide direct and continuing supervision in accordance with the provisions of this subchapter.

b. All documents which are required to be filed with any department or agency of the city of New York shall bear the stamp of the seal as well as the signature of such licensee. The licensed master plumber or licensed master fire suppression piping contractor performing the work and services of the licensee shall personally sign all

applications and other documents required to be filed pursuant to the code.

c. All certificates of competence and all plates shall be recorded by the commissioner as provided in section 26-153 of this subchapter.

~~*Local Law 55-1989.~~

~~*§[B26 2.9] 26-150 Expiration and renewal of license.~~

a. All certificates of competence, plates and seals shall expire on the two year anniversary date of the issuance of the certificate, plate and seal. Application for the biennial renewal of certificates, plates and seals shall be made between thirty and sixty days prior to the expiration/anniversary date. The failure of an individual to renew such certificate, plate and seal prior to the expiration/anniversary date shall have the effect of cancellation of the certificate, plate and seal. If a certificate, plate and seal is canceled, the individual shall apply for a new certificate, plate and seal.

b. Failure to apply for renewal of a certificate prior to its expiration shall not deprive the holder of the right of renewal during the ensuing year, except that the fee for such renewal after thirty days prior to the expiration date shall be one hundred dollars instead of fifty dollars.

c. If a holder of a certificate fails to renew his or her certificate for a period up to five years, reinstatement during that period shall occur upon the payment of a fee of fifty dollars for each year or part thereof after the expiration date.

d. If a holder of a certificate fails to renew his or her certificate for a period in excess of five years, the commissioner may require such person to submit to reexamination or to provide evidence of retained proficiency. In addition, the holder shall pay a fee of fifty dollars for each year or part thereof after the expiration date.

e. If a holder of a certificate has held a certificate of competency for five years without a plate and seal, then said person shall submit an affidavit satisfactory to the commissioner stating that over the five year period the individual has been engaged in the design and installation of:

1. Plumbing systems in the United States; or
2. Fire suppression piping systems in the United States.

~~*Local Law 55-1989; Local Law 51-2001.~~

~~**§26-150.1 Renewals of Master Plumber and Fire Suppression Piping Contractor Licenses.~~

A certificate of competence, plate and seal for a licensed master plumber and for a licensed fire suppression contractor shall be renewed provided that the certificate holder shall have satisfactorily completed a seven hour continuing education course approved by the department within two years prior to the renewal date. The content of the course and the qualifications of providers of the course shall be approved by the department in accordance with the rules of the department.

~~**Local Law 51-2001.~~

~~*§[B26 2.10] 26-151 Suspension; revocation of license.~~

a. The commissioner shall have the power to suspend or revoke a certificate of competence and/or a licensee's plate and seal and/or to impose a fine not to exceed five thousand dollars for each finding and/or to order any licensed master plumber or licensed master fire suppression piping contractor to repair damage resulting from any act or omission enumerated in paragraph two of this subdivision upon the recommendation of the board after a hearing and finding of any one or more of the following:

- (1) fraud or deceit in obtaining a certificate, plate or seal; or
- (2) gross negligence, incompetence or misconduct relating to the business, trade or calling of the person who is licensed or certified; or
- (3) fraudulent dealings; or
- (4) failure to comply with the code or any order, regulation or requirement lawfully made by the commissioner; or
- (5) failure to comply with any order, regulation or requirement lawfully made by the commissioner of environmental protection or commissioner of transportation pertaining to water services, house connections or street openings which relate to requirements of this subchapter or made by the fire commissioner relating to fire suppression piping matters; or
- (6) a practice of failing timely to perform or complete contracts relating to home improvements as defined by section 20-386 of the code or a practice of abandoning contracts on residential buildings containing four dwelling units or less.
- (7) poor moral character that adversely reflects on his or her fitness to conduct a plumbing or fire suppression piping contracting business.

b. The chairperson may request three individuals, at least two of whom shall be members of the board, to act as a hearing panel with the approval of the board. The panel shall conduct such hearing and issue a report and recommendation to the board in lieu of the hearing under subdivision a of this section; provided, however, that after such panel has issued a report and recommendation, the board may conduct such further proceedings with respect to the referenced matter as it deems advisable.

c. Any person claiming to have been injured by the fraud, deceit, negligence, incompetence or other misconduct of any person who is licensed or certified may prefer charges against such licensee before the board.

d. All charges and/or specifications shall be submitted by the commissioner in writing to the board or panel. Such charges, and/or specifications, unless dismissed without hearing by the commissioner as unfounded or trivial, shall be heard and determined by the board, with a recommendation to the commissioner.

e. The chairperson shall determine the time and place of such hearing. A copy of the charges and/or specifications, together with a notice of the time and place of hearing,

shall be served upon the accused personally or by certified or registered mail return receipt requested and by ordinary mail at least ten days before the day fixed for the hearing.

f. At such hearing, the accused shall have the right to appear personally, to be represented by counsel, to cross-examine witnesses, and to produce evidence and witnesses in his or her defense.

g. If a majority of the members of the board or hearing panel, as applicable, vote in favor of finding the accused guilty, the board or hearing panel may recommend the revocation or suspension of the certificate, plate and seal of the accused or such other action as it shall deem appropriate.

h. The fees required for the reinstatement of a certificate, plate and seal after suspension or revocation shall be the same as those required to obtain an original certificate, plate and seal. If reinstatement of the certificate, plate and seal, is not requested within thirty days of the lifting of the suspension or revocation, then appropriate late fees shall be imposed.

i. Nothing in this section shall deprive the commissioner of the power to refer an individual upon whom sanctions have been or may be imposed in accordance with this section to any governmental entity, including but not limited to any court of competent jurisdiction, for appropriate action.

**Local Law 55-1989.*

~~* §[B26 2.11] 26-152 — Practice without license and other violations; penalties; actions for penalties.—~~

a. Any person not authorized to perform the work and services of a licensed master plumber or licensed master fire suppression piping contractor in accordance with the provisions of this subchapter or any person filing or attempting to file a licensed master plumber or licensed master fire suppression piping contractor's statement or other document on behalf of another, or representing himself or herself as another, or giving false or forged evidence of any kind to the commissioner or any other city official, or otherwise violating any of the provisions of this subchapter, shall be subject to a penalty of not less than five hundred dollars nor more than five thousand dollars for the first offense, and not less than one thousand dollars nor more than five thousand dollars for each and every subsequent offense, upon findings after administrative hearings by the board.

**Local Law 55-1989.*

~~*§[B26 2.12] 26-153 — Publication of a roster of licensees.—~~

a. The commissioner shall publish a complete roster of master plumber licensees and of master fire suppression piping contracting licensees in the City Record. Each roster shall be published biennially, with a supplement published in each alternate year.

b. Each roster shall contain an alphabetical listing of all holders of a certificate of competence. It shall also include the holders' certificate number as well as the

business name and address of his or her employer. An additional list with the same information shall be printed in numerical order by certificate number.

c. Each roster shall also contain an alphabetical listing of corporations, partnerships, business associations and individuals authorized to engage in the plumbing contracting or fire suppression piping business within the city. Next to each business name shall be the name or names of the holders of licensed master plumber or licensed master fire suppression piping contractor plates, plate and seal numbers and business addresses.

d. Each supplement shall contain all the information described in subdivisions b and c of this section.

**Local Law 55-1989.*

~~* §26-153.1 — Waiver of examinations.—~~

a. Any individual who, on or after the effective date of this section shall meet the following qualifications and who, within six months after the effective date of this section shall make application to the department of buildings for a master fire suppression piping contractor license, and within one year shall furnish all necessary evidence, shall be issued a certificate for the particular class for which he or she is qualified without taking the examination for such certificate required by this article, however all other provisions of this article, including but not limited to those governing the fire suppression piping contractor certificate shall apply to those individuals covered by this section.

1. class A Any individual who, during the seven consecutive years immediately preceding his or her application for a master fire suppression piping contractor certificate class A, has been engaged in the business of designing and installing fire suppression piping systems, as defined in paragraphs one and two of subdivision h of section 26-141, primarily in the city of New York.

2. class B Any individual who, during the seven consecutive years immediately preceding his or her application for a master fire suppression piping contractor certificate class B, has been engaged in the business of designing and installing fire suppression piping systems, as defined in paragraph one of subdivision h of section 26-141, primarily in the city of New York.

3. class C Any individual who, during the seven consecutive years immediately preceding his or her application for a master fire suppression piping contractor certificate class C, has been engaged in the business of designing and installing fire suppression piping systems, as defined in paragraph two of subdivision h of section 26-141, but not including any dry chemical system, primarily in the city of New York; or any individual who qualifies under paragraph two of this subdivision may qualify under this paragraph upon the successful completion of an approved course in the design of carbon dioxide and dry, liquid or gaseous chemical extinguishing systems.

b. The department of buildings shall determine whether

~~an individual has been engaged in the business of designing and installing fire suppression piping systems. The following factors may be considered:~~

- ~~1. department of buildings records (i.e. permits, filings, plans, etc.);~~
- ~~2. self employment or employment by a piping contractor engaged in such business;~~
- ~~3. knowledge of applicable law, rules, regulations, directives and memorandums, and recognized national standards.~~

~~*Local Law 55-1989.~~

ARTICLE 3 WELDER LICENSE

~~§[B26 3.0] 26-154 Requirement of license. It shall be unlawful to perform manual welding work on any structural member of any building in the city on and after December sixth, nineteen hundred sixty eight, unless such work is performed by a person licensed as a welder under the provisions of this article, or a person qualified or licensed as a welder prior to December sixth, nineteen hundred sixty eight, as provided in section 26-131 of this subchapter.~~

~~§[B26 3.1] 26-155 License applications. All applications for a welder license shall be subject to the provisions of section 26-132 of this subchapter; and all applicants for a welder license shall comply with and be subject to the provisions of sections 26-133, 26-134 and 26-135 of this subchapter.~~

~~§[B26 3.2] 26-156 License qualifications. In addition to the general qualifications prescribed in section 26-133 of this subchapter, all applicants for a welder license shall submit satisfactory proof of the applicant's fitness to make structural welds, including his or her ability to pass operator qualification tests.~~

~~§[B26 3.3] 26-157 License fees. The fee for a welder license shall be ten dollars; and the annual renewal fee shall be five dollars.~~

~~§[B26 3.4] 26-158 License conditions. All welder licenses shall be conditioned upon and subject to the provisions of sections 26-136 through 26-139 of this subchapter.~~

ARTICLE 4

HIGH PRESSURE BOILER OPERATING ENGINEER AND PORTABLE HIGH PRESSURE BOILER OPERATING ENGINEER LICENSES

~~§[B26 4.0] 26-159 Requirement of license.-~~

~~a. It shall be unlawful, on and after December sixth, nineteen hundred sixty eight to operate any high pressure steam boiler for any purpose whatsoever in the city or in connection with any vessel on the waters in and around the city not subject to the jurisdiction of the United~~

~~States government, unless such boiler is operated by or under the supervision and in the presence of a person having the requisite high pressure boiler operating engineer license under the provisions of this article, or a person licensed as a high pressure boiler operating engineer prior to December sixth, nineteen hundred sixty eight, as provided in section 26-131 of this subchapter.~~

~~b. Notwithstanding subdivision a of this section, it shall be unlawful, on and after December third, nineteen hundred seventy to operate a portable high pressure steam boiler for any purpose whatsoever in the city, unless such boiler is operated by or under the supervision and in the presence of a person licensed as a portable high pressure boiler operating engineer.~~

~~§[B26 4.1] 26-160 Definition. For the purposes of this article, a high pressure boiler shall be defined as a boiler that carries a pressure of more than fifteen pounds of steam per square inch and is rated in excess of ten hp. or if such boiler produces hot water at a pressure of one hundred sixty psi or at a temperature over two hundred fifty degrees F.~~

~~§[B26 4.2] 26-161 License applications. All applications for high pressure boiler operating engineer and portable high pressure boiler engineer licenses shall be subject to the provisions of section 26-132 of this subchapter; and all applicants for high pressure boiler operating engineer and portable high pressure boiler operating engineer licenses shall comply with and be subject to the provisions of sections 26-133, 26-134 and 26-135 of this subchapter.~~

~~§[B26 4.3] 26-162 License qualifications.-~~

~~a. In addition to the general qualifications prescribed in section 26-133 of this subchapter an applicant for a high pressure boiler operating engineer license shall submit satisfactory proof establishing that he or she:~~

~~* (1) Has been employed as a fireman, oiler, general assistant, journeyman, boiler maker or a machinist to a licensed high pressure boiler operating engineer in a building or buildings in the city of New York for a period of five years of the seven years immediately preceding the date of his or her application, provided however, that, in lieu of the experience requirement contained in this paragraph, an applicant for a high pressure boiler operating engineer license who is employed in a fossil fuel production plant located in the Rockaway Peninsula area of Queens county may submit satisfactory proof establishing that he or she has obtained at least five years experience within the seven years immediately preceding the date of his or her application which shall include at least two years of experience obtained during employment under the supervision of a licensed high pressure boiler operating engineer in a steam generating plant located outside of the city of New York but within the state of New York that is owned and operated by a licensed public~~

utility, and shall also include a separate period of at least three years of experience obtained during employment as a fireman, oiler, general assistant, journeyman, boiler-maker or any comparable position [sic] as approved by the commissioner, in such steam generating plant; or

(2) Has received the degree of mechanical engineer from a school or college recognized by the university of the state of New York and has had one year's experience in the operation and maintenance of high pressure boilers under the supervision of a licensed high pressure boiler operating engineer in the city of New York within the seven years immediately preceding the date of his or her application; or

(3) Has been a holder for a period of at least four years of a certificate as engineer issued by a board of examining engineers duly established and qualified pursuant to the laws of the United States or any state or territory thereof, or a certificate as a marine engineer issued by the United States Coast Guard and has had one year's experience in the city of New York in the operation and maintenance of stationary high pressure boiler plants under the supervision of a licensed high pressure boiler operating engineer within the seven years immediately preceding the date of his or her application; provided that the applicant shall have filed with his or her application his or her own signed statement that he or she is the person named in said certificate together with the supporting signed statements by three licensed high pressure boiler operating engineers employed in the city of New York at the time of making of such signed statements; or

(4) Has had direct supervision, care, operation and maintenance of a steam generating plant of a governmental building, having boilers of 150 or more hp., for a period of five years immediately preceding the date of his or her application and has had in addition one year's experience on high pressure boilers under the direct supervision of a licensed high pressure boiler operating engineer in the city of New York, within the seven years immediately preceding the date of his or her application; or

(5) Has successfully completed as a registered apprentice an approved training program recognized by New York state apprenticeship council of at least two years and has had at least three years, experience in the city of New York in the operation and maintenance of high pressure boilers under the supervision of a licensed high pressure boiler operating engineer within the seven years immediately preceding the date of his or her application.

b. In addition to the general qualifications prescribed in section 26-133 of this subchapter, an applicant for a portable high pressure boiler operating engineer's license shall submit satisfactory proof establishing that he or she:

(1) Has been the holder of a basic license as a hoisting machine operator as provided in article five of this subchapter for a period of three years immediately preceding the date of his or her application; and

(2) Has served as a fireman, oiler or assistant engineer

on portable high pressure boilers under the supervision of a licensed portable high pressure boiler operating engineer in the city for a period of three years of the seven years immediately preceding the date of his or her application. However, two of the three years of the aforesaid required experience may be obtained outside the city of New York as a fireman, oiler, assistant engineer or engineer on portable high pressure boilers.

**Local Law 108-1993.*

[B26-4.4] 26-163 License fees. The fee for a high pressure boiler operating engineer license or a portable high pressure boiler operating engineer license shall be twenty five dollars; and the annual renewal fee shall be fifteen dollars. The renewal fee for a portable high pressure boiler operating engineer license shall include the renewal fee for a hoisting machine operator license, as provided in subdivision d of section 26-170 of this subchapter without any additional fee. If application for renewal is not made within thirty calendar days prior to the expiration date of the license, the applicant shall be required to pay an additional fee of ten dollars.

[B26-4.5] 26-164 License conditions. All high pressure boiler operating engineer licenses and all portable high pressure boiler operating engineer licenses shall be conditioned upon and subject to the provisions of sections 26-136 through 26-139 of this subchapter.

[B26-4.6] 26-165 Licensing of existing operating engineers. Any person who has been performing the duties of an operating engineer on a high temperature hot water plant whose experience as such has been for a period of three years immediately preceding the enactment of this code shall be entitled to a high pressure boiler operating engineer license without complying with the herein above provisions upon satisfying the commissioner that such applicant possesses the aforesaid experience.

ARTICLE 5

HOISTING MACHINE OPERATOR LICENSE

[B26-5.0] 26-166 Requirement of license. It shall be unlawful for any persons to take charge of or operate any power operated hoisting machine used for hoisting purposes or cableways under the jurisdiction of the department, except power operated scaffolds and window washing machines, unless such person is licensed under the provisions of this article, or a holder of a certificate of qualification as a hoisting machine operator prior to December twenty ninth, nineteen hundred sixty nine, as provided in section 26-131 of this subchapter. The commissioner may, by rule and regulation, exempt operators of mobile cranes of limited size and capacity from the requirements of this section.

~~§[B26 5.1] 26-167 License applications.~~

All applications for a hoisting machine operator license shall be subject to the provisions of section 26-132 of this subchapter; and all applicants for a hoisting machine operator license shall comply with and be subject to the provisions of sections 26-133, 26-134 and 26-135 of this subchapter.

~~§[B26 5.2] 26-168 Classification of licenses.~~ Such licenses shall be classified as follows:

- (a) Basic license to operate cranes, derricks and cableways, excluding power-operated cranes with booms, including jibs and other extensions, which exceed two hundred feet in length and truck-mounted tower cranes which exceed two hundred feet in height.
- (b) Endorsement on basic license to include the operation of hoisting machinery without limitation or restriction.
- (c) Special hoisting machine operator license to operate a specified class of hoisting machine of limited size and capacity. The equipment under this subdivision shall also include the operation of truck cranes with telescopic, hydraulic or folding booms, including jibs and any other extensions to the boom, not exceeding one hundred thirty-five feet in length with a manufacturer's rated capacity of three tons or less used exclusively for the erection, maintenance or removal of signs. Special hoisting machine operators shall be exempt from the provisions of subdivisions (a) and (b) of this section.

~~§[B26 5.3] 26-169 License qualifications.~~

- (a) The general qualifications prescribed in section 26-133 of this subchapter shall be applicable for a hoisting machine operator license and a special hoisting machine operator license. In addition, all applicants for a hoisting machine operator license shall have had at least two years' prior appropriate experience and all applicants for a special hoisting machine operator license shall have the qualifications as prescribed in subdivision (c) of this section.
- (b) (1) The commissioner shall issue a basic license to a hoisting machine operator who is the holder of a valid certificate of qualification on December twenty-ninth, nineteen hundred sixty-nine, provided application for such license is made prior to the expiration of said certificate of qualification.
- (2) The commissioner shall endorse such license to include the operation of hoisting machinery without limitation or restriction to a holder of a valid certificate of qualification on December twenty-ninth, nineteen hundred sixty-nine, provided application for such endorsement is made prior to the expiration of said certificate and he or she submits proof of satisfactory experience in the operation of cranes with booms, including jibs and other extensions, exceeding two hundred feet in length or truck-mounted tower cranes exceeding two hundred feet in height.
- (3) The commissioner shall endorse such license to

include the operation of hoisting machinery without limitation or restriction to a holder of a valid certificate of qualification on December twenty-ninth, nineteen hundred sixty-nine, provided that the applicant shall satisfactorily demonstrate by operation that he or she is competent to operate a crane with a boom, including jibs and other extensions, exceeding two hundred feet in length or truck-mounted tower crane exceeding two hundred feet in height.

(c) Notwithstanding the provisions of section 26-134 of this subchapter, the commissioner shall issue a special hoisting machine operator license to an applicant who shall have had at least two years' full-time paid experience and who makes application by December twenty-ninth, nineteen hundred seventy, or has satisfactorily passed a practical examination in the operation of equipment for which such license is to be issued.

~~§[B26 5.4] 26-170 License fees.~~ The fee for a license shall be as follows:

- (a) Ten dollars for a license, as described in paragraphs one and two of subdivision (b) of section 26-169 of this subchapter.
- (b) Twenty-five dollars for a license as provided in subdivision c of section 26-168 of this subchapter.
- (c) Fifty dollars for a license as provided in subdivisions (a) and (b) of section 26-168 and paragraphs one and three of subdivision (b) of section 26-169 of this subchapter.
- (d) Ten dollars for the annual renewal of any license.

~~§[B26 5.5] 26-171 License conditions.~~ All licenses shall be conditioned upon and subject to the provisions of sections 26-136 through 26-139 of this subchapter.

**ARTICLE 6
RIGGER LICENSE**

~~§[B26 6.0] 26-172 Requirement of license.~~ It shall be unlawful to hoist or lower any article on the outside of any building in the city of New York on and after December sixth, nineteen hundred sixty-eight, unless such work is performed by or under the supervision of a person licensed as a rigger under the provisions of this article, or a person qualified or licensed as a rigger prior to such date as provided in section 26-131 of this subchapter. The provisions of this article shall apply to the erection or dismantling of a tower crane or a climber crane on a building and to the use of a derrick in their removal, except that such erection or dismantling may be performed by or under the direct supervision of a person licensed by the city for such purpose in accordance with rules and regulations promulgated by the department.

~~§[B26 6.1] 26-173 Exemptions.~~ The provisions of this article shall not apply to the hoisting or lowering of signs

~~if the person so doing possesses a license as a sign hanger, as provided in article seven of this subchapter, or to the hoisting or lowering of any building materials or equipment, other than boilers and tanks, in the course of the construction or alteration of any building or structure.~~

~~§[B26-6.2] 26-174 Classification of rigger licenses.~~ Such licenses shall be classified as follows:

~~(a) Master rigger license.~~ Licenses the holder thereof to hoist or lower any article, irrespective of weight, on the outside of any building.

~~(b) Special rigger license.~~ Licenses the holder thereof to hoist or lower any article, not exceeding one thousand two hundred pounds in weight, on the outside of any building.

~~§[B26-6.3] 26-175 License applications.~~ All applications for rigger licenses shall be subject to the provisions of section 26-132 of this subchapter; and all applicants for such licenses shall comply with and be subject to the provisions of sections 26-133, 26-134 and 26-135 of this subchapter.

~~§[B26-6.4] 26-176 Master rigger qualifications.~~ In addition to the general qualifications prescribed in section 26-133 of this subchapter, all applicants for a master rigger license shall submit satisfactory proof establishing that the applicant has had at least 5 years' practical experience in the hoisting and rigging business; and the applicant shall also have knowledge of and be able to explain the risks incident to such business and precautions to be taken in connection therewith, safe loads [sic] and computation thereof, types of rigging, size and strength of ropes, cables, blocks, poles, derricks, sheerlegs and other tools used in connection with such business.

~~§[B26-6.5] 26-177 Special rigger qualifications.~~ In addition to the general qualifications prescribed in section 26-133 of this subchapter, all applicants for a special rigger license shall submit satisfactory proof establishing that the applicant has had at least one year's practical experience in the hoisting and rigging business; and the applicant shall also have knowledge of and be able to explain the risks incident to such business and precautions to be taken in connection therewith.

~~§[B26-6.6] 26-178 Bond requirements.~~

~~a.~~ Prior to the issuance of any master rigger license, the applicant shall file with the department a liability bond in the form of a personal bond with at least two sureties, approved by the commissioner, or a corporate surety bond, or policy of insurance, in a solvent and responsible company authorized to do business in this state, approved by the commissioner, in the sum of fifty thousand dollars conditioned for the payment of any judgment recovered against such rigger for the death of or for injury to any person caused in the operation, maintenance or use of any

~~rigging equipment or while engaged in any rigging operation. Such bond or policy may limit the liability of the surety or insurer on any one judgment to the sum of fifty thousand dollars for bodily injury or death, and on all judgments recovered upon claims arising out of the same transaction or transactions connected with the same subject of action, to the sum of one hundred thousand dollars, to be apportioned ratably among the judgment creditors, according to the amount of their respective judgments; and such bond or policy of insurance shall contain a provision for continuing liability thereunder, notwithstanding any recovery thereon.~~

~~b.~~ Prior to the issuance of any master rigger license the applicant shall also file with the department a property damage bond in the form of a personal bond with at least two sureties, approved by the commissioner, or a corporate surety bond, or a policy of insurance, in a solvent and responsible company authorized to do business in this state, approved by the commissioner, in the sum of ten thousand dollars, conditioned for the payment of any judgment recovered against such rigger for damage to, or destruction of, property caused in the operation, maintenance or use of any rigging equipment or while engaged in any rigging operation. Such bond or policy of insurance shall contain a provision for a continuing liability thereunder, notwithstanding any recovery thereon.

~~c.~~ Prior to the issuance of any special rigger license, the applicant shall file with the department a liability bond similar to that required of a master rigger, except that the limits thereof shall be ten thousand dollars and twenty thousand dollars, respectively, and shall also file with the department a property damage bond similar to that required of a master rigger, except that the limit thereof shall be one thousand dollars.

~~§[B26-6.7] 26-179 Workers' compensation.~~ Prior to the issuance of any rigger license, and any renewal thereof, the applicant shall file with the department satisfactory evidence of compliance with the provisions of the state workers' compensation law.

~~§[B26-6.8] 26-180 License fees.~~ The fee for a master rigger license shall be one hundred fifty dollars; and the annual renewal fee shall be one hundred dollars. The fee for a special rigger license shall be thirty dollars; and the annual renewal fee shall be twenty five dollars. If application for renewal is not made within thirty calendar days prior to the expiration date of the license, the applicant shall be required to pay an additional fee of twenty dollars.

~~§[B26-6.9] 26-181 License conditions.~~

~~a.~~ All rigger licenses shall be conditioned upon and subject to the provisions of sections 26-136 through 26-139 of this subchapter. In addition, every licensed rigger shall, while rigging operations are in progress, have placed conspicuously on the job two metal plates or wooden signs not less than eighteen inches by twenty-four

inches in size, displaying the word "danger" in letters not less than six inches high, and marked with the rigger's name, address, type of rigger license and license number.

b. Every licensed master rigger shall display prominently to the public on the place where his or her business is conducted, a metal plate or sign marked with the words "master rigger" and his or her license number immediately thereunder.

c. The holder of a rigger license shall at the time of issuance of the license and during the life thereof, have an established place of business within the city of New York. The licensee shall notify the commissioner of any change of address of his or her place of business.

***§26-181.1 Violations and penalties.**

a. Notwithstanding any inconsistent provision of this subchapter, any licensed rigger or person performing the functions and duties of a licensed rigger who violates the provisions of sections 26-172, 26-178 or 26-179 of this subchapter or fails to ensure that workers have certificates of fitness which shall be required pursuant to the department's rules or any person who violates the provisions of section 27-1045 of the code shall be liable for penalties in accordance with the schedule below, to be recovered in a proceeding before the environmental control board:

	First Offense	Default	Second or subsequent offense	Default
No Certificate of Fitness	\$1,500	\$2,500	\$2,500	\$15,000
No Rigger License	\$1,250	\$2,500	\$2,500	\$15,000
No Required Insurance or Bond	\$1,250	\$2,500	\$2,500	\$15,000
No Record of Inspection at Job Site	\$1,250	\$2,500	\$2,500	\$15,000

b. Any licensed rigger who has been found guilty after proceedings before the environmental control board (1) of one or more of the violations in this section, or (2) of section 27-1050.1 of the administrative code three times within any six month period, shall be subject to immediate suspension of his or her license pending a hearing and determination in accordance with the provisions of section 26-140 of this subchapter.

**Local Law 18-2007.*

**ARTICLE 7
SIGN HANGER LICENSES**

~~§[B26-7.0] 26-182 Requirement of license.~~ It shall be unlawful to hoist or lower or to hang or attach any sign upon or on the outside of any building in the city after December sixth, nineteen hundred sixty eight, unless such work is performed by or under the supervision of a person licensed as a sign hanger under the provisions of this article, or a person qualified or licensed as a sign hanger prior to December sixth, nineteen hundred sixty eight, as provided in section 26-131 of this subchapter.

~~§[B26-7.1] 26-183 Classification of sign hanger licenses.~~ Such licenses shall be classified as follows:

~~(a) Master sign hanger license.~~ Licenses the holder thereof to hoist or lower or to hang or attach any sign, irrespective of weight, upon or on the outside of any building.

~~(b) Special sign hanger license.~~ Licenses the holder thereof to hoist or lower or to hang or attach any sign, not exceeding one hundred fifty square feet in area, measured on one side only, nor exceeding one thousand two hundred pounds in weight, upon or on the outside of any building.

~~§[B26-7.2] 26-184 Exemptions.~~ The provisions of this subchapter shall not apply (a) to signs not exceeding seventy five square feet in area, measured on one side only, nor exceeding twenty five pounds in weight; or (b) to signs supported directly on the ground; or (c) to directional signs; or (d) to temporary signs erected during the construction or alteration of a building and related to such work; or (e) to the erection or placing of any signs by employees of the city, any city department or other governmental agency.

~~§[B26-7.3] 26-185 License applications.~~ All applications for sign hanger licenses shall be subject to the provisions of section 26-132 of this subchapter; and all applicants for such licenses shall comply with and be subject to the provisions of sections 26-133, 26-134 and 26-135 of this subchapter.

~~§[B26-7.4] 26-186 Master sign hanger qualifications.~~ In addition to the general qualifications prescribed in section 26-133 of this subchapter, all applicants for a master sign hanger license shall submit satisfactory proof establishing that the applicant has had at least five years practical experience in sign hanging during the period of seven years immediately preceding the date of his or her license application; and the applicant shall also have a knowledge of and ability to read plans and specifications relating to sign construction and erection, including supporting framework and other supports, and a knowledge of the problems and practices of sign construction and hanging and be familiar with the equipment and tools used in sign hanging.

~~§[B26-7.5] 26-187 Special sign hanger qualifications.~~ In addition to the general qualifications prescribed in section 26-133 of this subchapter, all applicants for a special sign hanger license shall submit satisfactory proof establishing that the applicant has had at least three years' practical experience in sign hanging during the period of five years immediately preceding the date of the license application; and the applicant shall also have a knowledge and ability to read plans and specifications relating to sign construction and erection, including supporting framework and other supports, and a knowledge of the problems and practices of sign construction and hanging and be familiar with the equipment and tools used in sign hanging.

~~§[B26-7.6] 26-188 Bond requirements.~~

a. Prior to the issuance of any sign hanger license, the applicant shall file with the department a liability bond in the form of a personal bond with at least two sureties, approved by the commissioner, or a corporate surety bond, or policy of insurance, in a solvent and responsible company authorized to do business in this state, approved by the commissioner, in the sum of fifty thousand dollars conditioned for the payment of any judgment recovered against such sign hanger for the death of or for injury to any person caused in the operation, maintenance or use of any sign hanging equipment or while engaged in any sign hanging operation. Such bond or policy may limit the liability of the surety or insurer on any one judgment to the sum of fifty thousand dollars for bodily injury or death, and on all judgments recovered upon claims arising out of the same transaction or transactions connected with the same subject of action, to the sum of one hundred thousand dollars, to be apportioned ratably among the judgment creditors, according to the amount of their respective judgments; and such bond or policy of insurance shall contain a provision for continuing liability thereunder, notwithstanding any recovery thereon.

b. Prior to the issuance of any sign hanger license, the applicant shall also file with the department a property damage bond in the form of a personal bond with at least two sureties, approved by the commissioner, or a corporate surety bond, or a policy of insurance, in a solvent and responsible company authorized to do business in this state, approved by the commissioner, in the sum of ten thousand dollars, conditioned for the payment of any judgment recovered against sign hanger for damage to, or destruction of, property caused in the operation, maintenance or use of any sign hanging equipment or while engaged in any sign hanging operation. Such bond or policy of insurance shall contain a provision for a continuing liability thereunder, notwithstanding any recovery thereon.

~~§[B26-7.7] 26-189 Workers' compensation.~~ Prior to the issuance of any sign hanger license, and any renewal thereof, the applicant shall file with the department satisfactory evidence of compliance with the provisions of the state workers' compensation law.

~~§[B26-7.8] 26-190 License fees.~~ The fee for a master sign hanger license shall be one hundred dollars and the annual renewal fee for such license shall be fifty five dollars; the fee for a special sign hanger license shall be seventy five dollars, and the annual renewal fee shall be forty dollars. If application for renewal is not made within thirty calendar days prior to the expiration date of the license, the applicant shall be required to pay an additional fee of thirty dollars.

~~§[B26-7.9] 26-191 License conditions.~~

a. All sign hanger licenses shall be conditioned upon and subject to the provisions of sections 26-136 through 26-139 of this subchapter. In addition, every licensed sign hanger shall, while sign hanging operations are in progress, have placed conspicuously on the job two metal plates or wooden signs not less than eighteen inches by twenty four inches in size, displaying the word "danger" in letters not less than six inches high, and marked with the sign hanger's name, address, type of "sign hanger" license and license number.

b. Every licensed sign hanger shall display prominently to the public on the place where his or her business is conducted, a metal plate or sign marked with the words "sign hanger" and his or her license number immediately thereunder.

c. The holder of a sign hanger license shall at the time of issuance of the license and during the life thereof, have an established place of business within the city of New York. The licensee shall notify the commissioner of any change of address of his or her place of business.

ARTICLE 8

OIL-BURNING EQUIPMENT INSTALLER LICENSE

~~§[B26-8.0] 26-192 Requirement of license.~~ It shall be unlawful to install oil burning equipment in the city on and after December sixth, nineteen hundred sixty eight, unless such work is performed by or under the supervision of a person licensed as an oil burning equipment installer under the provisions of this article, or a person qualified or licensed as an oil burning equipment installer prior to December sixth, nineteen hundred sixty eight, as provided in section 26-131 of this subchapter.

~~§[B26-8.1] 26-193 Classification of oil burning equipment installer licenses.~~

Such licenses shall be classified as follows:

(a) Class A oil burning equipment installer license. Licenses

~~the holder thereof to install any type of oil burning equipment, as an independent contractor with full responsibility for the manner in which the work is done, and for the material and equipment used, and for the control and supervision of the persons employed on the work.~~

~~(b) Class B oil burning equipment installer license. Licenses the holder thereof to install oil burning equipment for the use of domestic fuel oils from number one fuel oil and including number four fuel oil (as classified in the current commercial standards published by the United States department of commerce), as an independent contractor with full responsibility for the manner in which the work is done, for the materials and equipment used, and for the control and supervision of the persons employed on the work.~~

~~§[B26-8.2] 26-194 License applications.~~

~~All applications for oil burning equipment installer licenses shall be subject to the provisions of section 26-132 of this subchapter; and all applicants for such licenses shall comply with and be subject to the provisions of sections 26-133, 26-134 and 26-135 of this subchapter.~~

~~§[B26-8.3] 26-195 Class A oil burning equipment installer qualifications.~~ ~~In addition to the general qualifications prescribed in section 26-133 of this subchapter, all applicants for a class A oil burning equipment installer license shall submit satisfactory proof establishing that the applicant has had at least four years' practical experience in the installation of oil burning equipment under the supervision of a qualified or licensed oil burning equipment installer in the city, including at least one years experience in the installation of oil burning equipment for the use of number five and number six fuel oils.~~

~~§[B26-8.4] 26-196 Class B oil burning equipment installer qualifications.~~ ~~In addition to the general qualifications prescribed in section 26-133 of this subchapter, all applicants for a class B oil burning equipment installer license shall submit satisfactory proof establishing that the applicant has had at least three years' practical experience in the installation of oil burning equipment under the supervision of a qualified~~

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or licensed oil burning equipment installer in the city.

~~§[B26-8.5] 26-197 Bond requirement.~~ Prior to the issuance of any oil burning equipment installer license, the applicant shall file with the department a bond conditioned for the payment of any loss or damage suffered by any person by reason of failure to install such equipment in accordance with the provisions of the code, the building code, the air pollution code or other applicable laws and regulations relating to oil burning equipment. Such bond shall be in the amount of two thousand five hundred dollars and shall be approved by the commissioner as to sufficiency of sureties.

~~§[B26-8.6] 26-198 License fees.~~ The fee for an oil burning equipment installer license shall be seventy five dollars; and the annual renewal fee shall be fifty dollars. If application for renewal is not made within thirty calendar days prior to the expiration date of the license, the applicant shall be required to pay an additional fee of thirty dollars.

~~§[B26-8.7] 26-199 License conditions.~~

a. All oil burning equipment installer licenses shall be conditioned upon and subject to the provisions of sections 26-136 through 26-139 of this subchapter.

b. The holder of an oil burning equipment installer license shall, at the time of issuance of the license and during the life thereof, have an established place of business within the city of New York. The licensee shall notify the commissioner of any change of address of his or her place of business.

ARTICLE 9

CONCRETE TESTING LABORATORY LICENSE

~~§[B26-9.0] 26-200 Requirement of license.~~ It shall be unlawful, on and after December sixth, nineteen hundred sixty eight, for any person to engage in or carry on the business or calling of a concrete testing laboratory in the city, without having first obtained a license therefor from the commissioner, except as provided in section 26-131 of this subchapter.

~~§[B26-9.1] 26-201 License applications.~~ All applications for a concrete testing laboratory license shall be submitted on forms furnished by the department, and shall be accompanied by the required fee, as hereinafter provided. Each application for such license shall set forth the name and business address of the applicant, and such information and supporting data concerning his or her equipment and qualifications as the commissioner may require. If the applicant is a partnership or a corporation, the application shall be executed by a member of the partnership or by an officer of the corporation.

~~§[B26-9.2] 26-202 License qualifications.~~ All applicants for such license shall maintain a laboratory within fifty miles of the city, and shall submit satisfactory proof establishing that his, her or its business is conducted by

qualified personnel in accordance with procedures, safety requirements and professional standards adopted and promulgated by the commissioner under and pursuant to the provisions of subdivision b of section eleven hundred five of the charter. An investigation of the applicant's place of business equipment and personnel shall be made by the department prior to the issuance of any such license.

~~§[B26-9.3] 26-203 License fees.~~ The fee for a concrete testing laboratory license shall be one hundred dollars; and the annual renewal fee shall be fifty dollars. If application for renewal is not made within thirty calendar days prior to the expiration date of the license, the applicant shall be required to pay an additional fee of thirty dollars.

~~*§[B26-9.4] 26-204 License conditions.~~

(a) All concrete testing laboratory licenses shall be conditioned upon and subject to the provisions of sections 26-136 through 26-139 of this subchapter; and all concrete testing laboratories licensed under the provisions of this article, or qualified or licensed prior to December sixth, nineteen hundred sixty eight, as provided in section 26-131 of this subchapter, shall certify the truth and accuracy of all reports filed or required to be filed by any such laboratory under the provisions of the building code or other applicable building laws and regulations.

(b) Each laboratory shall have in responsible charge a director who shall be a registered architect or licensed professional engineer and who shall personally supervise all technical functions of the laboratory relating to testing of concrete and concrete materials.

~~*Local Law 65-1990.~~

**ARTICLE 10

SUPPORTED SCAFFOLD CERTIFICATE OF COMPLETION

~~*§26-204.1 Requirements of Certificate of Completion.~~ a. It shall be unlawful for an individual to erect, dismantle, repair, maintain or modify any supported scaffold, or to be on any supported scaffold assisting in the erection, dismantling, repair, maintenance or modification of any supported scaffold for which a permit is required unless such individual has been issued a supported scaffold certificate of completion under the provisions of this article.

b. It shall be unlawful for any person to knowingly permit or cause an individual who has not been issued a supported scaffold certificate of completion under this article, to erect, dismantle, repair, maintain, or modify any supported scaffold, or to be on any supported scaffold assisting in the erection, dismantling, repair, maintenance or modification of any supported scaffold in violation of subdivision a of this section. Each day on which a person shall knowingly permit or cause an individual who has not been issued a supported scaffold certificate of completion to erect, dismantle, repair, maintain, or modify any supported scaffold or to be on any supported scaffold assisting in the erection, dismantling,

~~repair, maintenance or modification of any supported scaffold, for which a permit has been issued, shall be a separate violation of this section.~~

~~*c. It shall be unlawful for an individual to use any supported scaffold, for which a permit is required, to assist in the erection, dismantling, repair, maintenance or modification of any building or structure unless such individual has been issued a supported scaffold user certificate pursuant to the provisions of this article.~~

~~*d. It shall be unlawful for any person to knowingly permit or cause an individual who has not been issued a supported scaffold user certificate under this article to use any supported scaffold, for which a permit is required, to assist in the erection, dismantling, repair, maintenance or modification of any building or structure in violation of subdivision c of this section. Each day on which a person shall knowingly permit or cause an individual who has not been issued a valid supported scaffold user certificate to use any supported scaffold, for which a permit is required, to assist in the erection, dismantling, repair, maintenance or modification of any building or structure shall be a separate violation of this section.~~

~~e. For the purposes of this article, "supported scaffold" shall be defined as one or more platforms supported by outrigger beams, brackets, poles, legs, uprights, posts, frames, or similar rigid support forty feet in height or more and including, but not limited to, sidewalk bridge scaffolds, single pole scaffolds, tube and coupler scaffolds, fabricated frame scaffolds, tubular welded frame scaffolds, outrigger scaffolds, needle beam scaffolds, mobile scaffolds, repair bracket scaffolds, mast climber scaffolds that are mechanized or motorized, back structures for personnel hoists and/or material hoists and system scaffolds. Any sidewalk shed that provides a base for a supported scaffold will subject the entire structure, including the sidewalk shed, to the requirements of this article.~~

~~**Local Law 24 2008.*~~

~~*§26-204.2 Exemptions.~~

~~The provisions of this article shall not apply to:~~

~~a. the erection, dismantling, repair, maintenance or modification of any supported scaffold performed by an employee of a public utility when such supported scaffold is located within the interior of a building or structure owned or operated by such utility and when such utility has a safety training program of not less than thirty two hours for its employees who erect, dismantle, repair, maintain or modify such scaffolds; or~~

~~b. employees of a public utility performing work while using a supported scaffold, provided that such employees are trained, pursuant to the United States department of labor occupational safety and health administration's requirements, to be able to recognize the hazards associated with the type of supported scaffold being used, and to understand the procedures to control those hazards; or~~

~~c. the erection, dismantling, repair, maintenance or modification of stand alone, one story sidewalk sheds; or~~

~~*d. a registered architect or professional engineer who is using a supported scaffold to perform inspections, as long as the architect or engineer does not perform work from or participate in the erection, dismantling, repair, maintenance or modification of any building or structure, including the supported scaffold.~~

~~**Local Law 24 2008.*~~

~~*§26-204.3 Issuance of Supported Scaffold Certificate of Completion; qualifications.~~

~~a. Except as otherwise provided in subdivision e of this section, a supported scaffold certificate of completion shall be issued to individuals who have successfully completed a department approved thirty two hour training program or course that complies with the United States department of labor occupational safety and health administration's standards relating to scaffold safety and includes a review of the additional requirements of the New York City Building Code. A holder of a supported scaffold certificate of completion shall also take a department approved eight hour scaffold safety and training refresher program or course every four years.~~

~~b. Such training or refresher program or course shall be conducted (1) pursuant to a registered New York state department of labor apprenticeship training program, or (2) by an educational institution or school chartered, licensed or registered by the New York state department of education or (3) by a provider approved by the department.~~

~~c. Successful completion of the training program or course shall be evidenced by a dated supported scaffold certificate of completion issued by the provider of the training program or course to the individual participant named on such certificate. This certificate of completion, or a copy thereof, or a valid wallet card version of the certificate, shall be readily available to department personnel upon request.~~

~~d. Any training program or course presented under the provisions of this section shall be presented by instructors who are deemed qualified and competent in accordance with the United States department of labor occupational safety and health administration's regulations.~~

~~e. Any person who, within the four years prior to the effective date of this subdivision ~~**~~[this subdivision], has successfully completed a thirty two hour training program or course that complies with the provisions of subdivisions a and b of this section, need not take a second thirty two hour course upon enactment of such local law, provided such person can provide to the department a dated certificate of completion as set forth in subdivision c of this section. Such person shall, however, take a department approved eight hour scaffold safety and training refresher program or course within four years of the initial course and every four years thereafter.~~

~~**Local Law 24 2008.*~~

~~***As enacted but probably not intended.*~~

~~***§26-204.4 Issuance of Supported Scaffold User Certificate.**~~

~~a. Except as otherwise provided in subdivision d of this section, a supported scaffold user certificate shall be issued to individuals using a supported scaffold to assist in the erection, dismantling, repair, maintenance or modification of any building or structure who have successfully completed a department approved four hour training program or course conducted (1) pursuant to a registered New York state department of labor apprenticeship training program, or (2) by an educational institution or school chartered, licensed or registered by the New York state department of education or (3) by a provider approved by the department. Such program or course shall include instruction on the nature of any electrical hazards, fall hazards, or falling object hazards, material handling on scaffolds, the nature of braces and tiebacks and their safe removal and the maximum intended load and load handling capacities of scaffolds. Such training program or course shall be taken every four years.~~

~~b. Successful completion of the training program or course shall be evidenced by a dated supported scaffold user certificate issued by provider of the training program or course to the individual participant named on such certificate. This supported scaffold user certificate, or a copy thereof, or a valid wallet card version of the certificate, shall be readily available to department personnel upon request.~~

~~c. Any training program or course provided under the provisions of this section shall be presented by instructors who are qualified and competent in accordance with the United States department of labor occupational safety and health administration's regulations.~~

~~*d. Any person who, within the four years prior to the effective date of the local law enacting this subdivision, has successfully completed a four hour training program or course that complies with the provisions of subdivision a of this section, need not take a second four hour course upon enactment of this local law, provided such person can provide to the department a dated certificate of completion as set forth in subdivision b of this section. Such person shall, however, take a department approved four hour scaffold safety and training refresher program or course within four years of the initial course and every four years thereafter.~~

~~**Local Law 24-2008.*~~

~~**§26-204.5 Violations and penalties.**—Any person who violates any of the provisions of this article shall be subject to the provisions of section 26-140 of this code.~~

~~***Local Law 52-2005.*~~

~~***ARTICLE 11
GENERAL CONTRACTOR REGISTRATION**~~

~~**§26-204.11 General contractor.**—For the purposes of~~

this article “general contractor” means any individual, corporation, partnership or other business entity that applies for a new building permit to construct a residential structure containing no more than three dwelling units. The term “general contractor” shall not include an individual, corporation, partnership or other business entity that has been issued a license pursuant to another provision of this subchapter, or pursuant to subchapter twenty two of chapter two of title twenty of this code, and enters into a contract to perform work exclusively within the scope of that license, nor shall it include an individual who constructs a residential structure containing no more than three dwelling units for his or her own occupancy, or any subcontractors working for the general contractor.

~~**§26-204.12 Requirement of registration.**~~

~~a. The department shall accept applications for general contractor registration beginning on April 1, 2008.~~

~~b. The registration shall expire on the second anniversary of such registration or such other date as determined by the commissioner by rule so as to distribute the expiration dates of the registrations more evenly over the course of a year.~~

~~c. Beginning November 1, 2008, it shall be unlawful to conduct business as a general contractor unless the general contractor has applied for and received a general contractor registration in accordance with the provisions of this article.~~

~~**§26-204.13 Unlawful use of general contractor title.**~~

~~It shall be unlawful to use or cause to be used the title registered general contractor or any other title in a manner as to convey the impression that an individual, corporation, partnership or other business entity, or any person it employs, is a registered general contractor, unless such individual, corporation, partnership or other business entity is registered in accordance with the provisions of this article.~~

~~**§26-204.14 Compliance with other provisions.**—All applications for a general contractor registration shall comply with and be subject to the provisions of section 26-132 of this subchapter and all applicants shall comply with and be subject to the provisions of sections 26-137 through 26-140 of this subchapter.~~

~~**§26-204.15 Registration fees.**—The fee for a general contractor registration shall be two hundred dollars, and the biennial renewal fee shall be one hundred sixty dollars. Renewals not submitted in a timely manner shall be subject to an additional late registration surcharge of one hundred sixty dollars.~~

~~**§26-204.16 Application requirements.**~~

~~a. An application for a general contractor registration or renewal under this article shall be made in writing to the commissioner on a form provided by the department, and~~

shall be accompanied by the following:

1. If the applicant is an individual: the applicant's full name, residence address, business address and business telephone number;
 2. If the applicant is a corporation:
 - (i) the corporate name, address and telephone number of the applicant's principal office or place of business;
 - (ii) the date and state of incorporation;
 - (iii) the name, residence address and residence telephone number of all corporate officers and registered agents and any person owning an interest of ten percent or more in the corporation;
 - (iv) proof that the corporation is in good standing under the laws of the state of New York;
 3. If the applicant is a partnership:
 - (i) the name, address and telephone number of the applicant's principal office or place of business;
 - (ii) the name, residence address and residence telephone number of all partners;
 4. the registration fee;
 5. a verified statement that the applicant or any person owning an interest of ten percent or more in the applicant is financially solvent;
 6. the name and address of the principal location from which the applicant has engaged in the business of general contracting at any time within the last five years;
 7. if the applicant is not a sole proprietor, proof that the applicant is authorized to do business in the state of New York;
 8. proof of insurance as required by section 26-204.17 of this article;
 9. the name and address of the officer, principal or director of the applicant who is primarily responsible for the registrant's compliance with the requirements of subchapters one, two or three of chapter one of title twenty six or chapter one of title twenty seven of this code or any rule adopted thereunder;
 10. upon renewal, proof of completion of such courses pertaining to general contracting activities as the commissioner shall establish by rule; and
 11. any other information that the commissioner may require.
- b. For the purposes of this section, financial solvency shall mean that the applicant's operating capital shall exceed twenty five thousand dollars.
- c. It is a condition of the registration that information in the application be kept current. Any change in required information shall be reported to the department within fourteen days after such change.
- d. For any applicant other than a natural person, the above requirements shall apply to every principal or officer and to any person owning, directly or indirectly, an interest of ten percent or more in the applicant.

~~§26-204.17 Insurance.~~

- a. Prior to the issuance of a general contractor registration, each applicant shall submit proof of

commercial general liability insurance in an amount not less than one million dollars per occurrence, five million dollars aggregate combined single limit, or as otherwise specified by rule, to insure any and all persons and entities, both public and private, fully for all risks of loss, damage to property or injury to or death of persons, arising out of or in connection with the performance of all work under the registration, including any and all work involving excavation, shoring and underpinning, and including the work of subcontractors.

b. Each policy of insurance required under this section shall include a provision requiring thirty days' advance notice to the commissioner prior to cancellation or lapse of the policy.

c. The registrant shall maintain the insurance required under this section in full force and effect for the duration of the registration period.

~~§26-204.18 Warranties.~~

a. A warranty shall be provided to the buyer of a new one, two or three family structure that accords with the provisions of article thirty six B of the New York state general business law, including the following:

1. one year from and after the warranty date the home will be free from defects due to a failure to have been constructed in a skillful manner;

2. two years from and after the warranty date the plumbing, electrical, heating, cooling and ventilation systems of the home will be free from defects due to a failure by the builder to have installed such systems in a skillful manner; and

3. six years from and after the warranty date the home will be free from material defects, including, but not limited to, any construction that is not in compliance with the building code or the zoning resolution of the city of New York.

b. Except as otherwise provided in section seven hundred seventy seven b of such article thirty six B, no such warranty shall be modified or excluded in any way.

~~§26-204.19 Duties and responsibilities.~~

a. The general contractor shall be responsible for providing information to the department about his or her subcontractors and the particular jobs they performed. Such information shall be provided in a format and at the times specified in the rules of the department.

b. The general contractor shall maintain at the work site such technical reports as specified in the rules of the department and shall make such reports available to department personnel on request.

~~§26-204.20 Seizure, forfeiture.~~

a. 1. For purposes of this section, the term "owner" as applied to vehicles shall mean an owner as defined in section one hundred twenty eight and in subdivision three of section three hundred eighty eight of the vehicle and traffic law.

~~2. For purposes of this section, the term “security interest” as applied to vehicles shall mean a security interest as defined in subdivision k of section two thousand one hundred one of the vehicle and traffic law.~~

~~3. For purposes of this section, the term “unlicensed activity” shall mean the conduct of any activity at a work site for the construction of a residential structure containing no more than three dwelling units without a license for which a license is required under any law, rule or regulation enforced by the commissioner of buildings, and the term “unregistered activity” shall mean the conduct of any activity at a work site for the construction of a residential structure containing no more than three dwelling units without a registration for which a registration is required under any law or regulation enforced by the commissioner of buildings.~~

~~b. 1. Any police officer or authorized officer or authorized employee of the department may seize any vehicle and any tools contained therein which such police officer or authorized officer or authorized employee has reasonable cause to believe is being used in connection with unlicensed or unregistered activity, upon service on the owner or operator of the vehicle of a notice of violation for engaging in such activity. Any vehicle and tools seized pursuant to this subdivision shall be delivered into the custody of the department or other appropriate agency.~~

~~2. The owner or operator of the vehicle and/or tools may make a written demand for a hearing for the return of the seized property. Notice of the right to a hearing shall be provided to the operator at the time of seizure of the vehicle and/or tools, and a copy of such notice shall be sent by mail to the registered and/or title owner of the vehicle, if other than the operator, and to the owner of the tools if other than the owner or operator of the vehicle and if reasonably ascertainable, within five business days of the seizure. The department shall schedule the hearing at the office of administrative trials and hearings (OATH) or its successor agency, as applicable, for a date within ten business days after receipt of the demand and shall notify the operator and the owner(s) of the opportunity to participate in the hearing and the date thereof.~~

~~3. A claimant seeking release of the vehicle and tools at the hearing may be either the person from whom the vehicle and tools were seized, if that person was in lawful possession of the vehicle and tools, or the owner if different from such person.~~

~~4. The OATH judge shall issue a determination within five business days after the conclusion of the hearing.~~

~~5. The department shall establish a procedure whereby an owner or operator who wishes to have the vehicle and/or tools returned pending the hearing shall post a bond in an amount determined by the department, but in no event less than an amount sufficient to cover any applicable removal and storage fees as well as fines and penalties.~~

~~6. The department shall establish a procedure whereby an owner or operator may request the return of the vehicle and/or tools without a hearing if he or she a) establishes that the vehicle and/or tools were seized in error or b) immediately applies for licensure or registration pursuant to the applicable provisions of this subchapter and pays a fine not to exceed removal and storage fees and any fines or penalties that could have been imposed under the provisions of this subchapter. Where the owner or operator establishes that the vehicle and/or tools were seized in error, the department shall expeditiously return such vehicle and/or tools.~~

~~c. Any vehicle and tools for which a written demand for return of the vehicle and/or tools or a hearing pursuant to subdivision b of this section has not been made within thirty days of service on the operator or the owner of the vehicle and/or tools, if other than the operator, of the notice of violation shall be deemed abandoned and shall be disposed of by the department pursuant to applicable law.~~

~~d. 1. Notwithstanding the provisions of section 26-140 of this code, in the event the department chooses to have the violation underlying the seizure returnable to and heard at OATH, that hearing may be combined with the hearing for the return of the seized property and under such circumstances the OATH judge shall make a determination as to both. The OATH judge shall issue a determination within five business days after the conclusion of the hearing.~~

~~2. If the OATH judge finds that the vehicle and/or tools were not used in connection with unlicensed or unregistered activity, the department shall promptly release such vehicle and/or tools.~~

~~3. If the OATH judge finds that the vehicle and/or tools were used in connection with unlicensed or unregistered activity, the department may release such vehicle and/or tools upon payment of all applicable fines and civil penalties and all reasonable costs of removal and storage, or may commence a forfeiture action within twenty business days after the date of the judge's determination.~~

~~e. In the event that the adjudication of the violation underlying the seizure is not held at OATH, and a determination is made that the vehicle and tools were not used in connection with unlicensed or unregistered activity, the department shall promptly release such vehicle and/or tools.~~

~~f. In addition to any other fines or penalties provided in this, any person who violates the provisions of this subchapter shall be subject to a penalty of not less than five thousand dollars nor more than ten thousand dollars to be recovered in a proceeding before OATH and shall be subject to a fine of not less than five thousand dollars nor more than ten thousand dollars or imprisonment for not more than six months, or both.~~

~~g. 1. A forfeiture action pursuant to this section shall be commenced by the filing of a summons with a notice or a summons and complaint in accordance with the civil~~

practice law and rules. Such summons with notice or a summons and complaint shall be served in accordance with the civil practice law and rules on the vehicle operator, the owner of the tools, if different from the vehicle operator, and owner of the vehicle, and on all owners of the subject vehicle listed in the records maintained by the department of motor vehicles, or for vehicles not registered in the state of New York, in the records maintained by the state of registration. A vehicle and/or tools that are the subject of such action shall remain in the custody of the department or other appropriate agency pending the final determination of the forfeiture action, unless released pursuant to the provisions of subdivisions d or e, above.

2. Notice of the institution of the forfeiture action shall be given by certified mail to all persons holding a security interest in such vehicle or tools, if known, if such security interest in the vehicle has been filed with the department of motor vehicles pursuant to the provisions of title ten of the vehicle and traffic law, at the address set forth in the records of such department, or, for vehicles not registered in the state of New York, all persons holding a security interest in such vehicle if such security interest has been filed with the state of registration and which persons are made known by such state to the department, at the address provided by such state of registration.

3. Any person with a security interest in such vehicle or tools who receives notice of the institution of the forfeiture action who claims an interest in such vehicle or tools subject to forfeiture may assert a claim in such action for satisfaction of such person's security interest in such vehicle or tools.

4. Forfeiture pursuant to this subdivision shall be made subject to the interest of a person who claims an interest in the vehicle or tools pursuant to paragraph three of this subdivision, where such person establishes that: (i) the use of the vehicle or tools for the conduct that was the basis for the seizure of the vehicle and tools occurred without the knowledge of such person, or if such person had knowledge of such use, that such person did not consent to such use by doing all that could reasonably have been done to prevent such use, and that such person did not knowingly obtain such interest in the vehicle or tools in order to avoid the forfeiture of such vehicle or tools, or (ii) that the conduct that was the basis for such seizure was committed by any person other than such person claiming an interest in the vehicle or tools, while such property was unlawfully in the possession of a person who acquired possession thereof in violation of the criminal laws of the United States or any state.

5. The department or agency having custody of the vehicle and tools, after judicial determination of forfeiture, shall, at its discretion, either (i) retain such vehicle and tools for the official use of the city; or (ii) by public notice of at least five days, sell such forfeited vehicle and tools at public sale. The net proceeds of any

such sale shall be paid into the general fund of the city.

6. In any forfeiture action commenced pursuant to this subdivision, where the court awards a sum of money to one or more persons in satisfaction of such person's interest in the forfeited vehicle and tools, the total amount awarded to satisfy such interest or interests shall not exceed the amount of the net proceeds of the sale of the forfeited vehicle and tools after deduction of the lawful expenses incurred by the city, including reasonable costs of removal and storage of the vehicle and tools between the time of seizure and the date of sale.

~~§26-204.21 Penalties; issuance, renewal, suspension and revocation of registration.~~

a. The commissioner shall have the power to refuse to issue or renew a registration or, after notice and an opportunity to be heard in a proceeding to be commenced at OATH, impose a penalty of not less than five thousand nor more than ten thousand dollars upon a registrant and/or suspend or revoke a registration under this article upon a finding of any one or more of the following by the applicant or registrant or by a business entity in which one of the applicant's or registrant's principals, officers or directors has been a principal, officer or director:

1. Fraud, misrepresentation, or bribery in securing a registration, permit, approval of work or a temporary or permanent certificate of occupancy.

2. The making of any false statement as to a material matter in any application for a registration, permit, approval of work or a temporary or permanent certificate of occupancy.

3. A practice on the part of the registrant of failure to timely perform or complete its contracts for the construction of new residential structures containing no more than three dwelling units, or the manipulation of assets or accounts, or fraud or bad faith.

4. Failure to comply with any demand or requirement lawfully made by the commissioner.

5. Approval or knowledge on the part of the registrant of an act of omission, fraud, or misrepresentation committed by one or more agents or employees of the registrant, and failure to report such act to the department.

6. Violation of any provision of this subchapter or any rule adopted hereunder.

7. Violation of any provision of subchapters one, two or three of chapter one of title twenty six or chapter one of title twenty seven of this code, or any rule adopted thereunder, including continuing to work in violation of a stop work notice or order issued pursuant to section 26-118 of this code.

b. Notwithstanding the foregoing, when public health or safety may be in imminent jeopardy, the commissioner shall immediately suspend a registration for up to five business days, pending a hearing and determination at OATH.

c. In addition to any of the powers that may be exercised by the commissioner pursuant to this article, the

~~commissioner may refuse to issue or renew or, after notice and an opportunity to be heard in a proceeding to be commenced at OATH, may suspend or revoke, a registration required under this article if (a) the applicant or registrant, or any of its principals, officers or directors, or any of its stockholders owning more than ten percent of the outstanding stock of the corporation has been convicted of a crime which, in accordance with article twenty three a of the correction law, is determined to have a direct relationship to such person's fitness or ability to perform any of the activities for which a registration is required under this article or (b) the applicant or registrant, or any of its principals, officers or directors has been a principal, officer or director of a registered general contractor whose registration has been revoked.~~

~~d. Notwithstanding any inconsistent provision of this subchapter, any registered general contractor who has defaulted at or been found liable after proceedings before the environmental control board or in an adjudication in criminal court of violations of any building code provisions relating to a stop work order, public health or safety, structural integrity, building in compliance with approved plans or fire safety three times within any twenty four month period shall be subject to immediate suspension of his or her registration, pending a hearing and determination at OATH.~~

~~e. The names of all general contractors whose registration was suspended or revoked after an OATH decision shall be posted on the department's website.~~

~~f. General contractors shall notify all their suppliers of all pending suspension or revocation actions against them and shall provide an affidavit to the department stating that this notification has been made.~~

~~§26-204.22 Violations and penalties.-~~

~~a. 1. Any person who shall own, conduct or operate a general contracting business without a registration therefor or who shall knowingly violate any of the provisions of this article or any rules promulgated thereunder or, having had his or her registration suspended or revoked, shall continue to engage in such business, shall be guilty of a misdemeanor, and upon conviction, shall be punishable by imprisonment for not more than six months, or by a fine of not less than five thousand nor more than ten thousand dollars, or both such fine and imprisonment, and each such violation shall be deemed a separate offense.~~

~~2. In addition to the penalties provided by paragraph one of this subdivision, any person who violates any of the provisions of this article shall be liable for a civil penalty of not less than five thousand nor more than ten thousand dollars for each such violation to be recovered in a proceeding before the environmental control board.~~

~~b. The corporation counsel may bring an action in the name of the city to restrain or prevent any violation of this article or any continuance of any such violation.~~

~~*Local Law 36-2007.~~

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***“C26” omitted from section numbers in this column.*

***“26” omitted from section numbers in this column.*

ARTICLE 1 GENERAL PROVISIONS

~~§[C26 10.0] 26-205 Matters covered.~~ All matters affecting or relating to the construction, alteration, repair, demolition, removal, maintenance, occupancy and use of new and existing buildings in the city, including the erection, installation, alteration, repair, maintenance, use and operation of signs and service equipment used in or in connection therewith, are presumptively provided for in this subchapter and in the building code of the city. This subchapter does not presumptively provide for matters that are contained in the charter, the labor law, the multiple dwelling law, subchapters one and two of this chapter and chapter two of title twenty-seven, the zoning resolution, or the general city law; nor does this subchapter apply to structures on waterfront property used in conjunction with and in the furtherance of waterfront commerce and/or

navigation, or to bridges, tunnels or subways, or to structures appurtenant thereto.

~~§[C26-11.0] 26-206 All new work to conform.-~~

~~All building work performed in the city on and after December sixth, nineteen hundred sixty-eight, shall conform to the provisions of this subchapter except that any work for which an application for a permit was filed prior to December sixth, nineteen hundred sixty-eight, and any work for which an application for a permit is filed within twelve months after the effective date of this subchapter, may be performed, at the option of the owner, in its entirety either in accordance with and subject to the requirements of this subchapter or in accordance with and subject to the requirements of the building laws and regulations previously in force in the city, provided that such work is commenced within twelve months after the date of issuance of a permit therefor and is continuously carried on to completion. This section shall not apply to the requirements of article ten of subchapter nineteen of title twenty-seven of the code which shall become effective December twenty-ninth, nineteen hundred sixty-nine.~~

ARTICLE 2 PERMITS

~~§[C26-20.0] 26-207 Requirement of permit.-~~

~~It shall be unlawful, on and after December sixth, nineteen hundred sixty-eight, to construct, alter, repair, demolish, or remove any building in the city, or to erect, install, alter, repair, or use or operate any signs or service equipment in or in connection therewith, unless and until a written permit therefor shall have been issued by the commissioner in accordance with the requirements of this subchapter and the requirements of the building code, subject to such exceptions and exemptions as may be therein provided.~~

~~§[C26-21.0] 26-208 Approval of plans.-~~

~~Whenever plans are required to be filed in connection with an application for a permit, as provided in the building code, all such plans shall be approved by the commissioner prior to the commencement of any work thereunder. All plans and all applications for approval thereof, shall comply with the requirements of the building code, subject to such exceptions and exemptions as may be therein provided; and all elevations on plans shall be referred to the United States coast and geodetic survey mean sea level datum of nineteen hundred twenty-nine, which is hereby established as the city datum.~~

~~§[C26-22.0] 26-209 Signature to permit.-~~ Every permit issued by the commissioner shall have his or her signature affixed thereto; but the commissioner may authorize any subordinate to affix such signature.

ARTICLE 3 FEES

~~§[C26-30.0] 26-210 Requirement of fee.-~~ No work permit or equipment use permit, when required by the provisions of the building code, shall be issued, and no plans or other statement describing building work, when required by the provisions of the building code, shall be approved, unless and until the required fee or fees therefor shall have been paid to the department in accordance with the provisions of this article, except that no fees shall be payable for work permits, equipment use permits or places of assembly permits if the owner of the building or property affected is a corporation or association organized and operated exclusively for religious, charitable or educational purposes, or for one or more such purposes, no part of the earnings of which enures to the benefits of any private shareholder or individual, and provided that the property affected is to be used exclusively by such corporation or association for one or more of such purposes.

~~*§[C26-31.0] 26-211 Fee for approval of plans and work permits.-~~

~~The fees required to be paid under this section, and under section 26-212 of this article, are for the filing and processing of applications for the approval of plans or other statement describing building work, the filing and processing of permit applications, the issuance or renewal of work permits, the inspection of building work, and the issuance of certificates of occupancy. Fifty percent of the total fee for the work permit, but not less than one hundred dollars, or the total fee for the work permit where such fee is less than one hundred dollars, shall be paid by or on behalf of the owner or lessee of the building premises or property affected and shall accompany the first application for the approval of plans or other statement describing the building work when submitted prior to submission of the permit application; and the whole or remainder of the total fee shall be paid before the work permit may be issued. A fee of one hundred dollars shall be paid with an application for renewal of a work permit. Foundation work, plumbing work, sign and service equipment work are included in the term "building" whenever plans for such work are required to be filed with construction or alteration plans; otherwise, separate fees shall be applied and collected for such work in accordance with the provisions of this section and section 26-212 of this article.~~

~~*Local Law 38 1990.~~

~~*§[C26-32.0] 26-212 Computation of fees for work permits.-~~

~~Fees for work permits shall be computed as hereinafter provided:~~

~~*1. New buildings.~~** The fees for permits to construct new buildings and open air stadia shall be computed as follows:

~~(a) Except as otherwise provided in paragraph (b),~~

twenty-five cents and fifty-three one hundredths of a cent (25.53¢) per square foot or fraction thereof, of the total floor area of the new building, but not less than one hundred dollars per structure.

(b) For a one, two or three family dwelling eleven cents and sixty-three one hundredths of a cent (11.63¢) per square foot, or fraction thereof, of the total floor area of the new building, but not less than one hundred dollars per structure.

(c) One hundred dollars for a garage for not more than three cars when such garage is accessory to a one, two or three family dwelling on the same plot when plans for such garages are filed with the application and plans for the one, two or three family dwellings to which it is accessory.

(d) One hundred dollars for the first two thousand dollars, or fraction thereof, of the cost of the structure; twenty dollars for each additional one thousand dollars, or fraction thereof, of cost to five thousand dollars of the structure; ten dollars and thirty cents for each additional one thousand dollars, or fraction thereof, of the structure cost over five thousand dollars for structures such as radio aerial towers and masts, tank structures, fire escapes and other structures to which fees may not be readily applied under the foregoing provisions. Applications for elevator work submitted separately, seventy dollars.

~~***Local Law 56 1993; Local Law 38 1990.~~

****2. Building alterations.**—The fees for permits to alter buildings shall be computed as follows:

(a) For a one family, two family or three family dwelling, one hundred dollars for the first five thousand dollars or fraction thereof, of the cost of alteration; not including the cost for the installation or alteration of any plumbing or plumbing system or fire suppression piping system; and five dollars and fifteen cents per one thousand dollars, or fraction thereof, of such cost of alterations in excess of five thousand dollars.

(b) For any building not described in paragraph (a) of this subdivision, one hundred dollars for the first three thousand dollars, or fraction thereof, of the cost of alteration; not including the cost for the installation or alteration of any plumbing or plumbing system or fire suppression piping system; twenty dollars per one thousand dollars, or fraction thereof, of the next two thousand dollars of such cost; and ten dollars and thirty cents per one thousand dollars, or fraction thereof, of such cost of alterations in excess of five thousand dollars.

~~***Local Law 109 1993; Local Law 107 1993; Local Law 56 1993; Local Law 38 1990; Local Law 40 1987, applies to permits applied for and inspections performed on and after July 6, 1987.~~

***3. Foundation, open spaces, etc.**—The fees for foundations and earth work permits, and for permits with respect to open spaces without roof, whether enclosed or unenclosed on sites, such as parking lots, gasoline or oil selling stations, storage yards, sales or exhibition or show

spaces used for generally similar purposes shall be computed as follows: (a) ten dollars for each two thousand square feet of area or fraction thereof, but not less than one hundred dollars; and (b) for golf driving ranges, seven dollars and fifty cents for each twenty thousand square feet of area or fraction thereof, but not less than one hundred dollars plus one hundred dollars for an accessory building not to exceed one hundred forty four square feet.

~~***Local Law 38 1990.~~

*****4. Demolition and removal.**—The fees for demolition and removal permits shall be computed by multiplying the street frontage in feet by the number of stories of the building times two dollars and sixty cents, provided the minimum fee shall be not less than two hundred sixty dollars. In the case of a corner lot, the larger street frontage shall be used in computation.

~~***Local Law 50 1988.~~

*****5. Plumbing and fire suppression piping systems.**

(a) Existing buildings.—The fees for permits to install and alter plumbing and plumbing systems and for permits to install and alter fire suppression piping systems in existing buildings shall be computed as follows:

(1) For a one family, two family or three family dwelling, one hundred dollars for the first five thousand dollars, or fraction thereof, of the cost of such installation or alteration; and five dollars and fifteen cents per one thousand dollars, or fraction thereof, of such cost in excess of five thousand dollars.

(2) For any building not described in subparagraph (1) of this paragraph, one hundred dollars for the first three thousand dollars, or fraction thereof, of the cost of such installation or alteration; twenty dollars per one thousand dollars or fraction thereof, of the next two thousand dollars of such cost; and ten dollars and thirty cents per one thousand dollars, or fraction thereof, of such cost in excess of five thousand dollars.

(b) New buildings.—The fees for permits to install plumbing systems and for permits to install fire suppression piping systems in new buildings shall be computed by allocating a portion of the fee for the permit to construct such new building, computed in the manner provided in subdivision one, to the applicable plumbing permit or fire suppression piping system permit, but in no event shall the fee for a permit to install a plumbing system or for a permit to install a fire suppression piping system in a new building be less than one hundred dollars. Such allocation shall be made in accordance with rules promulgated by the commissioner. Any portion of the fee charged for a permit to install a plumbing system or of the fee charged for a permit to install a fire suppression piping system in a new building that is in excess of one hundred dollars shall be deducted from the amount of the fee, computed in the manner provided in subdivision one, charged for the permit to construct such new building.

~~***Local Law 109 1993; Local Law 107 1993; Local Law 38 1990.~~

*** 6. Signs.—**

a. The fees for permits to erect, install or alter signs shall be computed in the same manner as the computation of fees for building alterations as provided in subdivision two of this section. In addition, fees shall be payable to the department as follows:

(1) For ground signs five dollars for each one hundred square feet or fraction thereof, but not less than thirty-five dollars.

(2) For roof signs having a tight, closed or solid surface, fifteen dollars for each one hundred square feet or fraction thereof, but not less than seventy dollars.

(3) For roof signs that do not have a tight, closed or solid surface, fifteen dollars for each one hundred square feet or fraction thereof, when such signs extend to a height of not more than thirty-one feet above roof level, but not less than one hundred dollars. When such signs exceed thirty-one feet above the roof level, twenty-five dollars for each one hundred square feet or fraction thereof, but not less than one hundred thirty-five dollars.

(4) For illuminated signs projecting beyond street line having thirty square feet or less, forty-five dollars annually.

(5) For illuminated signs projecting beyond street line having more than thirty square feet but no more than fifty square feet, seventy dollars annually.

(6) For illuminated signs projecting beyond street line and having more than fifty square feet, seventy-five cents per square foot or part thereof annually, but not less than one hundred dollars.

b. In computing the fees to be charged in subparagraphs one, two and three of paragraph a of this subdivision, each face of any sign, when fronting on different streets, shall be treated as a separate sign.

c. In computing the fees to be charged under subparagraphs four, five and six of paragraph a of this subdivision, only the number of square feet of sign space on one side of such sign shall be used in computing such fee.

*** 7. Service equipment.**

~~*Local Law 38-1990.~~

~~*a. The fees for permits to install or alter service equipment, other than fire suppression piping systems, shall be computed in the same manner as the computation of fees for alteration of buildings, except as hereinafter provided.~~

~~**Local Law 107-1993.~~

~~b. The fees hereinafter provided for permits to install and alter oil-burning equipment shall cover the costs for the filing and processing of applications for the approval of plans or other statement describing the work, the filing and processing of permit applications and the issuance of work permits and the inspection in connection therewith.~~

~~(1) For the installation of oil-burning equipment other than that described in subparagraph two of paragraph b of this subdivision, the fee shall be forty-five dollars.~~

~~(2) For the installation of oil-burning equipment where~~

~~the storage tank exceeds two hundred seventy-five gallon capacity, or where the storage tank is less than two hundred seventy-five gallons and is to be buried, or is to be installed in a multiple dwelling, or a place of assembly, or in a building along the line of a subway, or is to deliver fuel oil to a burner installed above the lowest floor of a business building, the fee shall be as follows:~~

~~one hundred dollars where gross output of equipment is up to and including six million BTU per hour, one hundred thirty-five dollars where gross output is from six million one thousand to twelve million BTU per hour, and one hundred seventy-five dollars where gross output exceeds twelve million BTU per hour. Where the replacement or alteration involves the size of the combustion chamber, the atomization of the fuel used or the maximum capacity of the system, such replacement or alteration shall be considered an installation; except that where the installation involves only a replacement of or alteration of the refractory combustion chamber, regardless of change of gross output, the fee shall be one hundred dollars.~~

~~(3) Gross outputs of oil-burning equipment are to be determined as follows:~~

~~(a) Cast iron boilers. The gross IBR rating shown in column A-1 identified with the net IBR rating shown in column A-4 of table A for automatically fired boilers in the July, nineteen hundred fifty-two "IBR testing and rating code for low pressure cast iron boilers" published by the institute of boiler and radiator manufacturers, or the equivalent in later codes.~~

~~(b) Steel Boiler Institute (SBI) table one, two and three boilers. One and one-half times the SBI net rating in BTU per hour.~~

~~(c) Warm air furnaces. The bonnet delivery in BTU per hour as published in the manufacturer's catalogue.~~

~~(4) For the replacement of oil-burning equipment as described in subparagraph (1) of this paragraph, the fee shall be thirty-five dollars, and the replacement of oil-burning equipment as described in subparagraph two of this paragraph, except where such replacement is considered an installation, the fee shall be one hundred dollars.~~

~~*Local Law 38-1990.~~

~~*8. After an application has been withdrawn by the owner, the owner on application to the comptroller of the city of New York, and upon verification of claim by the superintendent, may obtain a refund or a portion of the fee paid as follows:~~

~~(a) If application is withdrawn prior to the commencement of examination of the application, all but forty dollars of the fee paid shall be refunded.~~

~~(b) If the application is withdrawn during the progress of examination of the application, the comptroller shall retain a percentage of the deposit fee paid, which the department shall certify is the equivalent percentage of the examination completed, but not less than one hundred dollars. The~~

remainder of the fee shall be refunded to the owner.

(c) If the application is withdrawn after examination of plans, and before construction is commenced, there shall be refunded such portion of the fee paid as will leave retained by the comptroller fifty per cent of the total computed fee, but not less than one hundred dollars.

~~***Local Law 38-1990.~~

9. The department shall adopt such rules and shall prescribe such forms as may be necessary to carry out the provision of this section.

10. The commissioner shall, when deemed necessary by him or her, require reasonable substantiation of the costs stated in any application for a permit or any accompanying specification or other form that may be prescribed by the department.

~~***§26-212.1 Civil penalty for work without a permit.~~

(a) Whenever any work for which a permit is required pursuant to section 26-207 or section 27-147 of this code has been performed without such permit, a civil penalty shall be imposed as provided in this section.

(b) In cases where work has been performed without a permit on a one-family or two-family dwelling such civil penalty shall equal four times the amount of the fee payable for such permit pursuant to this article. Provided, however, that where only part of such work has been performed without such permit, such civil penalty shall be reduced proportionately according to the amount of such work still to be performed at the time a permit is issued. Provided further, however, that such civil penalty shall not be less than five hundred dollars. No civil penalty shall be imposed if the work for which a permit is required was completed prior to the effective date of this section.

(c) In the case of other work performed without a permit, such civil penalty shall be fourteen times the amount of the fee payable for such permit pursuant to this article. Provided, however, that where only part of such work has been performed without such permit, such civil penalty shall be reduced proportionately according to the amount of such work still to be performed at the time a permit is issued, and provided further, however, that such civil penalty shall not be less than five thousand dollars. No civil penalty shall be imposed if the work for which a permit is required was completed prior to the effective date of this section.

(d) Such civil penalty and such permit fee shall be payable by the owner of the building on which such work is performed.

(e) Any claim that work described in subdivision (a) of this section was done prior to January first, nineteen hundred eighty-nine shall be supported by an affidavit and supporting data.

(f) No permit shall be issued for any work described in subdivision (a) of this section until the civil penalty

assessed pursuant to this section has been paid.

~~***Local Law 48-2006; Local Law 58-1988.~~

~~§[C26-33.0] 26-213 Fees for equipment use permits.~~

a. There shall be no fee for equipment use permits of indefinite duration. In other instances, the fee for equipment use permits shall be fifteen dollars for each initial permit and ten dollars for each renewal permit when the permit is for a limited term, but not to exceed fifteen dollars annually, except as hereinafter provided.

~~***b. The fees for permits to use and operate boilers shall be as follows: thirty dollars annually for a boiler inspected pursuant to section 27-793 of this code by a duly authorized insurance company or other qualified inspector; sixty five dollars annually for a high pressure boiler inspected pursuant to section 27-793 of this code by a department inspector; sixty five dollars for each boiler inspection by a department inspector after a violation is issued.~~

~~***Local Law 62-1991; Local Law 40-1987, applies to permits applied for and inspections performed on and after July 6, 1987.~~

~~†c. The fees for permits to use and operate elevators and other devices listed in article one of subchapter eighteen of chapter one of title twenty-seven shall be calculated on the basis of sixty-five dollars for each inspection of each device by the department, sixty-five dollars for each elevator inspection by a department inspector after a violation is issued, and thirty dollars for each inspection by a private agency.~~

~~† Local Law 48-1991; Local Law 40-1987, applies to permits applied for and inspections performed on and after July 6, 1987.~~

(a) The fees for private inspection agencies and inspectors employed by such agencies which are approved by the commissioner to perform inspections of elevators, escalators and power-operated scaffolds required by article three of subchapter eighteen of chapter one of title twenty-seven and reference standard RS-18-1 of this code and any rules and regulations issued by the commissioner thereunder, shall be payable as follows:

Private inspection agency. Initial certificate of qualification; one hundred dollars for each certificate approved and issued by the commissioner subsequent to July first, nineteen hundred seventy-nine; annual renewal shall be fifty dollars.

Private inspector. Initial certificate of qualification; fifteen dollars for each certificate approved and issued by the commissioner subsequent to July first, nineteen hundred seventy-nine; annual renewal shall be ten dollars.

(b) Where a private inspection agency or a private inspector does not renew within thirty days prior to the expiration of the qualification certificate, the fee for the renewal shall be the same as the fee charged for an initial certificate of qualification.

~~* §[C26-34.0] 26-214 Special fees.~~

a. The department shall be entitled to charge the following special fees:

(1) Acknowledgements.....two dollars each.

(2) Certificates of occupancy.....five dollars per copy.

~~(3) Certificates of pending violations.~~

~~(a) multiple and private dwellings....thirty dollars per copy.~~

~~(b) all other buildings..... thirty dollars per copy.~~

~~(4) Certified copy of licenses..... five dollars per copy.~~

~~(5) Curb cuts.... six dollars per linear foot of curb cut including splay, except three dollars per linear foot of curb cut for a private dwelling.~~

~~(6) Marquees.....fifteen dollars annual fee for each one hundred square feet or fraction thereof.~~

~~(7) Places of assembly.....one hundred dollars annual fee; one hundred dollars for each place of assembly inspection by a department inspector after a violation is issued.~~

~~(8) Preparing copy of records.~~

~~(a) For preparing only, or preparing and certifying, a copy of a record or document filed in the department, other than a plan, certificate of occupancy or certificate of pending violation, eight dollars for the first page and five dollars for each additional page or part thereof a page to consist of one face of a card or other record.~~

~~(b) For a half size print made from microfilm of a plan thirty six by forty eight inches or less, eight dollars per copy and for a half size print made from microfilm of a plan exceeding thirty six by forty eight inches, sixteen dollars per copy.~~

~~(c) For extra copies of the same plan, five dollars per extra copy.~~

~~(9) Search inspections.-~~

~~(a) For a requested search inspection of a building, the unit fee shall be based upon a building with a frontage of twenty five feet and a depth of one hundred feet for which the fee shall be twenty dollars per floor for the first three floors and ten dollars for each additional floor. The minimum fee for each building shall be one hundred dollars.~~

~~(b) Such fee shall be increased by forty percent per floor for each twenty five feet or fraction thereof that such structure is in excess of twenty five feet frontage, and twenty five percent per floor for each twenty five feet or fraction thereof that such structure is in excess of one hundred feet in depth.~~

~~(c) A basement or cellar shall be considered a floor, but where a basement and cellar exist in any one structure, cellars shall not be included in computing the fee.~~

~~(d) When the depth of a one or two family dwelling is not more than forty feet the amount of the fee shall be fifty percent of the fee as computed herein.~~

~~(10) Temporary sheds, fences, railings, footbridges, catch platforms, building sidewalk shanties, over the sidewalk chutes thirty dollars per permit except that in case of a sidewalk shed the fee per permit shall be thirty dollars for the first twenty five feet or fraction thereof in the length of the shed, plus ten dollars for each additional twenty five feet or fraction thereof.~~

~~*(11) Acceptance of materials or equipment by code test method. When any material or equipment is submitted for acceptance for compliance with code requirements by the code test method, the application shall be accompanied by the required fee.~~

~~(a) Application for acceptance of materials or equipment six hundred dollars.~~

~~(b) Application for amendment of prior acceptance of materials or equipment five hundred dollars.~~

~~(c) Application for change of identification (change of ownership, corporate name or name of product) of prior acceptance of materials, appliances and methods of construction three hundred fifty dollars.~~

~~*** (12) Approval of materials and appliances. a. Application for approval of materials, appliances and methods of construction six hundred dollars.~~

~~b. Application for change of identification (change of ownership, corporate name or name of product) of prior approval of materials, appliances and methods of construction three hundred fifty dollars.~~

~~c. Application for amendment (change in manufacturing process) of prior approval of materials, appliances and methods of construction (may be accompanied by a change in identification application without additional fee) five hundred dollars.~~

~~** (12) Registration of persons pursuant to subdivision (a) of section 27-140.1 of the building code....fifty dollar annual fee.~~

~~b. Late payment of annual fees set forth in this subchapter shall be subject to the payment of an additional fee, not to exceed fifty percent of the annual fee, as set forth in regulations promulgated by the department.~~

~~*** (13) Application for temporary certificate of occupancy one hundred dollars.~~

~~*Local Law 54 1991; Local Law 49 1988.~~

~~**Local Law 72 1991. Note: There are two paragraph (12)s.~~

~~***Local Law 54 1991.~~

~~+++ (14) Microfilming of applications and associated documentation for certificates of occupancy, temporary certificates of occupancy and/or letters of completion, as required by rule of the commissioner, as follows: thirty five dollars for mandatory microfilming by the department of applications for new buildings and alterations, payable at time of filing. Such payment will cover the costs for up to two fiche and will be credited toward the final payment due at the time of issuance of a certificate of occupancy, temporary certificate of occupancy, or letter of completion. The charge for each additional fiche is ten dollars.~~

~~†††Local Law 53 1993.~~

~~*Local Law 38 1990.~~

~~†§[C26-34.1] 26-214.1 Special fees; asbestos. (a) Whenever~~

pursuant to section 27-198.1 of the code application for a permit is made for work which will involve the performance of an asbestos project and for which the filing with the department of an asbestos inspection report, or proof of approval by the commissioner of environmental protection of an asbestos removal plan is required, the department shall be entitled to charge an additional fee as established by the commissioner of environmental protection in an amount not to exceed twelve hundred dollars.

(b) Whenever pursuant to section 27-198.1 of the code application for a plan approval or a permit is made for work for which an asbestos investigator is required to submit an asbestos inspection report certifying that the work to be performed will not constitute an asbestos project, the department shall be entitled to charge an additional fee as established by the commissioner of environmental protection in an amount not to exceed twenty five dollars.

(c) For the purposes of this section, the terms "asbestos project", "asbestos inspection report" and "asbestos removal plan" shall have the meanings as are ascribed in section 24-146.1 of subchapter six of chapter one of title twenty four of the code.

~~† Local Law 55 1991; Local Law 46 1988; Local Law 76 1985, language juxtaposed per Ch. 907 1985.~~

***§[C26-35.0] 26-215 Fees for the testing, approval, inspection and use of power operated cranes, derricks and cableways.-**

(a) Upon filing an application on a form prescribed by the department, for prototype approval of a mobile crane, except those with hydraulic booms, manufactured after April first, nineteen hundred seventy, to comply with the requirements of section 6.0 of reference standard RS 19-2 the following fees shall be paid:

- (1) Twenty five hundred dollars when approval has been requested in accordance with 3.1.1.1(6)(a);
- (2) Thirty five hundred dollars when approval has been requested in accordance with 3.1.1.1(6)(b);
- (3) Four thousand dollars when approval has been requested in accordance with 3.1.1.1(6)(c);

(b) Upon filing an application on a form prescribed by the department for a prototype approval of a mobile crane with a hydraulic boom; a fee of four thousand dollars shall be paid.

(c) Upon filing an application for a certificate of approval on a form prescribed by the department, the applicant shall pay the following fees for each crane or derrick; five hundred dollars for mobile cranes with a boom less than two hundred feet in length; one thousand dollars for mobile cranes with a boom two hundred feet or more in length, but less than three hundred feet in length; two thousand dollars for mobile cranes with a

boom three hundred feet or more in length but less than four hundred feet in length; three thousand dollars for mobile cranes with a boom four hundred feet or more in length; and for climber and tower cranes, regardless of length; and one thousand dollars for all other cranes and derricks. However, notwithstanding the foregoing, the fee for a mobile crane for which a certificate of approval is required with a boom not exceeding fifty feet in length with a maximum rated capacity exceeding three tons shall be three hundred dollars. The boom length as herein specified shall include the jibs and any other extensions to the boom. The fees prescribed herein shall include the issuance of the initial certificate of operation.

~~(d) Notwithstanding the provisions of subdivision (a) above, when an applicant has obtained a temporary certificate of approval and has paid fifty percent of the fees for such approval in accordance with rules and regulations of the department of buildings, the remainder of the fee shall be paid simultaneously with the approval of the application.~~

(e) If the applicant withdraws his or her application for a certificate of approval, upon application to the comptroller of the city of New York and upon verification of the claim by the commissioner, such applicant may obtain a refund of a portion of the fees as follows:

(1) If the application is withdrawn prior to the commencement of examination by the department, the entire fee shall be refunded except one hundred dollars.

(2) If the application is withdrawn after the examination has commenced, the comptroller shall retain a percentage of the fee paid, which the department shall certify is the equivalent percentage of the examination performed, but not less than one hundred dollars. The remainder of the fee shall be refunded to the applicant.

(3) If the application is withdrawn or if approval is denied after the department has performed its examination, no part of the fee shall be returned to the applicant.

(f) The fee for a new certificate of approval, when the boom or extension thereof is replaced or altered shall be the full fee required for testing a new crane or derrick which is replaced or altered with a boom or extension of the same size and design.

(g) The owner of any crane or derrick shall renew the certificate of operation each year. Upon filing an application for such renewals on a form prescribed by the department, the applicant shall pay the following fees for each crane or derrick: two hundred fifty dollars for mobile cranes with a boom less than three hundred feet in length, and four hundred dollars for mobile cranes with a boom three hundred feet or more in length. The length of boom herein specified includes jibs and any other extensions to the boom. The fee for derricks and all other cranes shall be two hundred fifty dollars. However, notwithstanding the foregoing, the fee for a mobile crane with a boom not

exceeding fifty feet in length with a rated capacity exceeding three tons or less shall be two hundred dollars. Further, when a crane is exempted from the requirements of a certificate of approval but not from the requirements of a certificate of operation, in accordance with paragraph three of subdivision (a) of section 27-1057 of the code, then the fee for the issuance of the initial certificate of operation shall be two hundred fifty dollars and the fee for the annual renewal thereof shall be two hundred dollars.

(h) The fee for an application for on-site inspection shall be one hundred fifty dollars, except that when such inspection shall cover mobile cranes with booms, including jibs and other extensions to the boom two hundred fifty feet or more in length, or derricks, the fee shall be as follows:

(1) Two hundred fifty dollars when the inspection is performed on normal working days.

(2) Seven hundred fifty dollars when, at the written request of the applicant, the inspection is performed on other than normal working days.

**Local Law 38-1990.*

ARTICLE 4 INSPECTIONS

~~§[C26-40.0] 26-216 Right of entry and inspection.~~ The commissioner or his or her authorized representatives, in the discharge of their duties, shall have the right to enter upon and inspect, at all reasonable times, any buildings, enclosure, premises, or any part thereof, or any signs or service equipment contained therein or attached thereto, for the purpose of determining compliance with the provisions of the building code and other applicable building laws and regulations. Officers and employees of the department shall identify themselves by exhibiting the official badge of the department; and other authorized representatives of the commissioner shall identify themselves by producing and exhibiting their authority in writing signed by the commissioner.

~~§[C26-41.0] 26-217 Inspections of building work.~~ All inspections of building work shall be made and conducted under the direction of the commissioner and in accordance with and subject to the provisions of this title and the provisions of the building code. The commissioner may accept inspection and test reports from officers and employees of the department and other city departments and governmental agencies; and he or she may also accept inspection and test reports submitted by architects and engineers registered or licensed under the education law, or by other persons or services when he or she is satisfied as to their qualifications and reliability.

~~§[C26-42.0] 26-218 Inspection of completed buildings.~~

The commissioner shall cause all completed buildings to be inspected and a record made of all violations of the laws, rules and regulations relative to such buildings that are enforced by the department.

~~§[C26-43.0] 26-219 Inspection of construction machinery and equipment, etc.~~ The commissioner shall cause inspections to be made of machinery and equipment used for construction and excavation work, and for cableways, hoisting and rigging purposes.

~~§[C26-44.0] 26-220 Inspection of signs.~~

The commissioner shall cause all signs for which permits have been issued to be inspected at least once in every calendar year.

~~§[C26-45.0] 26-221 Inspection reports.~~ All inspection reports shall be in writing, and signed by the inspector, or the responsible individual, or the officer of the service, making the inspection; and a record of all inspections shall be kept by the department.

ARTICLE 5 CERTIFICATES OF OCCUPANCY

~~§[C26-50.0] 26-222 Requirement of certificate of occupancy.~~ It shall be unlawful to occupy or use any building erected or altered after December sixth, nineteen hundred sixty-eight, unless and until a certificate of occupancy shall have been issued by the commissioner, certifying that such building conforms substantially to the approved plans and the provisions of the building code and other applicable laws and regulations. Nothing herein contained, however, shall be deemed to prohibit the commissioner from permitting the temporary occupancy and use of a building in accordance with and subject to the provisions of the building code and paragraph three of subdivision (b) of section six hundred forty-five of the charter.

~~§[C26-51.0] 26-223 Occupancy of existing buildings.~~ The lawful occupancy and use of any building existing on December sixth, nineteen hundred sixty-eight, may be continued unless a change is specifically required by the provisions of the building code; and any changes of occupancy or use of any building existing on such date shall be subject to the provisions of the building code and section six hundred forty-five of the charter.

~~§[C26-52.0] 26-224 Issuance and filing of certificate of occupancy.~~ All certificates of occupancy shall be issued by the commissioner in accordance with and subject to the provisions of the building code and section six hundred forty-five of the charter. A record of all certificates of occupancy shall be kept by the department; and copies shall be furnished upon request, and on the

payment of the required fee.

ARTICLE 6 **PROJECTIONS BEYOND STREET LINE**

~~§[C26-60.0] 26-225 General restrictions on projections beyond street line.~~ It shall be unlawful to construct any part of a building erected after December sixth, nineteen hundred sixty-eight, or altered or enlarged after such date, so as to project beyond the street line and encroach upon a public street or public space, except in accordance with and subject to the provisions of this article and the provisions of the building code. Any permission, express or implied, to construct any part of a building so as to project beyond the street line shall be revocable at will by the city council or the board of estimate; and any part of a building permitted to project beyond the street line shall be so constructed that it may be removed at any time without causing the building to become structurally unsafe in whole or in part, subject to such exceptions and exemptions as may be provided in the building code.

~~§[C26-61.0] 26-226 Existing projections beyond street line.~~ Such parts of buildings as project beyond the street line on January first, nineteen thirty-eight, may be maintained as constructed unless their removal, rearrangement or relocation is directed by the city council or the board of estimate.

~~§[C26-62.0] 26-227 Rules governing projections beyond street line.~~ All rules governing the construction of building projections beyond the street line and all surface and subsurface construction beyond the street line and within the curb line, including curb cuts and driveways, the coverings thereof and the entrance thereto, and the issuance of permits in reference thereto, shall be adopted and promulgated by the commissioner. Nothing herein contained, however, shall be deemed to impair the powers and duties of the commissioner of parks and recreation and the commissioner of transportation to adopt and promulgate such additional rules as may be necessary with respect to the regulation and disposition of projections and encroachments beyond the street line, under and pursuant to the provisions of section eleven hundred five of the charter.

ARTICLE 7 **SAFETY IN BUILDING OPERATIONS**

~~§[C26-70.0] 26-228 General safety requirements.~~ Persons engaged in building operations shall provide reasonable and adequate protection for the safety of all persons and property affected thereby; and all such operations shall be conducted in accordance with and subject to the safety requirements of this article and the

building code, and the safety requirements of article ten of the labor law.

~~§[C26-71.0] 26-229 Safety requirements during excavation operations.~~ The following safety requirements shall apply to the conduct of all excavation operations, whether for construction purposes or otherwise:

~~a. Protection of persons and adjoining property.~~ Any person causing an excavation to be made shall provide adequate fencing on all open sides of the excavation, with suitable means of exit therefrom, and shall also provide such sheet piling, bracing and other supports as may be necessary to prevent the sides of the excavation from caving in before permanent supports are provided. Such person shall be afforded a license to enter and inspect adjoining property, and to perform such work thereon as may be necessary for such purpose; otherwise, the duty of providing safe support for any adjoining property, shall devolve upon the owner thereof, who shall be afforded a similar license with respect to the property where the excavation is to be made.

~~*b. Protection of adjoining buildings.~~ Whenever the safety of any adjoining building is or may be affected by an excavation, it shall be the duty of the person causing such excavation to be made to provide safe support for such building regardless of the depth of its foundations, provided such person is afforded a license to enter and inspect the adjoining building and property, and to perform such work thereon as may be necessary for such purpose; otherwise, such duty shall devolve upon the owner of the adjoining building, who shall be afforded a similar license with respect to the property where the excavation is to be made.

~~(1) Such person shall support the vertical load of the adjoining structure by proper foundations, underpinning, or other equivalent means where the level of the foundations of the adjoining structure is at or above the level of the bottom of the new excavation.~~

~~(2) Where the existing adjoining structure is below the level of the new construction, provision shall be made to support any increased vertical or lateral load on the existing adjoining structure caused by the new construction.~~

~~(3) Where the new construction will result in a decrease in the frost protection for an existing foundation below the minimums established in subchapter eleven of chapter one of title twenty-seven, the existing foundation shall be modified as necessary to restore the required frost protection.~~

~~*Chapter 664 of Laws of 2007.~~

~~c. Support of party walls.~~ Whenever an adjoining party wall is intended to be used by the person causing an excavation to be made, and such party wall is in good condition and sufficient for the uses of the existing and proposed buildings, it shall be the duty of such person to protect such party wall and support it by proper foundations, so that it shall be and remain practically as safe as it was

before the excavation was commenced.

d. Owner responsibility. The responsibility of affording any license referred to in subdivisions (a) and (b) of this section and in section 26-230 of this article, shall rest upon the owner of the property involved; and in case any tenant of such owner fails or refuses to permit the owner to afford such license, such failure or refusal shall be a cause to the owner for dispossessing such tenant through appropriate legal proceedings for recovering possession of real property.

~~§[C26-72.0] 26-230 Protection of roofs, skylights, etc.~~ Whenever any building is to be constructed above the roof of an adjoining building, it shall be the duty of the person causing such building to be constructed to protect the roof, skylights and other roof outlets of the adjoining building from injury, and to use every reasonable means to avoid interference with the use of the adjoining building during the course of construction. Such person shall be afforded a license to enter and inspect the adjoining building and perform such work thereon as may be necessary for such purpose; otherwise, the duty of protecting the roof, skylights and other roof outlets of the adjoining building shall devolve upon the owner thereof. In addition, any person having the duty to alter or maintain chimneys of any adjoining building under and pursuant to the provisions of the building code or other applicable laws and regulations, shall likewise be afforded a license to enter and inspect such adjoining building and perform such work thereon as may be necessary for such purpose; otherwise, such duty shall devolve upon the owner thereof.

~~§[C26-73.0] 26-231 Regulation of lots.~~ The regulation of lots, in conformity with the street on which they are situated, shall be calculated at curb level. Where a lot has more than one street frontage, and is so situated that the street frontages intersect, the curb of the longest street frontage shall be used. When the street frontages do not intersect, the curb along each frontage shall be used to one-half the depth of the lot between street frontages. A lot as referred to in this section, shall mean a parcel of land twenty-five feet by one hundred feet, or less, in one ownership whether adjacent land be in the same or other ownership; but, for this purpose, no land in the same ownership may be divided into lots smaller than twenty-five feet by one hundred feet.

~~§[C26-74.0] 26-232 Retaining walls.~~ The following requirement shall apply to the construction of retaining walls.

a. Retaining walls to conform to street regulation. When the regulation of a lot, in conformity with section 26-231 of this article, requires the ground on such lot to be raised or lowered and kept higher than the ground of

an adjoining lot, provided the ground of such adjoining lot is not maintained in a grade lower than in conformity with the street or streets on which it is situated, any necessary retaining wall shall be made and maintained jointly by the owners of the land on each side and shall stand one-half upon the land of each owner, unless otherwise agreed to by both owners.

b. Retaining walls to support adjoining earth. Where an excavation has been made or a fill placed on any lot within the legal grade required by section 26-231 of this article, and the adjoining land is maintained at a grade in conformity with or lower than the street or streets on which it is situated and is without permanent structures other than frame sheds or similar structures, any retaining wall which shall be necessary to support the adjoining earth shall stand equally upon the lot of each owner and shall be made and maintained jointly by the owners of the land on each side, unless otherwise agreed to by both owners.

c. Surplus retaining wall. Where any owner shall insist on maintaining his or her ground either higher or lower than the legal regulation as provided in section 26-231 of this article, the surplus retaining wall, which may be necessary to support such height or provide for such excavation, shall be made and maintained at the sole expense of such owner, and such additional thickness as may be required shall be built on the land of such owner.

d. Removal of retaining walls. Any retaining wall standing partly on the land of each owner may be removed by either owner when the necessity for such retaining wall ceases to exist.

~~§[C26-75.0] 26-233 Maintenance and repair of protection fences and retaining walls.~~ Unless otherwise provided by special agreement between them, the owners of adjoining properties shall be responsible jointly for the proper maintenance and repair of partition fences and retaining walls dividing their properties; and each such owner shall be responsible for one-half of the costs of maintaining and repairing such fences and retaining walls, except that where the replacement of a partition fence removed by one owner is necessary for safety, the owner removing the fence shall replace it at his or her own cost.

~~§[C26-76.0] 26-234 Report and inspection of unsafe buildings and property.~~ Whenever persons engaged in building operations have reason to believe in the course of such operations that any building or property is dangerous or unsafe, such person shall forthwith report his or her belief in writing to the commissioner of buildings, who shall thereupon cause an inspection to be made of such building or property; and if such building or property is found to be dangerous or unsafe, the commissioner shall cause such action to be taken as he or she may deem

necessary under and pursuant to the provisions of article eight of this subchapter.

ARTICLE 8

UNSAFE BUILDINGS AND PROPERTY

~~§[C26-80.0] 26-235 Removal or repair of structures.~~ Any structure or part of a structure or premises that from any cause may at any time become dangerous or unsafe, structurally or as a fire hazard, or dangerous or detrimental to human life, health or morals, shall be taken down and removed or made safe and secure. A vacant building which is not continuously guarded shall have all openings sealed in a manner approved by the commissioner, and it shall be the duty of the owner thereof promptly to make any repairs that may be necessary for the purpose of keeping such building sealed. Any vacant building not continuously guarded or not sealed and kept secure against unauthorized entry as herein before provided shall be deemed dangerous and unsafe as a fire hazard and dangerous and detrimental to human life, health and morals within the meaning of this article.

~~§[C26-80.5] 26-236 Record and notice of unsafe structures or premises.~~

~~a. Docket, order and notice.~~ Immediately upon the receipt of a report by any officer or employee of the department that a structure or part of a structure or premises is unsafe or dangerous, structurally or as a fire hazard, or is dangerous or detrimental to human life, health or morals, the superintendent shall cause the report to be entered upon a docket of unsafe structures and premises. Such docket shall be kept in the department. The owner, or one of the owners, executors, administrators, agents, lessees or any other person who may have a vested or contingent interest in the structure or premises, shall be served with a printed or written notice containing a description of the structure or premises deemed unsafe or dangerous, or detrimental to human life, health or morals, and an order requiring such structure or premises to be made safe and secure, or removed, or to be vacated and made safe and secure as may be deemed necessary by the superintendent. Such notice shall require the person thus served immediately to certify to the superintendent his or her acceptance or rejection of the order. The notice shall further notify said person that upon his or her refusal or neglect to comply with any of the requirements of this section or of section 26-237 of this article, a survey of the premises named in such notice will be made at a time and place therein named, in accordance with section 26-238 of this article. The notice shall also set forth that, if the premises referred to therein are reported unsafe or dangerous by

the surveyors, their report will be placed before the supreme court and that a trial upon the allegations and statements contained therein, whether such report contains more or less than the notice of survey, will be had before such court at a time and place named in such notice, to determine whether the unsafe or dangerous structures or premises shall be vacated and repaired and secured, or repaired and secured, or taken down and removed, and that a report of such survey, reduced to writing, shall constitute the issue to be placed before the court for trial.

~~b. Manner of service of order and notice.~~ The order and notice pursuant to this section shall be served by delivering to and leaving a copy of the order and notice with the person to whom the order and notice is addressed, if such person can be found within the city after diligent search. In the event that such service cannot be made, service shall be made in accordance with the provisions of subdivision d of section 26-244 of this subchapter.

~~§[C26-81.0] 26-237 Voluntary abatement of unsafe or dangerous conditions.~~ If the person served with a notice as specified in section 26-236 of this article shall immediately certify his or her assent to the securing or removal of such unsafe or dangerous structures or premises, or such structure which is dangerous or unsafe as a fire hazard or detrimental to human life, health or morals, he or she shall be allowed twenty-four hours, running from the time of service of such notice, within which to commence the abatement of the unsafe, dangerous or detrimental condition. Such person shall employ sufficient labor and assistance to secure or remove such conditions as expeditiously as possible.

~~§[C26-81.5] 26-238 Survey.~~

~~a. Identity of surveyors.~~ The survey referred to in section 26-236 of this article shall be made by three competent persons, of whom one shall be the superintendent, or an engineer or an inspector designated in writing by such superintendent; another shall be a licensed architect, appointed either by the county chapter of the American [sic] institute of architects of the borough in which the survey is to be made or by the New York society of architects, Brooklyn society of architects, or a licensed professional engineer appointed by the New York association of consulting engineers or by the county chapter of the New York society of professional engineers of the borough in which the survey is to be made; and the third shall be a practical builder, a licensed professional engineer or a licensed architect appointed by the person served with a notice pursuant to section 26-236 of this article. In case the person served with such notice shall neglect or refuse to appoint such surveyor, the other two surveyors shall make the survey. In case they disagree, they shall appoint a third person to take part in such

survey, who shall be a practical builder, licensed professional engineer or an architect of at least ten years' practice, whose decision shall be final.

b. Posting report of survey. A copy of the report of the survey shall be posted on the structure that is the subject thereof by the persons holding the survey, immediately on their signing such report.

c. Compensation of surveyors. The architect appointed by the county chapter of the American [sic] institute of architects of the borough in which the survey is to be made, or by New York society of architects, the Brooklyn society of architects, or the engineer appointed by the New York association of consulting engineers, or by a chapter of the New York society of professional engineers located in New York city, as herein before provided, who may act on any survey called in accordance with the provisions of this article, and the third surveyor who may have been called in the case of disagreement provided for in subdivision a of this section, shall each be paid the sum of fifty dollars by the finance department upon the voucher of the superintendent. The city is hereby given a cause of action against the owner of the structure surveyed, and of the lot or parcel of land on which the structure is situated, for such sum with interest. The amount so collected shall be paid over to the finance department in reimbursement of the amounts paid as aforesaid.

§[C26-82.0] 26-239 Judicial review of survey.

a. Institution of proceeding. Whenever the report of any such survey, had as aforesaid, shall recite that the structure or premises thus surveyed is unsafe or dangerous, structurally or as a fire hazard, or dangerous or detrimental to human life, health or morals, the corporation counsel shall, at the time specified in the notice, place such notice and report before the justice holding a special term of the court named in the notice.

b. Precedence of proceeding. The determination of the issue in an unsafe structure proceeding shall have precedence over every other business of such supreme court. A trial of the issue shall be held without delay, at the time specified in the notice, and shall be held by the justice holding such court or by a referee, whose decision or report in the matter shall be final, unless a jury trial is demanded, in which case the verdict of such jury shall be final.

c. Postponement of trial. If, for any reason, the issue shall be tried at a time other than that specified in such notice, or to which the trial may be adjourned, the issue may be brought into trial at any time thereafter by the superintendent without a new survey, upon at least three days' notice of trial to the person upon whom the original notice was served, or to his or her attorney. Such notice of trial may be served in the same manner as the

original notice.

d. Precept to abate. Upon the rendition of a verdict of the court or decision of the referee, if such verdict or decision shall find the structure or premises to be unsafe or dangerous, structurally or as a fire hazard, or dangerous or detrimental to human life, health or morals, the justice trying the case, or to whom the report of the referee trying the case shall be presented, shall immediately issue a precept directed to the superintendent, reciting such verdict or decision, and commanding him or her forthwith to vacate and repair and secure, or to repair and secure, or take down or remove the structure or part thereof or other premises that shall have been named in the report, in accordance with such verdict or decision.

§ [C26-82.5]*26-240 Repair or removal under precept.

a. Execution of precept. Upon receiving a precept under the provisions of section 26-239 of this article, the superintendent referred to therein shall immediately proceed to execute such precept, as therein directed, and may employ such labor and assistance and furnish such materials as may be necessary for that purpose. A precept requiring that the structure be repaired and secured shall include, but not be limited to, shoring and sealing of the structure. Whenever the demolition of any structure or part of a structure is to be carried out pursuant to any such precept, and the superintendent upon authorization by the commissioner, requests of either the commissioner of citywide administrative services or the commissioner of the department of housing preservation and development that such structure or part thereof be demolished, such demolition work, as so requested, shall be performed by or under the direction of the commissioner of citywide administrative services in accordance with the provisions of subdivisions b and c of section 4-204 of subchapter two of this chapter of the code, or the commissioner of the department of housing preservation and development. The owner of such structure, or part thereof, or premises, or any party interested therein, if he or she applies to the superintendent immediately upon the issuing of such precept and pays all costs and expenses incurred by the city up to that time, shall be allowed to perform the requirements of such precept at his or her own proper cost and expense, if the performance shall be done immediately and in accordance with the requirements of such precept. The superintendent shall have authority to modify the requirements of any precept upon application to him or her in writing by the owner of such structure, or part thereof, or premises, or his or her representative, or to seal or shore the structure upon an application by the commissioner of housing preservation and development, when such superintendent shall be satisfied that such change will secure the safety of such structure or premises equally well. After a determination to seal or shore the

structure is made by the superintendent upon application by the commissioner of housing preservation and development, written notice of such determination shall be sent by regular mail to the owner at his or her last known address. If no action to rehabilitate and restore the structure is undertaken within eighteen months following the granting of such application by the commissioner of housing preservation and development, which period may be extended for an additional six months by the superintendent upon approval of the supreme court, the structure may be demolished. The owner shall continue to have the right during such periods to request the superintendent in writing to modify the requirements of the precept.

b. Interference prohibited.

1. It shall be unlawful for any person to interfere, obstruct or hinder the superintendent or commissioner of citywide administrative services or the commissioner of housing preservation and development or the representative of any of them, or any person who, acting under the authority conferred on his or her by such superintendent or commissioner, is performing the work directed by a precept issued out of any court as in this article provided, or the work ordered by the superintendent in accordance with such precept under the provisions of this subchapter.

2. The police commissioner shall enforce such orders or requirements when requested by the superintendent, and shall likewise enforce same at the request of the commissioner of citywide administrative services or the commissioner of housing preservation and development with respect to demolition work performed by or under the direction of such commissioner pursuant to the provisions of this section.

**Local Law 59-1996.*

§[C26-83.0] 26-241 Provision for expense of executing precept. The superintendent may make requisition upon the comptroller for such amount of money as shall be necessary to meet the expenses of any preliminary proceedings or the execution of any order or precept issued by any court. Upon the approval of the statement of expenses thereof by any justice of the court from which such order or precept was issued, the finance department shall pay such expenses.

§[C26-83.5] 26-242 Return of precept; reimbursement of city. Upon compliance with any precept issued to him or her in a proceeding under this article, the superintendent shall make return thereof, with an endorsement of the action thereunder and the cost and expenses thereby incurred, to the justice then holding the special term of the court from which such precept issued. Such justice shall then tax and adjust the amount endorsed upon such precept, and shall adjust and allow the disbursements of

the proceeding, together with the preliminary expenses of searches and surveys thereof, which shall be inserted in the judgment in such action or proceeding, and shall then render judgment for such amount and for the sale of the premises named in such notice, together with all the right, title and interest that the person named in such notice had in the lot, ground or land upon which such structure was placed, at the time of the filing of a notice of lis pendens in such proceedings, or at the time of the entry of judgment therein, to satisfy such judgment. Such sale shall take place in the same manner and with the same effect as sales under judgment in foreclosure of mortgages. The notice of lis pendens provided for in sections 26-235 through 26-247 of article nine of this subchapter shall consist of a copy of the notice of survey, and shall be filed in the office of the clerk of the county where the property affected by such action, suit or proceeding is located.

§[C26-84.0] 26-243 Fallen structures and structures imminently dangerous.

**** a. Recovery of bodies from wrecked structures.**

Where any persons are known or believed to be buried under the ruins of any fallen structure or part thereof in the city, the superintendent shall cause an examination of the premises to be made for the recovery of the bodies of the killed and injured. Whenever, in making such examination, it shall be necessary to remove any debris from the premises, the commissioners of ports and trade, parks, police and sanitation and the commissioner of transportation, respectively, when called upon by the superintendent, shall cooperate with the superintendent in carrying out the purposes of this article, and shall provide suitable and convenient places for the deposit of such debris.

***Local Law 14-1989; Local Law 5-1986, language juxtaposed per Ch. 907-1985.*

***b. Temporary safeguards for dangerous structures.** In case there shall be, in the opinion of the superintendent, actual and immediate danger that any structure or part thereof will fall, so as to endanger life or property, he or she shall request the commissioner of citywide administrative services or the commissioner of housing preservation and development to cause the necessary work to be done to render such structure or part thereof temporarily safe until the proper proceedings provided for unsafe structures by this subchapter are instituted.

**Local Law 59-1996.*

c. Vacating structures; closing streets and sidewalks.

Where, in the opinion of the superintendent, there shall be actual and immediate danger that any structure or part thereof will fall so as to endanger life or property, or where any structure or part thereof has fallen and life is endangered by the occupation thereof, the superintendent is hereby authorized and empowered to order and require the inmates and occupants of such structure or part

thereof to vacate the structure forthwith. The police commissioner shall enforce such orders or requirements when so requested by the superintendent.

d. Labor and materials. For the purposes of this article, the superintendent shall employ such labor and materials as may be necessary to perform such work as expeditiously as possible. The superintendent may make requisition upon the comptroller for such amount of money as shall be necessary to meet the expenses of any direction, determination, requirement or order to perform said work.

ARTICLE 9 VIOLATIONS AND PUNISHMENTS

~~§[C26-84.5] 26-244 Notices of requirements or of violations.~~

a. Issue of notices or orders. All notices of the violation of any of the provisions of this subchapter or chapter one of title twenty-seven of the code, and all notices or orders required or authorized by this subchapter or chapter one of title twenty-seven of the code, directing anything to be done, including notices or orders that any structures, premises, or any part thereof, is deemed to be unsafe or dangerous, shall be issued by the superintendent and shall have his or her name affixed thereto.

b. Contents of notices or orders. Each such notice or order, in addition to the statement of requirements, shall contain a description of the structure, premises or property affected.

c. Service of notices or orders. Notices or orders issued by any court in any proceeding, instituted pursuant to this subchapter or chapter one of title twenty-seven of the code to restrain or remove any violation or to enforce compliance with any provision or requirement of this subchapter or chapter one of title twenty-seven of the code, may be served by delivering to and leaving a copy of the notice or order with any person violating, or who may be liable under any provision of this subchapter or chapter one of title twenty-seven of the code, or who may be designated as provided in subdivision d of section 26-247 of this article. Notices or orders to restrain or remove any violation issued by the superintendent or commissioner pursuant to this subchapter or chapter one of title twenty-seven of the code may be served by regular mail. Such notices may be served by any officer or employee of the department, or by any person authorized by the superintendent.

d. Notice or order by posting. If the person to whom such order or notice is addressed cannot be found within the city after diligent search, such notice or order may be served by posting it in a conspicuous place upon the premises where such violation is alleged to have been placed or to exist, or to which such notice or order may refer, or which may be deemed unsafe or dangerous, and also depositing a copy thereof in a post office in the city

enclosed in a sealed, postpaid wrapper addressed to such person at his or her last known place of residence, which shall be equivalent to a personal service of such notice or order upon all parties for whom such search shall have been made.

~~§[C26-85.0] 26-245 Emergency measures.~~

a. Stopping work and vacating and securing structures. In case, in the opinion of the superintendent, any defective or illegal work in violation of or not in compliance with any of the provisions or requirements of this subchapter or chapter one of title twenty-seven of the code shall endanger life or property, the superintendent, or such person as may be designated by him or her, shall have the right and is hereby authorized and empowered to order all further work to be stopped in and about such structure or premises, and to require all persons in and about such structure or premises forthwith to vacate it, and also to cause such work to be done in and about the structure as in his or her judgment may be necessary to remove any danger therefrom. The reason for such order shall be supplied in writing within one working day after the issuance of the order.

b. Violations of protective measures during construction or demolition. During the construction or demolition of a structure, the superintendent shall notify the owner of the structure affected of any failure to comply with any of the provisions of this subchapter or chapter one of title twenty-seven of the code that concern the protection of the public and workers during construction or demolition. Unless the owner so notified proceeds within twenty-four hours to comply with the orders of the superintendent, the superintendent shall have full power to correct the violation. All expenses incurred therefor shall become a lien on the property which may be enforced as provided in section 26-246 of this article.

c. Closing streets temporarily. The superintendent may, when necessary for the public safety, temporarily close the sidewalks, streets, structures or places adjacent to a structure or part thereof, and the police commissioner, or any of his or her subordinates shall enforce all orders or requirements made under this article, when so requested by the superintendent.

~~§[C26-85.5] 26-246 Judicial remedies.~~

a. Action or proceeding, generally. Whenever the superintendent believes that any structure, or any portion thereof, or any plumbing or other mechanical equipment, the construction, removal or demolition of which is regulated, permitted or forbidden by this subchapter or chapter one of title twenty-seven of the code is being constructed, removed or demolished, or has been constructed, in violation of, or not in compliance with any of the provisions or requirements of this subchapter or

~~chapter one of title twenty-seven of the code, or in violation of any detailed statement of specifications or plans submitted and approved thereunder, or of any certificate or permit issued thereunder; or that any provision or requirement of this subchapter or chapter one of title twenty-seven of the code, or any order or direction made thereunder has not been complied with, or that plans and specifications for plumbing and other mechanical equipment have not been submitted or filed as required by this subchapter or chapter one of title twenty-seven of the code; the superintendent may, in his or her discretion, through the corporation counsel, institute any appropriate action or proceeding at law or in equity to restrain, correct or remove such violation, or the execution of any work thereon, or to restrain or correct the erection or alteration of, or to require the removal of, or to prevent the occupation or use of, such structure. Any person who shall maintain or continue any structure, or any portion thereof, or the occupancy or use thereof, or any plumbing or mechanical equipment in violation of any of the provisions of this subchapter or chapter one of title twenty-seven of the code, after having been duly notified as provided in this subchapter or chapter one of title twenty-seven of the code that such structure, or any portion thereof, or the occupancy or use thereof, or that such plumbing or any mechanical equipment is in violation of any provision of this subchapter or chapter one of title twenty-seven of the code, shall be subject to any action or proceeding and any punishment that is provided in this article for the commission of the violation, except that any person shall be subject to any action or proceeding and any punishment that is provided in this article for the commission of the violation, without prior notification that a violation exists, where 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 unlawful change of exits, or by reason of permitting in a place of assembly more than the approved number of persons.~~
- ~~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 a person licensed or possessed of a certificate of qualification to do such work.~~
- ~~4. A violation that consists of doing work without a permit.~~
- ~~5. A violation for failure to have a required current place of assembly permit or failure to have sprinklers or emergency lighting installed as required by law.~~

b. Corporation counsel to act. ~~The corporation counsel shall institute any and all actions and proceedings, either~~

~~legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this subchapter or chapter one of title twenty-seven of the code.~~

c. Courts having jurisdiction. ~~All courts of civil jurisdiction in the city shall have full legal and equitable jurisdiction over any and all suits and proceedings authorized by this subchapter or chapter one of title twenty-seven of the code to be brought for the recovery of any fine or the enforcement of any provision of this subchapter or chapter one of title twenty-seven of the code, and to make appropriate orders and render judgment therein according to law, so as to give force and effect to the provisions of this subchapter or chapter one of title twenty-seven of the code. Such courts shall give preference to such suits and proceedings over all others. No court shall lose jurisdiction of any action hereunder by reason of a plea that the title to real estate is involved if the object of the action is to recover a fine for the violation of any of the provisions of this subchapter or chapter one of title twenty-seven of the code.~~

d. Restraining order. ~~In any such action or proceeding the city may, in the discretion of the superintendent and on this affidavit setting forth the facts, apply to any court of record in the city or to a judge or justice thereof, for an order enjoining and restraining all persons from occupying or using for any purpose whatever or doing, or causing or permitting to be done, any work in or upon such structure, or in or upon such part thereof as may be designated in such affidavit, until the hearing and determination of such action and the entry of final judgment therein. The court, or judge or justice thereof, to whom such application is made, is hereby authorized forthwith to make any or all of the orders above specified, as may be required in such application, with or without notice, and to make such other or further orders or directions as may be necessary to render the same effectual. No undertaking shall be required as a condition to the granting or issuing of such injunction order, or by reason thereof.~~

e. Judgment. ~~All courts in which any action or proceeding is instituted under this subchapter or chapter one of title twenty-seven of the code shall, upon the rendition of a verdict, report of a referee, or decision of a judge or justice, render judgment in accordance therewith.~~

f. Lien of judgment. ~~Any judgment rendered in an action or proceeding instituted under this subchapter or chapter one of title twenty-seven of the code shall be and become a lien upon the premises named in the complaint in such action, such lien to date from the time of filing a notice of lis pendens in the office of the clerk of the county wherein the property affected by such action, suit or proceeding, is located. Every such lien shall have priority before any mortgage or other lien as may exist prior to such filing except tax and assessment liens.~~

g. Lis pendens. ~~The notice of lis pendens referred to in~~

this article shall consist of a copy of the notice issued by the superintendent, requiring the removal of the violation, and a notice of the suit or proceedings instituted, or to be instituted thereon. Such notice of *lis pendens* may be filed at any time after the service of the notice issued by the superintendent as aforesaid; provided he or she may deem such action to be necessary. Any notice of *lis pendens* filed pursuant to the provisions of this subchapter or chapter one of title twenty-seven of the code may be vacated and cancelled of record upon an order of a justice of the court in which such suit or proceeding was instituted or is pending, or upon the consent in writing of the corporation counsel. The clerk of the county where the notice is filed is hereby directed and required to mark any such notice of *lis pendens*, and any record or docket thereof, as vacated and cancelled of record upon the presentation and filing of a certified copy of such order or consent.

h. Costs. In no case shall a department, or any officer thereof, be liable for costs in any action, suit or proceeding that may have been, or may hereafter be, instituted or commenced in pursuance of this subchapter or chapter one of title twenty-seven of the code.

i. Officers not liable for damages. An officer of a department, acting in good faith and without malice, shall be free from liability for acts done in any action or proceeding instituted under any provision of this subchapter or chapter one of title twenty-seven of the code, or by reason of any act or omission in the performance of his or her official duties.

~~§[C26-86.0] 26-247 Judicial orders.~~

a. Judicial orders to comply with notices or orders. In case any notice or direction authorized to be issued by this subchapter or chapter one of title twenty-seven of the code is not complied with within the time designated therein, the city, by the corporation counsel, may, at the request of the superintendent, apply to the supreme court, at a special term thereof, for an order directing the superintendent to proceed to make the alterations or remove the violation, as may be specified in such notice or direction.

b. Judicial orders to vacate for violations. Whenever any notice or direction so authorized shall have been served as provided in this article, and shall not have been complied with within the time designated therein, the corporation counsel shall, at the request of the superintendent, in addition to, or in lieu of any other remedy provided for by this subchapter or chapter one of title twenty-seven of the code, apply to the supreme court, at a special term thereof, for an order directing the superintendent to vacate such structure or premises, or so much thereof as he or she may deem necessary, and prohibiting the use or occupancy of such structure or premises for any purpose specified in such order until such notice shall have been

complied with.

c. Responsibility of lessees or occupants. In case any of the notices or orders of the court herein mentioned shall be served upon any lessee or party in possession of the structure or premises therein described, it shall be the duty of the person upon whom such service is made, if such person knows [sic] the address of the owner or agent of the structure or premises named in the notice, to give immediate notice to such owner or agent if such owner or agent shall be within the city, and his or her residence be known to such person, and, if such owner or agent shall be outside the city, by depositing such notice in any post office in the city, properly enclosed in a post paid wrapper addressed to such owner or agent at his or her then known place of residence.

d. Designation of agent by an owner of a structure. Any owner of real estate or of a structure thereon may execute and acknowledge a written designation of a resident of the city upon whom may be served any notice of violation, notice to make safe, notice of survey, summons, mandate, or any paper or process, issued under a provision of this subchapter or chapter one of title twenty-seven of the code, and may file such designation, with the written consent of the person so designated, duly acknowledged in the office of the superintendent. Such designation must specify the location of the property with respect to which the designation is made, the residence and place of business of the person making it and of the person designated. Such designation shall remain in force during the period specified therein, if any, or until revoked by the death or legal incompetency of either of the parties, or until the filing of a revocation by either of the parties, duly acknowledged and endorsed, with the consent of the superintendent. The superintendent shall file and index each designation and shall note, upon the original designation and index, the filing of a revocation. While the designation remains in force, as prescribed in this article, a notice of violation, notice to make safe, notice of survey, summons, mandate, or any paper or process under any provision of this subchapter or chapter one of title twenty-seven of the code, shall be served upon the person so designated, in like manner and with like effect, as if it were served personally upon the person making the designation, even if such person be present in the city.

e. Reimbursement of city for expenses. The expenses and disbursements incurred in the carrying out of any order issued as provided in subdivisions a and b of this section shall become a lien upon the structure or premises named in the order, from the time of filing of a copy of the order, with a notice of *lis pendens* as provided in this subchapter or chapter one of title twenty-seven of the code, in the office of the clerk of the county where the property affected by such action, suit or proceeding is located; and the supreme court, to whom application shall be made, is hereby authorized and directed to grant any of

the orders above named, and to take such proceedings as shall be necessary to make them effectual, and any justice to whom application shall be made is hereby authorized and directed to enforce such lien in accordance with the mechanics' lien laws applicable to the city.

~~§[C26-86.5] 26-248 Punishments.~~

a. General punishments. Except as hereinafter provided with respect to the amount of the fine, the owner of any structure, or part thereof, or land, where any violation of this subchapter or chapter one of title twenty seven of the code shall be placed, or shall exist, and any person who may be employed or assist in the commission of any such violation, and any and all persons who shall violate any of the provisions of this subchapter or chapter one of title twenty seven of the code or fail to comply therewith, or any such requirement thereof, or who shall violate or fail to comply with any detailed order or rule made thereunder, or who shall build in violation of any detailed statement of specifications or plans, submitted and approved thereunder, shall severally, for each and every such violation or non compliance, respectively, be punished by a fine of not more than five thousand dollars.

b. Heating plant and fire prevention violations. Any person who shall violate any of the provisions of this subchapter or chapter one of title twenty seven of the code, as to the construction of chimneys, fireplaces, flues, warm air pipes or furnaces, or who shall violate any of the provisions of this subchapter or chapter one of title twenty seven of the code relating to the framing or trimming of timbers, girders, beams, or other woodwork in proximity to chimney flues or fireplaces, shall be punished by a fine of one hundred dollars.

c. Violations of the provisions for the registration of plumbers. Any person, corporation or co-partnership that shall violate any of the provisions of section 26-146 of this chapter, shall be punished by a fine of not more than two hundred fifty dollars or by imprisonment not exceeding three months, or by both, and in addition, shall forfeit any certificate of registration that may be held at the time of such conviction, provided that when such violation is of the provision relating to the posting of a metal plate, no punishment of imprisonment shall be imposed, and the fine shall not be more than fifty dollars for the first offense, but shall be not less than two hundred dollars and not more than five hundred dollars for a subsequent offense.

~~d. Continuing violations after notice.~~

1. Except as otherwise provided in paragraph two of this subdivision, any person who, having been served with a notice as prescribed in this subchapter or chapter one of title twenty seven of the code to remove any violation or comply with any requirement of this subchapter or chapter one of title twenty seven of the code, or with any order or rule made thereunder, shall fail to comply with such notice within ten days after such service or shall continue to violate any requirement of this subchapter or chapter one of title twenty seven of the code in the respect

named in such notice shall be, upon conviction, guilty of an offense punishable by a fine of not less than two hundred fifty dollars nor more than five hundred dollars for the first such violation, not less than five hundred dollars no more than one thousand dollars for the second such violation, not less than one thousand dollars nor more than two thousand dollars for the third such violation, and not less than two thousand dollars nor more than five thousand dollars for the fourth such violation and for every subsequent violation, or, for any such violation, by imprisonment for not more than ninety days, or by both fine and imprisonment.

2. Notwithstanding the provisions of paragraph one of this subdivision, any person who shall convert, or knowingly take part or assist in the conversion of a residence which is legally approved for occupancy as a one family dwelling, to a dwelling for occupancy by two families or which residence is legally approved for occupancy as a two family dwelling, to a dwelling for occupancy by three families, and, having been served with a notice as prescribed in this subchapter or chapter one of title twenty seven of the code to remove such violation, shall fail to comply with such notice within ten days after such service or shall continue to violate the provisions of this paragraph in the respect named in such notice, shall be, upon conviction, guilty of an offense punishable by a fine of not more than five hundred dollars or imprisonment for not more than sixty days or both.

3. Notwithstanding the provisions of paragraphs one and two of this subdivision, the commissioner may determine that the presence of a violation or the failure to comply with any requirement of this subchapter or chapter one of title twenty seven of the code, or any order or rule made thereunder, constitutes a condition dangerous to human life and safety as set forth by the commissioner in the rules and regulations promulgated by the commissioner. In such event, any person who fails to remove such violation or who, fails to comply with any requirements of this subchapter or chapter one of title twenty seven of the code, or any order or rule made thereunder, after having been served with a notice personally or by certified mail indicating that such condition exists and requiring such removal or compliance unless the removal of such condition is prevented by a labor dispute or is the result of vandalism beyond the control of the owner, shall also be liable for a civil penalty of not less than one hundred fifty dollars per day commencing on the date of the service of such notice and terminating on the date that such removal or compliance has been substantially completed. When service of such notice is made by mail to the owner, civil penalties as herein

~~provided shall commence five days from the date of such mailing.~~

e. Jurisdiction of actions to recover fines. For the recovery of any such fine, an action may be brought in the name of the city in the New York city civil court, or other court of record, in the city; and whenever any judgment shall be rendered in such action, it shall be collected and enforced as prescribed and directed by the civil practice law and rules.

f. Discontinuance of action upon removal of violation. If any violation shall be removed or be in process of removal within ten days after the service of a notice as prescribed in this subchapter or chapter one of title twenty-seven of the code, liability shall cease, and the corporation counsel, on request of the commissioner shall discontinue any prosecution or action pending to recover any fine, upon such removal or the completion thereof within a reasonable time. Notwithstanding the foregoing provisions where the commissioner, pursuant to subdivision d of this section, has served a notice requiring removal of a violation or compliance with the requirements of this subchapter or chapter one of title twenty-seven of the code or with any order or rule made thereunder with respect to a condition dangerous to human life and safety, liability shall cease and the corporation counsel on request of the commissioner, shall discontinue such prosecution or action only if the removal or compliance so required has been completed or substantially completed within ten days after the service of such notice. The commissioner shall, upon good cause shown grant additional time for such removal or compliance. In addition, the civil penalties shall be tolled from the date the owner certifies under oath, on a form prescribed by the commissioner, that the removal of the violation has been substantially completed. If subsequent inspection by the commissioner shows a failure to have removed the violation, the civil penalties shall be deemed to have accrued as of the first day notice of violation has been served.

g. [Inconsistent provisions]* Notwithstanding any inconsistent provisions in other subdivisions of this section, any person who is convicted of any of the following violations shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars for the first violation, not less than one thousand dollars nor more than five thousand dollars for the second violation, not less than fifteen hundred dollars nor more than five thousand dollars for the third violation, and not less than two thousand dollars nor more than five thousand dollars for the fourth violation and every subsequent violation, or, for any such violation, by imprisonment for not more than ninety days, or by both fine and imprisonment:

***Copy in brackets not enacted but probably intended.**

1. Failure to possess a required place of assembly permit;
2. Failure to install required sprinklers or emergency lighting;

††3. A violation which produces an imminent hazard to persons or property as a result of (a) a change of occupancy or (b) use without a permit.

††Local Law 87-2005.

4. A violation of the provisions of:

- (a) paragraph six or seven of subdivision (c) of section 27-339 of the code; or
- (b) subdivision (c) of section 27-353 of the code; or
- (c) section 27-353.1 of the code; or
- (d) subdivision (c) of section 27-381 of the code; or
- (e) subdivision (b) of section 27-382 of the code; or
- * (f) subdivision (b) or (c) of section 27-384 of the code; or
- (g) section 27-777.1 of the code; or
- (h) section 27-777.2 of the code; or
- (i) subdivision (b) of section 27-929 of the code; or
- (j) paragraph twelve of subdivision (f) of section 27-972 of the code; or
- (k) paragraph ten of subdivision (g) of section 27-972 of the code; or
- (l) subdivision (c) of section 27-975 of the code; or
- (m) subdivision (c) of section 27-989 of the code; or
- (n) section 27-996.1 of the code; or
- (o) section 27-996.2 of the code; or
- * (p) section 2-4 or 4-3 of reference standard RS 13-1; or
- * (q) subdivision (c) of section 27-383.1 of the code; or
- * (r) subdivision (b) of section 27-383; or
- * (s) section 27-929.1.

5. Working without a permit and refusing to discontinue the work.

†††6. Engaging a person to perform work on or construct a structure where such person has not been issued a license or has not registered and such license or registration is required under any law, rule or regulation enforced by the commissioner.

***** h.** Any permit holder or owner who shall permit any sidewalk shed to remain in place for a period of more than thirty days following the expiration of a sidewalk shed permit shall be subject to the provisions of section 26-126.1 of this code and subject to an additional fine of one hundred dollars per day for each day the shed was in place after the thirtieth day up to a maximum of \$10,000.

†† i. Notwithstanding any other law, rule or regulation, and in addition to any other penalties provided in this code or pursuant to any other law, rule or regulation, any person who is convicted of a violation which produces an imminent hazard to persons or property as a result of any (a) obstruction of an exit or (b) unlawful change of an exit shall be punished by a fine of not less than five thousand dollars for a first violation, not less than five thousand dollars nor more than ten thousand dollars for a second violation, not less than ten thousand dollars nor more than fifteen thousand dollars for a third violation, and not less than fifteen thousand dollars nor more than twenty thousand dollars for a fourth violation and any subsequent violation, or for any such violation by imprisonment for not more than six months, or by both the applicable fine and imprisonment.

~~jjj. In addition to the penalties provided for in this section and in section 26-212.1 of this chapter, any person who is convicted of conducting demolition work without a required permit on a one or two family dwelling shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not less than five thousand dollars nor more than ten thousand dollars or by imprisonment not to exceed six months or both. Such person shall also be subject to a civil penalty of not less than five thousand dollars nor more than ten thousand dollars to be recovered in a proceeding brought in the name of the city in any court of competent jurisdiction or in a proceeding before the environmental control board.~~

~~k. **Violation of stop work order.** Notwithstanding any inconsistent provision in any other subdivision of this section, any person who shall violate any of the provisions of article twenty four of subchapter one of chapter one of title twenty seven shall be punished by a fine of not less than two thousand nor more than fifteen thousand dollars for each such violation or by imprisonment not exceeding six months, or by both.~~

~~*Local Law 48-2006.~~

~~*** Local Law 33-1991.~~

~~*Local Law 26-2004.~~

~~**Local Law 87-2005.~~

~~***Local Law 36-2007.~~

~~***Local Law 47-2006.~~

~~**§[C26-87.0] 26-249 **Violations of peremptory orders.** Any person who shall receive and fail to comply with any written peremptory order of the superintendent or commissioner issued when an immediate compliance with such order is essential to the public peace or safety, within the time specified in such order, in addition to any other punishment prescribed by law shall be punished by a fine of not more than five hundred dollars or by imprisonment not exceeding six months, or by both.~~

~~**Local Law 23-1990.~~

~~§[C26-87.5] 26-250 **Appeal.** An appeal from any decision or interpretation of the superintendent or commissioner may be taken to the board of standards and appeals pursuant to the procedures of the board, except as provided in section 25-204 of the code.~~

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~~§[C26-91.0] 26-251 Illegal practices in the sale or use of lumber for construction purposes prohibited.~~

~~a. Any person, corporation or partnership who, within the city of New York, shall have in his or her possession, or who shall place, use or affix without authorization from the owner thereof a stamp, label, trade mark, grade mark, serial number or other distinguishing mark, which stamp, label, trade mark, grade mark, serial number or mark is the property of an association of lumber manufacturers or lumber grading bureau upon any lumber sold or intended to be sold, or used or intended to be used, for or in the construction, alteration or repair of a building or other structure within the city of New York, or any person, corporation or partnership who shall knowingly sell or possess or offer for sale such lumber so marked, or who shall knowingly possess or use or prepare to use such lumber so marked for or in the construction, alteration or repair of a building or structure within the city of New York, shall be guilty of an offense punishable by a fine of not less than twenty-five dollars nor more than one hundred dollars for the first offense, and by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for not more than six months, or both, for a subsequent offense.~~

~~b. Possession of such lumber so marked, or of a colorable imitation of the principal features of a genuine stamp, label, trade mark, grade mark, serial number or mark as aforesaid, or unauthorized possession of a genuine stamp, label, trade mark, grade mark, serial number or mark, as aforesaid, by any lumber dealer, builder or contractor, or by any employee, partner, or officer thereof, shall be presumptive evidence of a violation of this section.~~

~~* §[C26-92.0] 26-252 (a) Sidewalk sheds, fences, railings, etc.~~

~~a. It shall be unlawful to construct any sidewalk shed, fence, railing, footbridge, catch platform, builder's sidewalk shanty, or an over-the-sidewalk chute, unless and until a special permit ^{**}therefor shall have been issued by the building commissioner. The fees for such permit shall be as provided in section 26-214 of this chapter. Each applicant for a sidewalk shed permit shall state the reason the sidewalk shed is needed. The term of the sidewalk shed permit shall be one year, or the expiration of the contractor's insurance if such time period is less than one year. No renewals of shed permits, except for new buildings under construction, will be given unless an architect or engineer conducts a thorough examination of that part of the premises on which work is being conducted and submits a report acceptable to the commissioner, which clearly documents the condition of the applicable part of the premises and the scope of work that has been performed thereon, and estimates the time needed to complete the work. To renew a shed permit for a new building under construction, each applicant shall file an~~

~~application with the commissioner. All renewal applications shall include the name and address of the owner of the premises.~~

~~^{**}As enacted but "therefore" probably intended.~~

~~b. Following the receipt of a permit to erect a sidewalk shed, the permit holder shall post a sign on the sidewalk shed, which includes the name, address, telephone number, and permit number of the permit holder. The sign shall also include the date that the permit expires. The sign shall measure twenty-five square feet.~~

~~^{*}Local Law 93 1996; Local Law 33 1991; Local Law 45 1969.~~

~~^{††}§26-252.1 Workplace exits.~~

~~(1) Except for the exemptions specified in subdivision j of section 27-371 of title twenty seven of the administrative code of the city of New York, no employer or agent of such employer shall lock the doors of or otherwise prohibit exit from any workplace, when by so doing the health or safety of any employee, independent contractor or other individual working in such workplace may become endangered by fire or other hazardous condition.~~

~~(2) In addition to any other inspection requirements imposed by law, rule or regulation, a minimum of fifty unannounced inspections per year shall be conducted by the fire department to ensure the identification and abatement of any hazardous conditions in violation of this section. Such inspections shall include, but not be limited to, sites where there are known or suspected conditions affecting employee safety and health.~~

~~(3) Any employee who believes that he or she has been the subject of a retaliatory action by his or her employer or the agent of such employer, as defined by section seven hundred forty of the labor law, due to the lawful acts of such employee in furtherance of a civil or criminal enforcement proceeding brought concerning the failure of any employer or the agent of such employer to comply with this section, may bring an action in any court of competent jurisdiction for the relief provided for in this subdivision and shall be entitled to all relief necessary to make such employee whole. Such lawful acts of an employee shall include, but not be limited to, assisting in the investigation and initiation of an enforcement proceeding concerning the non-compliance of this section, providing testimony in any such proceeding or providing other assistance in connection therewith. The relief to which such employee shall be entitled shall include, but not be limited to, (i) an injunction to restrain any adverse or retaliatory action, (ii) reinstatement to the position such officer or employee would have had but for such action, or to an equivalent position, (iii) reinstatement of full benefits and seniority rights including payment of any missed back pay, plus interest and (iv) compensation for any special damages sustained as a result of such action, including litigation costs and reasonable attorneys' fees.~~

~~(4) Notwithstanding the provisions of any other law, rule or regulation, and in addition to any other penalties~~

~~provided in this code or pursuant to any other law, rule or regulation, any person who is convicted of any violation of this section shall be guilty of a misdemeanor and shall be subject to a fine for each employee, independent contractor or other individual working in a workplace at the time such person violated this section, of not less than five thousand dollars for a first violation, not less than five thousand dollars nor more than ten thousand dollars for a second violation, not less than ten thousand dollars nor more than fifteen thousand dollars for a third violation, and not less than fifteen thousand dollars nor more than twenty thousand dollars for a fourth violation and any subsequent violation, or a term of imprisonment not exceeding nine months, or both the applicable fine and imprisonment. The court may impose a separate sentence for each offense, and if imprisonment is imposed, the court may order any of such sentences to be served concurrently or consecutively. Such violator shall also be subject to a civil penalty of not more than five thousand dollars for each employee, independent contractor or~~

~~other individual working in a workplace at the time such person violated this section, to be recovered in a civil action brought in a court of competent jurisdiction or in a proceeding before the environmental control board.~~

~~(5) Any person who is convicted of a violation of this section, or any person directed by rule promulgated by the fire commissioner, shall post a sign in English, Spanish, Korean, Chinese and any other language deemed necessary by the fire commissioner, to be prominently displayed at all workplaces notifying all employees, independent contractors or any other individuals working in such workplace of the prohibitions against locking the doors of or otherwise prohibiting exit from any workplace and employer retaliation established pursuant to this section. Such sign shall be in a form prescribed by the fire commissioner and may contain any other information deemed necessary by the fire commissioner, or as recommended by the police commissioner or the commissioner.~~

~~##Local Law 87-2005.~~

****SUBCHAPTER 4
REGULATION OF OUTDOOR SIGNS
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~~*** Local Law 14-2001.~~

**ARTICLE 1
MAINTENANCE PERMIT FOR OUTDOOR SIGNS**

~~§26-253 Permit required.~~

~~***a. The commissioner may, in his or her discretion, when necessary in the public interest, establish a permit requirement for signs maintained in the areas described in this section in accordance with the provisions of this article and the rules of the department. On and after a date to be provided by the rules establishing such a permit requirement, and subject to the provisions of section 26-258 of this code, it shall be unlawful to place or maintain a sign, as defined in section 12-10 of the zoning resolution on any building or premises unless a permit for the maintenance of such sign has been issued by the department pursuant to this article if such sign is within a distance of nine hundred linear feet from and within view of an arterial highway or within a distance of two hundred linear feet from and within view of a public park with an area of one half acre or more.~~

~~***b. Where a sign maintenance permit has been established by the commissioner pursuant to section 26-253 (a) such permit shall be required for all signs maintained in the areas described in section 26-253 (a), and not otherwise excluded under section 26-258, whether or not a permit is required and/or has been issued for the installation, alteration or erection of such sign pursuant to sections 27-147, 27-148 and article sixteen of sub chapter one of title twenty seven of this code.~~

~~***Local Law 31-2005; Local Law 14-2001.~~

~~e. For the purposes of this section the term arterial highway shall include all highways that are shown on the master plan of arterial highways and major streets as principal routes parkways or toll crossings and that have been designated by the city planning commission as arterial highways to which the provisions of sections 42-55 and 32-66 of the zoning resolution shall apply as shown in appendix C of the zoning resolution.~~

~~***§26-254 Application.~~ Application for a permit or for the renewal of a permit shall be made on forms to be furnished by the department and shall contain such information as the department shall prescribe. Except as otherwise provided in section 26-255, a permit shall remain in effect for a period to be determined by rule and may be renewed. The fee for a permit or for its renewal shall be established by rule. The identification number of the permit shall be displayed on the sign or on the building or premises on which the sign is located or both, in a manner to be provided by rule.

~~***Local Law 31-2005; Local Law 14-2001.~~

~~§26-255 Permit expiration.~~ A permit issued pursuant to section 26-253 of this code shall expire and be of no further force or effect where:

- (i) in the case of a sign which is accessory to a principal use within the meaning of section 12-10 of the zoning resolution, there has been a discontinuance of the operation of the principal use to which such sign is accessory, or in the event the sign is no longer in the same ownership as such principal use or is no longer operated and maintained substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the principal use;
- (ii) in the case of any sign for which a permit has been issued pursuant to section 26-253 of this code, whether or not accessory to a principal use within the meaning of section 12-10 of the zoning resolution, there has been a change in copy which the commissioner has determined renders such sign no longer in compliance with the zoning resolution. The commissioner shall prescribe by rule procedures for the notification to the department concerning changes in copy which have been made on signs for which permits have been issued under section 26-253 of this code. Nothing herein shall be construed as limiting the ability of any person to apply for a new permit pursuant to section 26-254 of this code.

~~§26-256 Civil penalties.~~ a. Any person who places or maintains a sign on a building or premises without an appropriate permit in violation of section 26-253 of this article shall be liable for a civil penalty of, for a first violation, not more than fifteen thousand dollars and, for a second or subsequent violation, not more than twenty five thousand dollars. Each day's continuance shall be a separate and distinct violation. Such civil penalties may be recovered in an action in any court of appropriate jurisdiction or in a proceeding before the environmental control board. Such board shall have the power to impose the civil penalties provided for in this section.

~~Notwithstanding the provisions of section six hundred sixty-six of the charter, a notice of violation issued by the department pursuant to this section shall not be subject to review by the board of standards and appeals.~~

~~**§26-257 Construction.** This article shall not be construed to grant the right to place or maintain a sign on any building or premises where the placement or maintenance of such sign would otherwise be prohibited pursuant to the zoning resolution, the administrative code or any other provision of law. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain a sign which is unlawful pursuant to any other provisions of law nor shall any permit issued hereunder constitute a defense in an action or proceeding with respect to such an unlawful sign.~~

~~**§26-258 Exemption.** The provisions of this article shall not apply to: (i) signs with a surface area of two hundred square feet or less that are located no higher than three feet above the floor of the second story of the building on which the sign is located; and (ii) signs under the control of an outdoor advertising company and included on a certified list of signs, sign structures and sign locations under the control of such company required to be filed with the department pursuant to subdivision a of section 26-261 of the code.~~

~~***Local Law 31 2005; Local Law 14 2001.~~

ARTICLE 2 OUTDOOR ADVERTISING COMPANIES

~~**§26-259 Definitions.** As used in this subchapter, the following terms shall have the following meanings:~~

~~***a. The term "affiliate" means an outdoor advertising company having a controlling interest in another outdoor advertising company or in which such other outdoor advertising company has a controlling interest. In addition, where a person or entity has controlling interests in two or more outdoor advertising companies, such outdoor advertising companies shall be considered affiliates of each other. A "controlling interest" means actual working control, in whatever manner exercised, including without limitation, control through ownership, management, debt instruments or negative control, as the case may be, as defined in rules of the department.~~

~~***b. The term "outdoor advertising company" means a person, corporation, partnership or other business entity that as a part of the regular conduct of its business engages in or, by way of advertising, promotions or other methods, holds itself out as engaging in the outdoor advertising business.~~

~~***c. The term "outdoor advertising business" means the business of selling, leasing, marketing, managing, or otherwise either directly or indirectly making space on signs situated on buildings and premises within the city of New York available to others for advertising purposes,~~

~~whether such advertising directs attention to a business, profession, commodity, service or entertainment conducted, sold, or offered on the same or a different zoning lot and whether such sign is classified as an advertising sign pursuant to section 12-10 of the zoning resolution.~~

~~***d. The term "under the control of an outdoor advertising company" in reference to a sign, sign structure, or sign location means that space on such sign, sign structure, or at such sign location is sold, leased, marketed, managed or otherwise either directly or indirectly made available to others for any purposes by such outdoor advertising company.~~

~~***Local Law 31 2005; Local Law 14 2001.~~

~~e. The term "sign" means a sign as defined in section 12-10 of the zoning resolution except that such term shall not include any sign subject to regulation by the department of transportation.~~

~~f. The term "sign location" means a building or premises on which an outdoor advertising company is entitled to sell, lease, market, manage or otherwise either directly or indirectly make space on signs available to customers, irrespective of whether a sign exists on such building or premises.~~

~~**§26-260 Registration of outdoor advertising companies.**~~

~~a. On and after a date to be provided by rule, it shall be unlawful for an outdoor advertising company to engage in the outdoor advertising business or, by way of advertising, promotions or other methods, hold itself out as engaging in the outdoor advertising business unless such company is registered in accordance with this article and the rules of the department. Such rules shall establish a procedure pursuant to which the department may require the single registration of an outdoor advertising company and its affiliates. An outdoor advertising company and its affiliates made subject to single registration shall be considered a single outdoor advertising company for purposes of this article.~~

~~***b. Application for registration or the renewal of registration shall be made on forms to be furnished by the department, may be made through electronic means, and shall contain such information as the department shall prescribe. Registration shall remain in force for two years and may be renewed. The fee for such registration and for the renewal of such registration shall be established by rule and may be based on the number of signs in the registered inventory.~~

~~***c. Each outdoor advertising company shall post a bond or provide another form of security to the city in an amount to be determined by the department by rule to cover:~~

~~(1) all costs incurred by the city pursuant to section 26-127.3 of this code for painting over, covering, rendering ineffective or for the removal and storage of an illegal sign or sign structure under the control of such outdoor advertising company; and~~

~~(2) all fines or civil penalties imposed against such company pursuant to this article.~~

~~***d. The department may revoke, suspend or refuse to renew the registration of an outdoor advertising company or impose fines or other penalties where it is determined by~~

the commissioner, after notice and the opportunity to be heard, that (i) such company has made statements that it knew or should have known are false in any application or certification filed with the department, (ii) such company has failed to comply with subdivision a of section 26-261 of this code or the rules adopted pursuant to its provisions by failing to file a listing of signs, sign structures and sign locations under its control as specified in such section within the time and in the manner required by department rules or by filing an incomplete listing of signs, sign structures and sign locations under its control as specified in such section, (iii) such company has been found liable for or has admitted to violations of the zoning resolution under section 26-262 of this code committed on three or more occasions within a thirty six month period, where such violations relate to the erection, maintenance, attachment, affixing, painting, or representation in any other manner on a building or premises of advertising signs, as defined in section 12-10 of the zoning resolution, at locations where the display of such advertising signs is not permitted under the zoning resolution, or at locations where the display of such advertising signs violate the size, height, or illumination provisions of the zoning resolution, and such signs are located within a distance of nine hundred linear feet from and within view of an arterial highway or within two hundred linear feet from and within view of a public park with an area of one half acre or more, (iv) such company has failed to pay any civil penalties imposed pursuant to section 26-262 or amounts owed to the city pursuant to section 26-127.3 of this code or, (v) such company has violated the department's rules pertaining to outdoor advertising companies. No application for registration by an outdoor advertising company or any affiliate thereof shall be accepted for filing by the department for a period of five years after revocation of or the refusal to renew the registration of such outdoor advertising company pursuant to this subdivision. The department shall not accept or process any applications for permits to install, erect or alter signs pursuant to section 27-147, 27-148 and article sixteen of sub chapter one of title twenty seven of this code or for the maintenance of signs pursuant to section 26-253 where such applications are filed by or where such signs are under the control of an outdoor advertising company or any affiliate thereof after the registration of such outdoor advertising company has been revoked or not renewed or during the term of any period of suspension of such registration. The commissioner may settle any proceeding in which the revocation, suspension or renewal of an outdoor advertising company's registration is at issue upon such terms and conditions as he or she may deem appropriate including but not limited to the agreement of an outdoor advertising company to remove signs along with supporting sign structures as a condition for the dismissal of such proceeding.

~~***Local Law 31-2005; Local Law 14-2001.~~

~~***§26-261 Display of name and registration number of outdoor advertising company; location of signs.-~~

~~a. An outdoor advertising company shall provide the department with a listing with the location of signs, sign structures and sign locations under the control of such outdoor advertising company in accordance with the following provisions:~~

~~(1) The listing shall include all signs, sign structures and sign locations located (i) within a distance of nine hundred linear feet from and within view of an arterial highway; or (ii) within a distance of two hundred linear feet from and within view of a public park with an area of one half acre or more.~~

~~(2) In addition to the signs, sign structures and sign locations required to be reported pursuant to paragraph one of this subdivision, the commissioner may, by rule, expand the scope of such listing to include the reporting of other signs, sign structures and sign locations, as specified in such rule.~~

~~(3) The listing shall be in such form, containing such information and filed at such periodic intervals or upon such other conditions, as the department shall prescribe by rule.~~

~~(4) Such listing shall also indicate the permit identification numbers for the erection, alteration or installation of such signs pursuant to section 27-147, 27-148 and article sixteen of sub chapter one of title twenty seven of this code and for the maintenance of such signs pursuant to section 26-253, unless a permit is not required pursuant to such provisions, as well as the name and license number of the master or special sign hanger who hung or erected each such sign.~~

~~(5) Such listing shall be accompanied by (a) a certification by an architect or engineer, co signed by a responsible officer of the outdoor advertising company that all signs reported on such listing are in compliance with the zoning resolution (b) copies of proof that the sign complies with the zoning resolution and a certification by the sign's owner that to the best of the certifier's knowledge and belief the information so provided for such sign is accurate, or (c) a written opinion by the Department, stating that the sign to which the opinion refers complies with the zoning resolution. Notwithstanding any inconsistent provision of this article, where, in accordance with the department's rules, the department renders an opinion, determination or decision relating to whether a sign is non-conforming or whether it is located in proximity to an arterial highway as defined by the zoning resolution, such decision, determination or opinion shall be appealable to the board of standards and appeals in accordance with applicable law. If a timely appeal to such board is taken the department shall not issue a notice of violation with respect to such sign pending a determination of such appeal by such board.~~

~~(6) The commissioner shall make all listings filed pursuant to this subdivision accessible to the public.~~

~~***Local Law 31-2005; Local Law 14-2001.~~

~~§26-262 Criminal and civil penalties for violations by outdoor advertising companies; other enforcement.-~~

~~a. (1) Notwithstanding any other provision of law, an outdoor advertising company shall be liable for a civil penalty if a sign under its control has been erected, maintained, attached, affixed, painted on, or in any other manner represented on a building or premises in violation of any provision of the zoning resolution, administrative code or rules adopted pursuant thereto relating to signs.~~

~~(2) It shall be unlawful for an outdoor advertising company to sell, lease, market, manage or otherwise make available to others for advertising purposes space on a sign that has been erected, maintained, attached, affixed, painted on or in any other manner represented on a building or premises in violation of any provision of the zoning resolution, administrative code or rules adopted pursuant thereto or to enter into any agreement for such purpose.~~

~~(3) On and after a date to be provided by rule, it shall be unlawful for an outdoor advertising company to sell or otherwise transfer control of a sign or sign location or of any right of such company to sell, lease, market, manage or otherwise make space on a sign or at a sign location available to others for advertising purposes to an outdoor advertising company that is not registered in accordance with this article and the rules of the department.~~

~~(4) An outdoor advertising company that violates any of the provisions of paragraphs one, two or three of this subdivision shall be subject to a civil penalty of, for a first violation, not more than fifteen thousand dollars and, for a second or subsequent violation, not more than twenty five thousand dollars.~~

~~(5) Notwithstanding any inconsistent provision of law, an outdoor advertising company shall, upon being found guilty, be subject to fines or imprisonment or both pursuant to sections 26-126 or 26-248 of the code if a sign under its control has been erected, maintained, attached, affixed, painted on, or in any other manner represented on a building or premises in violation of any provision of the zoning resolution, administrative code or rules adopted pursuant thereto relating to signs.~~

~~b. On and after a date to be provided by rule, an outdoor advertising company that engages in the outdoor advertising business or, by way of advertisement, promotion or other methods holds itself out as engaging in the outdoor advertising business without registering with the department pursuant to this article, or, after such registration has been revoked or not renewed pursuant to subdivision d of section 26-260 of this code continues to engage in such business beyond a date specified by the commissioner in his or her determination to revoke or not renew, shall be guilty of a misdemeanor subject to a fine not to exceed five thousand dollars or a sentence of imprisonment of not more than one year or both such fine and imprisonment for each offense. In the case of a continuing violation each day's continuance shall be a separate and distinct violation. Such company shall also be liable for a civil penalty of, for a first violation, not more than fifteen thousand dollars and, for a second or subsequent violation, not more than twenty five thousand~~

~~dollars. Each day's continuance shall be a separate and distinct violation.~~

~~c. Civil penalties may be recovered in an action in any court of appropriate jurisdiction or in a proceeding before the environmental control board. Such board shall have the power to impose the civil penalties provided for in this section. Notwithstanding the provisions of section six hundred sixty six of the charter, a notice of violation issued by the department pursuant to this article shall not be subject to review by the board of standards and appeals.~~

~~***d. On and after a date to be provided by rule, it shall be unlawful to erect, maintain, attach, affix, paint on, or in any other manner represent on a building or premises any sign that is under the control of an unregistered outdoor advertising company. In addition to or as an alternative to any other remedies or penalties provided under any other provision of law, the commissioner may commence a proceeding for the removal of such sign or its sign structure or both in accordance with the procedures set forth in section 26-127.3 of this code for the abatement of a nuisance and any such sign and its structure is hereby declared to be a public nuisance pursuant thereto. All of the provisions of section 26-127.3 shall apply to the removal of a sign pursuant to this section except that a sign under the control of an unregistered outdoor advertising company may be removed whether or not it is in compliance with the zoning resolution, the administrative code or rules adopted pursuant thereto, and irrespective of whether it has a surface area greater than two hundred square feet.~~

~~***Local Law 31-2005; Local Law 14-2001.~~

~~e. Notwithstanding any other provision of law to the contrary, an outdoor advertising company, or any affiliate thereof, that has been found guilty of a misdemeanor or liable for a civil penalty pursuant to subdivision b of this section or whose registration has been revoked pursuant to subdivision d of section 26-260 of this code shall be considered ineligible for the award of any city franchise or concession, and shall be prohibited from administering any advertising program on behalf of a city franchisee or concessionaire, for a period of five years following judgment or decision.~~

~~§26-263 Investigations.~~ ~~The department may investigate any matter within the jurisdiction conferred by this article and shall have full power to compel the attendance, examine and take testimony under oath of such persons as it may deem necessary in relation to such investigation, and to require the production of books, accounts, papers and other evidence relevant to such investigation. The department of investigation may, at the request of the commissioner, assist the department in any investigation conducted pursuant to this section.~~

TITLE 27 CONSTRUCTION AND MAINTENANCE

CHAPTER 1 BUILDING CODE

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~~“C26” omitted from section numbers in this column.~~

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ARTICLE 1 GENERAL PROVISIONS

***§[C26-100.1]** 27-101 Title.- This code shall be known and may be cited as the “1968 building code of the city of New York” or the “1968 building code”, and is hereinafter referred to as “this code” or “the code”.

**Local Law 33-2007*

§[C26-100.2] 27-102 Purpose.- The purpose of this code is to provide reasonable minimum requirements and standards, based upon current scientific and engineering knowledge, experience and techniques, and the utilization of modern machinery, equipment, materials, and forms and methods of construction, for the regulation of building construction in the city of New York in the interest of public safety, health and welfare, and with due regard for building construction and maintenance costs.

***§[C26-100.3] 27-103 Scope. -** On and after July 1, 2008 this code shall apply to the minimum requirements and standards for the construction, alteration, repair, occupancy and use of new and existing buildings in the city of New York in accordance with and to the extent provided for by chapter 1 of title 28 of the administrative code and the New York city construction codes. On and after July 1, 2008, administration and enforcement of this code shall be in accordance with title 28 of the administrative code.

**Local Law 33-2007*

§[C26-100.4] 27-104 Interpretation.- This code shall be liberally interpreted to secure the beneficial purposes thereof. Any conflict or inconsistency between the requirements of this code and applicable state and federal laws and regulations shall be resolved in favor of the more restrictive requirement.

§[C26-100.5] 27-105 Effective date.- Any work for which an application for a permit was submitted to the department prior to the effective date of this code, (December sixth nineteen hundred sixty-eight), or for which an application for a permit is submitted to the department within a period of twelve months after such date may, however, at the option of the owner, be performed in its entirety in accordance with the requirements of this code, or in accordance with the requirements of the building laws and regulations previously in force in the city of New York, provided that such work is commenced within twelve months after the date of issuance of a permit therefor and is diligently carried on to completion. This section shall not apply to the requirements of article ten of subchapter nineteen of this chapter which shall become effective on December sixth, nineteen hundred sixty-eight.

~~***§[C26-100.6] 27-106 Enforcement.-** This code shall be enforced by the commissioner of buildings, pursuant to the provisions of section six hundred forty three of the New York city charter, as amended, except that the fire commissioner shall also enforce the provisions of this code relating to the approved number of persons in places of assembly (overcrowding), obstruction of aisles, corridors, and exits, the posting and availability for inspection of equipment use permits, and the availability for inspection of certificates of occupancy or other authorization of lawful occupancy, and to the maintenance of installations involving fire alarm equipment and devices, exit and directional signs, emergency lighting, fire preventative and fire extinguishing equipment and devices, refrigerating systems, and storage tanks and auxiliary storage tanks for oil burning equipment, except that the commissioner of small business services, shall enforce all the provisions of this code with respect to buildings under the jurisdiction of the department of small business services. Where the installation of exit and directional signs, emergency lighting and sprinkler and fire alarm protection is required by the fire prevention code, the fire commissioner shall require such installations to be in accordance with the provisions of this code.~~

~~***Local Law 32-2004.**~~

§[C26-100.7] 27-107 Variations.- The requirements and standards prescribed in this code shall be subject to variation in specific cases by the commissioner, or by the board of standards and appeals, under and pursuant to the provisions of paragraph two of subdivision (b) of section six hundred forty-five and section six hundred sixty-six of the charter, as amended.

§[C26-100.9] 27-108 Application of references.- Unless otherwise specifically provided in this code, all references to articles and section numbers, or to provisions not specifically identified by number, shall be construed to refer to articles, sections, or provisions of this code.

ARTICLE 2 MATTERS COVERED

§[C26-101.1] 27-109 Building matters covered.-

The provisions of this code shall cover all matters affecting or relating to buildings, as set forth in section 27-103 of article one of this subchapter, and shall extend to excavation operations, and to all types of buildings and structures and their appurtenant constructions, including vaults, signs, projections, and accessory additions, together with all surface and sub-surface construction within the curb line, including curb cuts and driveways, the coverings thereof and entrances thereto, and the issuance of permits in reference thereto.

§[C26-101.2] 27-110 Matters not provided for.- Any matter or requirement essential for the fire or structural safety of a new or existing building or essential for the safety or health of the occupants or users thereof or the public, and which is not covered by the provisions of this code or other applicable laws and regulations, shall be subject to determination and requirements by the commissioner in specific cases.

ARTICLE 3 CONTINUATION AND CHANGE IN USE

§[C26-102.1] 27-111 Continuation of lawful existing use.-

The lawful occupancy and use of any building, including the use of any service equipment therein, existing on the effective date of this code or thereafter constructed or installed in accordance with prior code requirements, as provided in section 27-105 of article one of this subchapter, may be continued unless a retroactive change is specifically required by the provisions of this code.

§[C26-102.2] 27-112 Change in occupancy or use.-

Changes in the occupancy or use of any building may be made after the effective date of this code, subject to the provisions of section 27-217 of article twenty-two of this subchapter. After a change in occupancy or use has been made in a building, the re-establishment of a prior occupancy or use that would not be lawful in a new building of the same construction class shall be prohibited unless and until all the applicable provisions of this code and other applicable laws and regulations for such re-established occupancy or use shall have been complied with. A change from a use prohibited by the provisions of this code, but which was permitted prior to the effective date of this code, to another use prohibited by the provisions of this code shall be deemed a violation of this code.

§[C26-102.3] 27-113 Continuation of unlawful existing use.-

The continuation of the unlawful occupancy or use of a building after the effective date of this code, contrary to the provisions of this code, shall be deemed a violation of this code.

ARTICLE 4 ALTERATION OF EXISTING BUILDINGS

§[C26-103.0] 27-114 Alteration of existing buildings.-

Subject to the provisions of section 27-105 of article one of this subchapter, and except as otherwise specifically provided by the provisions of this code, the following provisions shall apply to the alteration of existing buildings, whether made voluntarily or as a result of damage, deterioration or other cause, provided, however, that the following alterations shall conform with the requirements of this code regardless of magnitude or cost:

(a) Alterations or additions to existing standpipes, sprinklers or interior fire alarm and signal systems or a change in use or an enlargement to spaces requiring such protection, as provided in subchapter seventeen of this code.

(b) Alterations, replacements or new installations of equipment for heating or storing water, as provided in reference standard RS-16.

(c) Projections beyond the street line, as provided in subchapter four of this code.

(d) Sprinkler, alarm protection, and emergency lighting requirements for places of assembly, as provided in subchapter eight of this code.

[(e) Plumbing fixtures required to be installed in conjunction with any change of use, enlargement or addition to any space classified in occupancy group F-4, a place of assembly, dormitory, public building, public bath, school or workers temporary facility, as provided in table RS 16-5 of section P104.1 of reference standard RS-16.]*

(e)** Interior finish work, as provided in section 27-348.

(f)*** Finish flooring and floor covering, as provided in section 27-351.

(g)[†]The installation or replacement of elevators, as provided in subchapter eighteen of this code.

(h)^{†††}The installation, alteration or replacement of refrigerating systems as provided in reference standard RS 13-6.

**Copy in brackets not enacted but probably intended.*

*** As enacted but "(f)" probably intended.*

**** As enacted but "(g)" probably intended.*

† As enacted but "(h)" probably intended.

††† Local Law 32-2004.

§[C26-103.1] 27-115 Alterations exceeding sixty percent of building value.-

If the cost of making alterations in any twelve-month period shall exceed sixty percent of the value of the building, the entire building shall be made to comply with the requirements of this code, except as provided in section 27-120 of this article.

§[C26-103.2] 27-116 Alterations between thirty percent and sixty percent of building value.-

If the cost of making alterations in any twelve-month period shall be between thirty percent and sixty percent of the value of the building, only those portions of the building altered shall be made to comply with the requirements of this code, except as provided in sections 27-120 and 27-121 of this article.

§[C26-103.3] 27-117 Alterations under thirty percent of building value.-

Except as otherwise provided for in

sections 27-120 and 27-121 of this article, if the cost of making alterations in any twelve month period shall be under thirty percent of the value of the building, those portions of the building altered may, at the option of the owner, be altered in accordance with the requirements of this code, or altered in compliance with the applicable laws in existence prior to December sixth, nineteen hundred sixty-eight, provided the general safety and public welfare are not thereby endangered.

§[C26-103.4] 27-118 Alterations involving change in occupancy or use.-

(a) Except as otherwise provided for in this section, if the alteration of a building or space therein results in a change in the occupancy group classification of the building under the provisions of subchapter three, then the entire building shall be made to comply with the requirements of this code.

(b) Except as otherwise provided for in this section, if the alteration of a space in a building involves a change in the occupancy or use thereof, the alteration work involved in the change shall, except as provided for in this section, be made to comply with the requirements of this code and the remaining portion of the building shall be altered to such an extent as may be necessary to protect the safety and welfare of the occupants.

(c) When, however, the cost of alterations involved in the change of occupancy of an existing building erected prior to December sixth, nineteen hundred sixty-eight or space therein authorizes the alterations to be made in compliance with the applicable laws in existence on such sixth day of December, nineteen hundred sixty-eight, such change in occupancy may similarly be made in compliance with such prior laws, provided the general safety and public welfare are not thereby endangered, and further provided that the alteration work shall effect compliance with all requirements of this code relating to interior finish work, finish flooring and floor covering, sprinklers, interior fire alarms, fire command and communication systems, elevators, smoke detectors, directional signs, emergency lighting and emergency power.

~~†† 27-118.1 Illegal alterations involving change in occupancy.-~~

~~(a) No person, except in accordance with all requirements of this code, shall convert, knowingly take part or assist in the conversion, or permit the maintenance of the conversion, of a residence which is legally approved for occupancy as a dwelling for one or more families, to a residence for occupancy as a dwelling for more than the legally approved number of families. Any person who shall violate or fail to comply with the provisions of this subdivision shall be liable for a civil penalty which may be recovered in a proceeding before the environmental~~

~~control board pursuant to the provisions of section 26-126.1 of this code. Upon the finding of such violation and the imposition of the civil penalty, the Environmental Control Board shall forward to the Internal Revenue Service, the New York State Department of Taxation and Finance and the New York City Department of Finance the name and address of the respondent, the address of the building or structure with respect to which the violation occurred, and the time period during which the violation was found to have existed.~~

~~(b) Except as otherwise provided by section 42-03 of the zoning resolution and the multiple dwelling law, no person, except in accordance with all requirements of this code, shall convert for residential use or dwelling, knowingly take part or assist in such conversion, or permit the maintenance of such conversion, of any space in a building or other structure part or all of which is legally approved for occupancy for the purpose of industrial or manufacturing use. Any person who shall violate or fail to comply with the provisions of this subdivision shall be liable for a civil penalty which may be recovered in a proceeding before the environmental control board pursuant to the provisions of section 26-126.1 of this code. Upon the finding of such violation and the imposition of the civil penalty, the environmental control board shall forward to the internal revenue service, the New York state department of taxation and finance and the New York city department of finance the name and address of the respondent, the address of the building or structure with respect to which the violation occurred, and the time period during which the violation was found to have existed.~~

~~## Local Law 37-2007; Local Law 65-1997.~~

§[C26-103.5] 27-119 Alteration cost: building value.- For the purpose of applying the foregoing provisions of this article, the cost of making alterations shall be determined by adding the estimated cost of making the proposed alterations computed as of the time of submitting the permit application, to the actual cost of any and all alterations made in the preceding 12-month period; and the value of the building shall be determined at the option of the applicant on the basis of one and one-quarter times the current assessed valuation of the building, as adjusted by the current State equalization rate, or on the basis of the current replacement cost of the building, provided that satisfactory evidence of current replacement cost is submitted to the commissioner.

§[C26-103.6] 27-120 Alterations to multiple dwelling[s]* and conversions to multiple dwellings.- At the option of the owner, regardless of the cost of the alteration or conversion, an alteration may be made to a multiple dwelling or a building may be converted to a multiple dwelling in accordance with all requirements of this code or in accordance with all applicable laws in existence prior to December sixth, nineteen hundred sixty-eight, provided the general safety and public welfare are not thereby endangered.

**Copy in brackets not enacted but probably intended.*

§[C26-103.7] 27-121 Alterations to residence buildings.- Alterations to one- or two-family residence buildings erected under the provisions of the building code in effect prior to December sixth, nineteen hundred sixty-eight, and damaged by fire or other catastrophe to the extent of less than fifty percent of the value of the building (except as otherwise provided in section 27-297 of article four of subchapter four of this chapter) may be reconstructed in accordance with the provisions of the building code in effect prior to December sixth, nineteen hundred sixty-eight.

§[C26-103.8] 27-122 Alterations involving conversions from seasonal to year round use.-

(a) Buildings converted from seasonal use to year round use shall comply with the minimum building insulation standards as provided in reference standard RS 12-10, energy conservation in new building design, with the exception that the provisions as set forth in opinion 76-16, state of New York, public service commission, dated August thirteenth, nineteen hundred seventy-six, relating to noise control and fire rating shall not apply. The standards set forth in this code relating to noise control and fire rating and other applicable standards shall apply.

(b) All alterations performed in accordance with the requirements of this section shall also be in full compliance with the provisions of subchapter fourteen (inspections) of chapter one of title twenty-six of the administrative code to insure a method of controlled inspection of all converted buildings.

§[C26-103.9] 27-123 Alterations involving high hazard occupancies.- Any building erected prior to the effective date of this code (December sixth, nineteen hundred sixty-eight) and complying with section 27-117 of this article may be utilized for new high hazard occupancies without compliance with article two of subchapter six of this chapter on condition that the building or building section for such high hazard occupancy be provided with an approved one source automatic sprinkler system complying with the provisions of subchapter seventeen for B-1 occupancies regardless of the area thereof. Existing high hazard occupancies in structures erected prior to the effective date of this code and complying with section 27-117 of this article may continue to operate, subject to such fire protection requirements as the fire commissioner shall direct.

****27-123.1 Alterations, additions, repairs and changes in occupancy or use requiring facilities for people having physical disabilities.-** The provisions of subarticle two of article two of subchapter four of

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chapter one of title twenty-seven of this code shall apply to alterations, additions and repairs made to buildings, as well as to changes in occupancy or use, as set forth below. The provisions of sections 27-115, 27-116, 27-117, 27-118 and 27-120 of this code shall not govern the application of the provisions of such subarticle.

(a) The provisions of subarticle two of article two of subchapter four of chapter one of title twenty-seven of this code shall apply to an entire existing building, as if hereafter erected, when the costs of any alterations, additions or repairs, other than ordinary repairs, made within any twelve-month period immediately following the filing of the application exceed fifty percent of the cost of replacement of the building with one of similar floor space, as estimated by the department at the beginning of that twelve-month period. When such estimated costs of alterations, additions or repairs, other than ordinary repairs, do not exceed fifty percent of such replacement cost, then the provisions of subarticle two of article two of subchapter four of chapter one of title twenty-seven shall apply to such alterations, additions or repairs, although nothing herein is meant to discourage compliance with the standards set forth in subarticle two of article two of subchapter four of chapter one of title twenty-seven in other portions of buildings described in this sentence.

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(b) The provisions of subarticle two of article two of subchapter four of chapter one of title twenty-seven of this code shall apply to an entire existing building, as if hereafter erected, when there is a change in occupancy classification of the building. The provisions of subarticle two of article two of subchapter four of chapter one of title twenty-seven of this code shall apply to a space in a building when there is a change in the occupancy type thereof or in how such space is used.

(a) When any work not otherwise required to comply with the provisions of subarticle two of article two of subchapter four of chapter one of title twenty-seven is done on an interior accessible route in existing residential buildings, other than in occupancy group J-3, which work involves plumbing fixtures, that work shall be required to comply with section 27-292.8 of this code for the extent of the work being performed, provided such work will not require any structural changes or additional partitions; ordinary repairs and replacement of existing piping shall be exempt from the provisions of this sentence.

(b) Where additions or alterations subject parts of existing systems to loads exceeding those permitted herein, such parts shall be made to comply with this code.

(c) The provisions of subarticle two of article two of suchapter four of chapter one of title twenty-seven of this code and of subdivisions b and c of this section shall not apply to the alteration of existing residential buildings, other than adult residential care facilities, which are classified in occupancy group J-2 and contain no more than three dwelling units or which are classified in occupancy group J-3 and are being altered to contain three dwelling units, and which satisfy the requirements of subdivision (d) of section 27-357 of this code, when the cost of any alterations, additions or repairs, other than ordinary repairs, made within any twelve-month period immediately following the filing of the application do not exceed fifty percent of the cost of replacement of the building with one of similar floor space, as estimated by the department at the beginning of that twelve-month period.

****Local Law 58-1987.**

*** § 27-123.2 Provision of sprinklers in existing buildings.-**

Notwithstanding any provision of law to the contrary, the provisions of section 27-954 of this code shall apply to alterations made to buildings, as well as to changes in occupancy or use, as set forth below:

(a) The provisions of section 27-954 of this code shall apply to an entire existing building that is being altered, when such building is classified in occupancy group J-2 and will have four or more dwelling units upon the completion of the alterations, or is classified in occupancy group J-1, and when the costs of making any alterations to any such J-1 or J-2 building within any twelve-month period exceeds fifty percent of the building value.

(b) The provisions of section 27-954 of this code shall apply to an entire existing building when the occupancy

classification of the building will change to a residential occupancy group other than occupancy group J-2 with not more than three dwelling units or occupancy group J-3.

(c) The provisions of section 27-954 of this code shall apply to any space:

(1) when alterations thereto involve a change in the occupancy or use thereof to a residential occupancy group other than occupancy group J-2 with not more than three dwelling units or occupancy group J-3, or

(2) when the costs of making alterations thereto within any twelve-month period exceeds fifty percent of the value of the space.

(d) For the purposes of this section, the cost of making alterations and the value of any such building or space shall be determined as set forth in section 27-119 of this chapter; provided, however, that for purposes of this section:

(1) the cost of making alterations to a residential building shall be determined based on the aggregate cost of alterations to the residential Portions of such building, and the value of such a building shall be determined based on the aggregate value of the residential portions of the building, exclusive of the value of any non-residential portions of the building; and

(2) the cost of making alterations to residential spaces in a non-residential building shall be determined based on the collective cost of alterations to such spaces, and the value of such residential spaces shall be determined based on the aggregate value of all such spaces in the building, exclusive of the value of any non-residential portions of the building.

(e) When a system of automatic sprinklers is installed in any existing building or space pursuant to this section, such system shall comply with the requirements of this code and any other laws and rules applicable to the occupancy group in which such building or space is classified or in which such building or space would be classified if such building or space were classified under this chapter.

***Local Law 10-1999.**

***§27-123.3 Definition.** For the purposes of this article, the term “existing building” means a building in existence prior to December 6th, 1968 or a building constructed in accordance with the building laws and regulations in force prior to such date in accordance with section 27-105 of this code.

***Local Law33-2007.**

ARTICLE 5 MINOR ALTERATIONS: ORDINARY REPAIRS

~~§[C26 104.1] 27-124 Minor alterations. For the purposes of this code, the term "minor alterations" shall mean minor changes or modifications in a building or any part thereof, excluding additions thereto, that do not~~

in any way affect health or the fire or structural safety of the building. Minor alterations shall not include any of the work described or referred to in section 27-126 of this article, or any other work for which a permit is required under the provisions of articles ten through seventeen of this subchapter.

~~§[C26-104.2] 27-125 Ordinary repairs.~~

For the purposes of this code, the term "ordinary repairs" shall mean replacements or renewals of existing work in a building, or of parts of the service equipment therein, with the same or equivalent materials or equipment parts, that are made in the ordinary course of maintenance and that do not in any way affect health or the fire or structural safety of the building or the safe use and operation of the service equipment therein. Ordinary repairs shall not include any of the work described or referred to in section 27-126 of this article or any other work for which a permit is required under the provisions of articles ten through seventeen of this subchapter.

~~§[C26-104.3] 27-126 Work not constituting minor alterations or ordinary repairs.~~

(a) For the purposes of this code, minor alterations or ordinary repairs shall not include the cutting away of any wall, floor, or roof construction, or any portion thereof; or the removal, cutting, or modification of any beams or structural supports; or the removal, change, or closing of any required means of egress; or the rearrangement or relocation of any parts of the building affecting loading or exit requirements, or light, heat, ventilation, or elevator requirements; nor shall minor alterations or ordinary repairs include additions to, alterations of, or rearrangement, relocation, replacement, repair or removal of any portion of a standpipe or sprinkler system, water distribution system, house sewer, private sewer, or drainage system, including leaders, or any soil, waste or vent pipe, or any gas distribution system, or any other work affecting health or the fire or structural safety of the building.

(b) Minor alterations or ordinary repairs shall include the repair or replacement of any fixture, piping or faucets from the inlet side of a trap to any exposed stop valve.

~~§[C26-105.1] 27-127 Maintenance requirements.~~

All buildings and all parts thereof shall be maintained in a safe condition. All service equipment, means of egress, devices, and safeguards that are required in a building by the provisions of this code or other applicable laws or regulations, or that were required by law when the building was erected, altered, or repaired, shall be maintained in good working order.

~~§[C26-105.2] 27-128 Owner responsibility.~~ The owner shall be responsible at all times for the safe maintenance of the building and its facilities.

~~§[C26-105.3] 27-129 Exterior walls and appurtenances thereof.~~

In order to maintain a building's exterior walls and appurtenances thereof in a safe condition, the following additional requirements shall apply to all existing buildings or buildings hereafter erected which are greater than six stories in height:

~~*[a] Inspection requirements.~~** A critical examination of an applicable building's exterior walls and appurtenances thereof shall be conducted at periodic intervals as set forth by rule of the commissioner, but such examination shall be conducted at least once every five years. No later than January 1, 2009 the commissioner shall by rule establish staggered inspection cycles for buildings required to comply with this section.

~~§[C26-105.4] 27-130 Local Law 38-2007.~~

(1) The initial examination for any building in existence on February twenty-first, nineteen hundred eighty shall be conducted prior to February twenty-first, nineteen hundred eighty-two and the initial examination for any building thereafter constructed shall be conducted in the fifth year following the erection or installation of any exterior wall and/or enclosures.

(2) Such examination shall be conducted and witnessed by or under the direct supervision of a licensed architect or licensed professional engineer by or on behalf of the owner of the building.

(3) Such examination shall include, in addition to an inspection, a complete review of the most recently prepared report.

(4) Such examination shall also be conducted in accordance with applicable rules promulgated by the commissioner.

~~(b) Notification requirements.~~ Whenever an architect or engineer learns through a critical examination of a building's exterior walls and appurtenances thereof of an unsafe condition prior to the filing of a report with the department of buildings pursuant to subdivision (c) of this section, he or she shall notify the owner and the department of buildings immediately in writing of such condition.

~~(c) Report of examination.~~ Such architect or engineer shall submit a written report certifying the results of such examination to the commissioner, clearly documenting the condition of the exterior walls and appurtenances thereof, as either safe, unsafe or safe with a repair and maintenance program. The report shall include a record of all significant deterioration, unsafe conditions and movement observed as well as a statement concerning the watertightness of the exterior surfaces. Such report must be signed by and bear the professional seal of such architect or engineer.

~~(d) Necessary repairs.~~

(1) Unsafe condition.

a. Upon the filing of the architect's or engineer's report of an unsafe condition with the commissioner, the owner, his or her agent or the person in charge shall immediately commence such repairs or

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~~reinforcements and shall undertake such measures as may be required to secure public safety and to make the building's exterior walls or appurtenances thereof conform to the provisions of this code.~~

~~b. All unsafe conditions shall be corrected within thirty days of the filing of the critical examination report.~~

~~c. The architect or engineer shall inspect the premises and file an amended report setting forth the condition of the building within two weeks after~~

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repairs to correct the unsafe condition have been completed.

d. The commissioner may grant an extension of time of up to ninety days to complete the repairs required to correct an unsafe condition upon receipt and review of an initial extension application submitted by the architect or engineer together with such additional documentation as may be prescribed by rule.

e. The commissioner may grant a further extension of time to complete the repairs required to remove an unsafe condition upon receipt and review of an application for a further extension submitted by the architect or engineer together with such further documentation as may be prescribed by rule.

(2) Safe condition with a repair and maintenance program. An architect or engineer shall not file a report of a safe condition with a repair and maintenance program for the same building for two consecutive filing periods unless the second such report is accompanied by his or her certification attesting to the correction of all conditions identified in the earlier report as requiring repair.

(e) **Exceptions.** The additional requirements imposed by this section shall not be applied to any part of an exterior wall which is less than twelve inches from the exterior wall of an adjacent building.

(f) **Violations.** Any person who shall violate, or refuse, or neglect to comply with any provisions of this section shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars, or by imprisonment not exceeding six months, or both; and any such person shall, also, for each offense, be subject to the payment of a penalty in the sum of two hundred fifty dollars for each month there is non compliance, to be recovered in a civil action brought in the name of the commissioner.

(g) With respect to buildings in existence on March first, nineteen hundred ninety eight, the initial critical examination of an exterior wall which was not subject to such examination under the provisions of paragraph one of subdivision d of this section in effect prior to the effective date of this local law shall be conducted prior to March first, two thousand.

**Local Law 11-1998.*

ARTICLE 7 MATERIALS, ASSEMBLIES, FORMS AND METHODS OF CONSTRUCTION

~~§[C26-106.1] 27-130 General requirements.~~ All materials, assemblies, forms, and methods of construction (hereinafter collectively referred to as "material" or "materials") which, in their use, are regulated by the provisions of this code, shall be subject to the requirements for acceptance, as provided in section 27-131 of this article and to the requirements for inspection, as provided in section 27-132 of this article, except as otherwise specifically provided by the provisions of this code. Materials which in their use do not require regulation and control in the interests of public safety, health, and welfare, are not subject to any requirement of

acceptance, inspection, test, or approval under the provisions of this code.

~~*§[C26-106.2] 27-131 Acceptance requirements.~~ The following requirements shall apply to the initial acceptance of all materials which, in their use, are regulated by the provisions of this code:

(a) **Methods of acceptance.** No material of any manufacturer or producer shall be acceptable for the use intended unless and until the material shall have been tested for compliance with code requirements under a test method prescribed by the code, or shall have been tested and approved by the commissioner or shall have been previously approved by the board of standards and appeals, unless such approval is amended or repealed by the commissioner.

(1) Code test method. Whenever the code prescribes a method for testing any material, the material shall be tested in accordance with such test method (a) under the direction of an architect or engineer, or (b) by a testing service or laboratory acceptable to the commissioner. The commissioner may require the witnessing of tests by his or her representative. The test report showing compliance with code requirements and bearing the signature of the architect or engineer, or the signature of an officer of the testing service or laboratory, as the case may be, shall be filed with the department. The commissioner may require a certificate of the manufacturer or producer, certifying that the material tested was and is equivalent to material of the same kind and quality regularly being manufactured by such manufacturer or producer. Upon the filing of the test report, as provided above, the material shall be acceptable for the use intended, subject to the provisions of subdivisions (d) and (e) of this section.

(2) Commissioner approval. Materials which in their use are regulated by the provisions of this code but cannot satisfy the requirements of paragraph one of this subdivision shall not be acceptable for the use intended unless and until the material shall have been tested and approved for such use by the commissioner. For the purposes of this requirement, all materials legally acceptable prior to July 1, 1991 shall be permitted subject to the provisions of subdivision d of this section.

(b) ~~List of acceptable laboratories and materials.~~ A current list of all testing services and laboratories acceptable to the commissioner for the purpose of testing materials, as provided in subparagraph (b) of paragraph one of subdivision (a) of this section and a current list of all acceptable materials, shall be maintained by the department and made available for public inspection.

(c) **Certification of accepted materials.** All shipments and deliveries of such materials shall be accompanied by a certificate or label certifying that the

material shipped or delivered is equivalent to the materials tested and acceptable for use, as provided in this section. Such certificate or label is to be provided (1) by the manufacturer or producer of the material, or (2) by a testing service or laboratory acceptable to the commissioner and regularly engaged by the manufacturer or producer to make periodic inspections and/or tests of the material in the course of manufacture or production. In the case of materials previously approved by the board of standards and appeals, the shipment or delivery of the material shall also be accompanied by a tag or label stating that the material has been approved for use by the board, and containing the calendar number under which the material received board approval.

(d) Retesting of materials. All materials tested and acceptable for use, shall be subject to periodic retesting as determined by the commissioner; and any material which, upon retesting is found not to comply with code requirements or the requirements set forth in the approval of the commissioner shall cease to be acceptable for the use intended. During the period for such retesting, the commissioner may require the use of such material to be restricted or discontinued if necessary to secure safety.

(e) Conflicting test results. Whenever there is evidence of conflicting results in the test of any material, the commissioner shall determine the acceptability of the material and/or the acceptable rating for such material.

**Local Law 49-1991.*

***§27-131.1 Reference Standards.-** The appendix to this chapter of the administrative code, known as the "building code reference standard", is adopted and promulgated and shall be known as the "building code rules" of said chapter; except for reference standards RS4-3, RS7-2, and such portions of RS16 not included in the "List of Referenced National Standards". The commissioner shall be empowered to issue or amend the building code reference standards acting in consultation with the fire commissioner on all issues relating to fire safety.

**Local Law 49-1991.*

~~§[C26-106.3] 27-132 Inspection requirements.~~ The following requirements shall apply to the inspection of all materials which, in their use, are regulated by the provisions of this code:

(a) Controlled inspection. All such materials which are designated for "controlled inspection" under the provisions of this code shall be inspected and/or tested to verify compliance with code requirements. Unless otherwise specifically provided by code provisions, all required inspections and tests of materials designated for "controlled inspection" shall be made and witnessed by or under the direct supervision of an architect or engineer retained by or on behalf of the owner or lessee, who shall be, or shall be acceptable to, the architect or engineer who prepared or supervised the preparation of the plans; and the architect or engineer by whom, or under whose direct supervision, the required inspections and tests are made

and witnessed shall file with the department signed copies of all required inspection and test reports, together with his or her signed statement that the material and its use or incorporation into the work comply with code requirements, unless the filing of such reports and statements is specifically waived by code provisions. The provisions of section 27-195 of article nineteen of this subchapter relating to notice of commencement of work shall be complied with prior to the commencement of any work requiring controlled inspection.

(b) Semicontrolled inspection. All such materials that are not designated for controlled inspection under the provisions of this code shall be subject to semicontrolled inspection and, as such, shall be inspected and/or tested to verify compliance with code requirements by the person superintending the use of the material or its incorporation into the work, except that all required inspections and tests may, at the option of the owner or lessee, be made and witnessed by or under the direct supervision of an architect or engineer retained by or on behalf of the owner or lessee, who shall be, or shall be acceptable to, the architect or engineer who prepared or supervised the preparation of the plans. The person superintending the use of the material or its incorporation into the work, or the architect or engineer by or under whose direct supervision the required inspections and tests are made and witnessed, as the case may be, shall file with the department signed copies of all required inspection and test reports, together with his or her signed statement that the material and its use or incorporation into the work comply with code requirements, unless the filing of such reports and statement is specifically waived by code provisions.

(c) Off-site inspection. In all cases where code provisions require that the inspection and/or test of materials be made off-site, or prior to actual use or incorporation into the work, the inspector shall mark or cause to be marked for identification all units (or packages of units) of the material inspected; and the reported results of such inspection shall state that the material was so marked for identification.

~~§[C26-106.4] 27-133 Alternate or equivalent materials.~~ Whenever the code prescribes the use of a particular material, the commissioner may permit the use of any material shown to be equivalent for the use intended, in terms of health, fire, and/or structural safety. Nothing contained in this code shall be construed to require the use of any particular material for the purpose of meeting performance requirements of this code.

ARTICLE 8 SERVICE EQUIPMENT

~~§[C26-107.1] 27-134 General requirements.~~ All service equipment and machinery and devices used in connection therewith (hereinafter collectively referred to as "equipment") which, in their use, are regulated by the provisions of this code, shall be subject to the requirements for acceptance, as provided in section 27-135, and to the requirements for inspection, as provided in section 27-136 of this article, except as otherwise specifically provided by the provisions of this code. Equipment which in its use does not require regulation and control in the interests of public safety, health, and welfare, is not subject to any requirement of acceptance, inspection, test, or approval under the provisions of this code. Elements or appurtenances of equipment or machinery which are in conformity with specifications relating thereto in this code, or which may be designed in their entirety in accordance with accepted engineering design principles based on provisions of this code are not subject to the requirements for acceptance.

~~§[C26-107.2] 27-135 Acceptance requirements.~~ The requirements for acceptance of materials, as provided in section 27-131 of article seven of this subchapter, shall apply to the initial acceptance of all equipment which, in its use, is regulated by the provisions of this code; and for this purpose, the word "equipment" shall be substituted for the words "or materials" wherever those words occur in section 27-131 of article seven of this subchapter.

~~§[C26-107.3] 27-136 Inspection requirements.~~ The requirements for inspection of materials, as provided in section 27-132 of article seven of this subchapter, shall apply to the inspection of all equipment which, in its use, is regulated by the provisions of this code; and for this purpose, the word "equipment" shall be substituted for the words "material" and "materials" wherever those words occur in section 27-132 of article seven of this subchapter.

~~§[C26-107.4] 27-137 Alternate or equivalent equipment.~~ Whenever the code prescribes the use of particular equipment, the commissioner may permit the use of any equipment shown to be equivalent for the use intended, in terms of health, fire and/or structural safety. Nothing contained in this code shall be construed to require the use of any particular equipment for the purpose of meeting performance requirements of this code.

ARTICLE 9 [REPEALED] APPROVAL OF PLANS

~~§[C26-108.1] 27-138 Separate approval of plans required.~~ Whenever plans are required to be submitted in connection with applications for work permits, as provided in articles ten through seventeen of this subchapter, separate application shall be made for the approval of the plans

therefor. The application may be made at or prior to the time of submitting the work permit application.

~~§[C26-108.2] 27-139 Application for approval of plans.~~ Applications for approval of plans shall be made on forms furnished by the department, and shall be accompanied by the required fee. The application shall contain a general description of the proposed work, its location, and such other pertinent information as the commissioner may require. All applications for approval of plans for any new construction, in which plumbing fixtures are to be installed, shall be accompanied by the following:

1. Information as to the availability of a public sewer system;

*2. In the event that a private sewage treatment plant is proposed, evidence of submission of plans for approval of such plant to the department of environmental protection and the department of health as required by law.

(a) the lot diagram showing compliance with the zoning resolution, as provided in paragraph one of subdivision (a) of section 27-157 of article eleven of this subchapter;

(b) the foundation plans, as provided in paragraphs one and seven of subdivision (b) of section 27-157 of article eleven of this subchapter;

(c) the floor and roof plans showing compliance with exit requirements, as provided in paragraph three of subdivision (a) of section 27-157 of article eleven of this subchapter;

(d) the detailed architectural, structural and mechanical drawings, as provided in subdivisions (a) through (c) of section 27-157 of article eleven of this subchapter.

~~*Local Law 65-1996.~~

~~§[C26-108.3] 27-140 Applicant.~~ Applications for approval of plans shall be made in behalf of the owner or lessee or condominium unit owner or cooperative shareholder by the person who prepared or supervised the preparation of the plans, and shall be accompanied by a signed statement of the owner, condominium board of managers or cooperative board of directors stating that the applicant is authorized to make the application. In the case of applications for approval of plans for the construction or alteration of buildings, for the installation or alteration of plumbing or plumbing systems, or for the installation or alteration of service equipment which involves changes in the structure of the building or requirements for fire protection, light, heat, ventilation, or means of egress, the application shall be made by protection, light, heat, ventilation, or means of egress, the application shall be made by an architect or engineer. The full names and addresses of the owner,

including the condominium unit owner or cooperative shareholder, lessee, and applicant, and of the principal officers thereof, if a corporation, shall be set forth in the application.

~~**Local Law 72 1991.~~

~~*** §27-140.1 Registration requirements.~~

~~(a) No person, other than those described in subdivision (c) of this section, may present, submit, furnish or seek approval of applications for approval of plans or remove any documents from the possession of the department, without first having registered with the department his or her name, address and company affiliation on a form to be furnished by the department. Consistent with article twenty three A of the correction law, registration may be denied to any person who has been convicted of a criminal offense relating to bribing or receipt of a bribe, giving or receiving unlawful gratuities, official misconduct, or other corruption-related acts. The commissioner, after due notice and a hearing before the office of administrative trials and hearings, pursuant to section one thousand forty-eight of the charter and rules established thereunder, shall have the power to revoke, suspend or limit the registration of any person upon a finding that such person has willfully or negligently violated the rules of the department or has engaged in any misconduct arising out of his or her business dealings with the department. Misconduct shall be defined by the rules of the commissioner promulgated pursuant to subdivision (d) of this section.~~

~~(b) No person shall use the term "registered with the department of buildings", "registered" or any similar representation in such a manner as to convey the impression that such person is registered with the department of buildings unless such person is registered in accordance with the provisions of this section.~~

~~(c) The following persons are exempt from the provisions of this section:~~

~~(i) the owners of the premises for which the building applications are filed including, in the case of partnerships or corporations, the general partners or the principal officers of the corporation. Principal officers of a corporation shall include the president, vice presidents, secretary and treasurer;~~

~~(ii) the lessees of such premises authorized by the owner to file building applications;~~

~~(iii) condominium unit owners authorized by the condominium board of managers to file building applications;~~

~~(iv) cooperative shareholders authorized by the cooperative board of directors to file building applications;~~

~~(v) registered architects licensed by the New York state department of education;~~

~~(vi) professional engineers licensed by the New York state department of education;~~

~~(vii) attorneys admitted to practice in New York state;~~

~~(viii) master plumbers licensed pursuant to article two of subchapter two of chapter one of title twenty six of this code;~~

~~(ix) master fire suppression piping contractors licensed pursuant to article two of subchapter two of chapter one of title twenty six of this code; and~~

~~(x) master electricians licensed pursuant to subchapter one of chapter three of title twenty seven of this code.~~

~~*(d) The department shall not accept plans or other documents submitted in connection with applications for work permits under articles ten through seventeen of this subchapter by any person representing that he or she is an architect or professional engineer without verifying, by means of lists compiled and made available by the New York state department of education pursuant to paragraph e 1 of subdivision four of section sixty five hundred seven of the education law, that such person meets the qualifications established by law to practice as an architect or professional engineer in New York state.~~

~~*(e) the commissioner shall promulgate rules for the proper and efficient administration and enforcement of this section.~~

~~*Chapter 542 of Laws of 2007.~~

~~***Local Law 72 1991.~~

~~§[C26-108.4] 27-141 Plans.~~ With each application for approval of plans, there shall be submitted such number of copies of the plans as the commissioner may require. All plans shall comply in form and content with requirements of this code and other applicable laws and regulations.

~~§[C26-108.5] 27-142 Applicant's statement.~~

~~(a) A signed statement of the applicant shall also be submitted with the application, stating that he or she is authorized by the owner to make the application and that, to the best of his or her knowledge and belief, the plans and the work shown thereon comply with the provisions of this code and other applicable laws and regulations. If there are practical difficulties in the way of carrying out the strict letter of the law, the applicant shall set forth the nature of such difficulties in such signed statement.~~

~~(b) In addition to all other requirements of this article, an application for approval of plans for the alteration of an existing building or the construction of a new building shall be accompanied by a signed statement of the applicant certifying either (1) that the building to be altered, or the site of the new building, as the case may be, contains no occupied housing accommodations subject to control under chapter three of title twenty six of the administrative code, or (2) that the owner has notified the city rent agency of his or her intention to file such plans and has complied~~

~~with all requirements imposed by the regulations of such agency as preconditions for such filing.~~

~~§[C26-108.6] 27-143 Examination of application and plans.~~ All applications for approval of plans and all plans submitted in connection therewith, and any amendments thereto, shall be numbered, docketed and examined promptly after their submission. The examination shall be made under the direction of the commissioner for compliance with the provisions of this code and other applicable laws and regulations. The commissioner may at his or her discretion, when the application is submitted by an architect or an engineer,

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designate portions of the examination for limited supervisory check. The personnel employed for examination of plans shall be qualified engineers or architects experienced in building construction and design.

~~***§27-143.1 Examination of application and plans submitted by certain professionals on probation by state board of regents.~~ The department shall examine all portions of any application for approval of plans and all plans submitted in connection therewith, and any amendments thereto when such application, plan or amendment thereto was submitted by any professional engineer or registered architect that was subject to sanction by the board of regents pursuant to section 6511 of the education law that resulted in such professional engineer's or registered architect's placement on probation for the duration of time that such licensee is subject to such probation.

~~***Local Law 3-2007,~~

~~†§27-143.2 Professional certification of application and plans.~~

a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

i. "Professional certification" or "professionally certify" means the submission to the department of a signed, personal verification made by a professional engineer or registered architect that accompanies an application and/or plans filed with the department for less than full review that attests that such application or plans do not contain any false information and that such application or plans are in compliance with all applicable provisions of law.

ii. "Probation" means a six month period that begins after professional certification privileges that have been suspended or revoked are restored by the commissioner.

b. The commissioner shall suspend, revoke or otherwise condition the professional certification privileges of each professional engineer or registered architect who has been found, after a hearing at the office of administrative trials and hearings pursuant to the department's rules, to have 1) knowingly or negligently professionally certified an application and/or plans that contained false information or were not in compliance with all applicable provisions of law or 2) submitted two professionally certified applications within any twelve month period that either led to revocation of a permit or otherwise demonstrated incompetence or a lack of knowledge of applicable laws. The term "otherwise condition" shall include, but not be limited to, limitations on the permission to professionally certify certain applications, such as, but not limited to, an application for what the department deems to be a type one alteration permit, and additional audits and monitoring of such professional's work.

c. A professional engineer or registered architect who has had his or her professional certification privileges

suspended or revoked in accordance with subdivision b of this section may apply for the restoration of professional certification privileges one year or more after such privileges were suspended or revoked by the department. The department may restore such privileges and, in such case, shall place the professional engineer or registered architect on probation.

d. Any professional engineer or registered architect who has been placed on probation by the department shall be required to attend one or more training or continuing education courses related to compliance with the building code and related laws, rules and regulations, the zoning resolution, or all of these. Such course or courses shall be provided by or approved by the department, as shall be determined by the commissioner.

e. A professional engineer or registered architect whose professional certification privileges have been conditioned on the successful completion of any mandatory training or continuing education courses shall provide proof acceptable to the commissioner of the successful completion of such mandatory training or continuing education courses before the expiration of the time period imposed by the commissioner for compliance.

f. The commissioner shall permanently revoke, without the opportunity of restoration, the professional certification privileges of a professional engineer or registered architect who, while on probation, professionally certifies an application, plans or other document that contains false information or is not in compliance with all applicable provisions of law or who otherwise demonstrates incompetence or a lack of knowledge of applicable laws.

g. Nothing herein shall be construed to limit the commissioner's power, consistent with state and local law, to adopt rules that include additional grounds to limit the filing privileges of or otherwise sanction professional engineers or registered architects who have been determined after a hearing to have knowingly or negligently submitted applications or other documents to the department that contained false information or were not in compliance with all applicable provisions of law or who have otherwise demonstrated incompetence or a lack of knowledge of applicable law or standards.

h. The department shall create and maintain a database of all professional engineers and registered architects whose privileges to professionally certify applications or plans or other documents have been revoked, suspended or otherwise conditioned. Within seven business days of the issuance by the commissioner of a notice or other document revoking, suspending or otherwise conditioning the

privilege to certify documents pursuant to this article, the department shall post on its website the name of the professional engineer or registered architect whose privileges have been limited, a description of the limitation, the initial date of the limitation, the restoration date if and when applicable, the addresses of the locations for the applications or permits associated with the limitation, and whether the limitation was imposed after a hearing or a settlement. The department shall, within thirty days, provide information concerning any revocation, suspension or condition with respect to a specific professional engineer or registered architect in the database referred to in this subdivision, and any additional information requested concerning such revocation, suspension or condition, to every person who requests such information from the department.

~~§Local Law 4-2007.~~

~~*§[C26-108.7] 27-144 Approval of application and plans.~~ Except as otherwise provided in section 27-198 and section 27-198.1 of article nineteen of this subchapter, applications and plans complying with the provisions of this code and other applicable laws and regulations shall be approved by the commissioner and written notice of approval shall be given the applicant promptly and no later than forty calendar days after the submission thereof, and applications and plans failing to comply with the provisions of this code and other applicable laws and regulations shall be rejected and written notice of rejection, stating the grounds of rejection, shall be given the applicant promptly and not later than forty calendar days after the submission thereof, except that on or before the fortieth day, the commissioner may on good cause shown, and upon notification to the applicant, extend such times for an additional twenty days. Whenever an application and accompanying plans have been rejected and are thereafter revised and resubmitted to meet stated grounds of rejection, the revised application and plans shall be approved if they meet the stated grounds of rejection, or shall be rejected if they fail to meet the stated grounds of rejection; and written notice of approval or written notice of rejection, stating the grounds of rejection, shall be given the applicant promptly and not later than twenty calendar days after the resubmission thereof.

~~*Local Law 76-1985, language juxtaposed per Ch. 907-1985.~~

~~§[C26-108.8] 27-145 Conditional approval of plans.~~ All approvals of plans given prior to the submission of the work permit application shall be conditioned upon and subject to compliance with the requirements of this code and other applicable laws and regulations in effect at the time of submission of the permit application, and shall also be conditioned upon the submission of the work permit application not later than twelve months after the date of notice of plan approval.

~~§[C26-108.9] 27-146 Endorsement of approved plans.~~ All plans and amendments thereto, when approved by the

commissioner, shall be stamped or endorsed approved under the official seal of the department, followed by a notation of the date of plan approval. One set of such approved plans shall be retained in the department office of the borough in which the building premises or equipment is located; and after the issuance of a work permit, a second set of such approved plans shall be retained at the place where the building premises or equipment is located, and shall be open at all times to inspection by the commissioner and his or her authorized representatives until final inspection of the work is completed.

ARTICLE 10 [REPEALED] PERMITS

~~§[C26-109.1] 27-147 When permits required.~~

~~(a) No building construction or alteration work, foundation or earthwork, demolition or removal work, or plumbing work shall be commenced, and no signs or service equipment of the types listed in articles sixteen and seventeen of this subchapter shall be erected, installed, altered, repaired, or used, nor shall any service equipment of the types listed in article eighteen of this subchapter be used or operated, unless and until a written permit therefore shall have been issued by the commissioner. The provisions of this section shall not apply, however, to minor alterations and ordinary repairs, as defined and delineated in article five of this subchapter or to work or equipment exempted from permit requirements under the provisions of sections 27-176, 27-179, 27-184 and 27-189 of this subchapter.~~

~~†† (b) The commissioner, in consultation with the fire commissioner, shall establish a procedure, to be implemented within ninety days of the effective date of this section, for notification of the fire department of the issuance of any permit that will result in the issuance of a new or amended certificate of occupancy or other change in the use and occupancy of the premises, provided, however, that in no instance shall the required notice be given more than one business day after the date of the issuance of the permit.~~

~~§Local Law 24-2007.~~

~~§[C26-109.2] 27-148 Classification of permits.~~ For the purposes of this code, permits shall be classified as follows:

~~(a) New building permits:~~ for the construction of new buildings, as provided in article eleven of this subchapter.

~~(b) Alteration permits:~~ for the alteration of existing buildings, as provided in article twelve of this subchapter.

~~(c) Foundation and earthwork permits:~~ for the construction or alteration of foundations, including earthwork excavation and fill, as provided in article thirteen of this subchapter.

~~(d) Demolition and removal permits:~~ for the demolition or removal of existing buildings, as provided in article fourteen of this subchapter.

~~(e) Plumbing permits:~~ for the installation or alteration of plumbing and plumbing systems including gas piping, as provided in article fifteen of this subchapter.

~~(f) Sign permits:~~ for the erection or alteration of signs and sign installations, as provided in article sixteen of this subchapter.

~~(g) Equipment work permits:~~ for the installation or alteration of service equipment, as provided in article seventeen of this subchapter.

~~(h) Equipment use permits:~~ for the use and operation of service equipment, as provided in article eighteen of this subchapter.

~~§[C26-109.3] 27-149 Separate permits required.~~**

~~Separate permits shall be required, as provided above, except that separate permits for foundations and earthwork, or for the installation or alteration of service equipment, other than fire suppression piping systems, shall not be required whenever plans for such work are included in and form a part of the plans for the construction of new buildings or the alteration of existing buildings.~~

~~***Local Law 107-1993.*~~

~~§[C26-109.4] 27-150 Application for permit.~~**

~~All applications for permits shall be submitted on forms furnished by the department, and shall be accompanied by the required fee. The application shall contain a general description of the proposed work or equipment, its location, and such other pertinent information as required pursuant to section 27-198.1 or as the commissioner may require.~~

~~**Local Law 76-1985, language juxtaposed per Ch. 907-1985.*~~

~~§[C26-109.5] 27-151 Applicant.~~ Applications for permits shall be made by or in behalf of the owner or lessee of the buildings; and if made by a person other than the owner, the application shall be accompanied by a signed statement of the applicant declaring that he or she is authorized by the owner to make the application. The full names of the owner, lessee, and applicant, and of the principal officers thereof, if a corporation, shall be set forth in the application.

~~§[C26-109.6] 27-152 Other application requirements.~~ In addition to the foregoing general requirements, applications for permits shall be subject to the further

~~requirements of articles eleven through eighteen of this subchapter, as the same may be applicable.~~

~~****§[C26-109.7] 27-153 Place of filing applications.**~~ Except as otherwise provided by rule, applications for permits and accompanying papers and plans shall be filed in the department office in the borough in which the work or equipment is located. Applications shall be numbered and docketed promptly as received; and for purposes of identification and reference, all such papers shall be marked with the block and lot number of the property to which they apply, and with street and house number where possible.

~~***Local Law 107-1993.*~~

~~§[C26-109.8] 27-154 Amendments to applications.~~

~~Subject to the limitations of section 27-155 of this article, amendments to permit applications and any accompanying plans and papers may be submitted at any time before final inspection of the work or equipment is completed; and such amendments shall be deemed part of the original permit application and shall be filed therewith.~~

~~§[C26-109.9] 27-155 Time limitation of application.~~

~~An application for a permit shall be deemed to have been abandoned twelve months after date of submission, unless such application has been diligently prosecuted after rejection in whole or in part, or a permit shall have been issued under article nineteen of this subchapter except that the commissioner may, for reasonable cause, grant extensions of time for additional twelve month periods.~~

**ARTICLE 11 [REPEALED]
APPLICATIONS FOR NEW BUILDING
PERMITS**

~~§[C26-110.1] 27-156 General requirements.~~ All applications for new building permits shall be subject to the requirements of articles nine and ten of this subchapter. In addition, each such application shall set forth the name and business address of the person who is to perform the proposed work, and shall be accompanied by satisfactory evidence of compliance with the provisions of the workers compensation law.

~~§[C26-110.2] 27-157 Plans required.~~ All such applications shall be accompanied by architectural, structural, and mechanical plans, which shall be complete and of sufficient clarity to indicate the nature and extent of the proposed construction work and its compliance with the provisions of this code and other applicable laws and regulations. Composite plans

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~~showing architectural, structural, and mechanical parts of a building may be submitted provided that a clear understanding of each part is not impaired. The plans may be submitted with the application for the permit or prior thereto, as provided in section 27-138 of article nine of this subchapter; and the same set of plans may be used for several buildings of the same construction, if such buildings are located on adjoining lots under the same ownership, and if permit applications therefore [sic] are filed simultaneously. All such plans shall be drawn to suitable scale and shall be reproduced upon substantial paper, plastic, or cloth, as the commissioner may require; and each plan or drawing shall contain the registration number, seal, signature, and address of the architect or engineer who prepared or supervised the preparation of the plans. Whenever equipment, materials, assemblies, forms, or methods of construction are subject to "controlled inspection", as provided in sections 27-131 and 27-135 of this subchapter, all such equipment, materials, assemblies, forms, or methods of construction shall be listed on the title sheet of the plans, or the sheet immediately following as subject to "controlled inspection" in accordance with code requirements. In no case shall the code be cited or the term "legal" or its equivalent used as a substitute for specific reference to particular code section or standard in order to show compliance with code requirements or other applicable laws or regulations.~~

~~(a) Architectural plans shall contain at least the following data and information:~~

~~(1) Lot diagram showing compliance with the zoning resolution, and indicating the size, height and~~

location of the proposed construction and all existing structures on the site and their distances from lot and street lines, the established grade and existing curb elevations, and final grade elevations of the site shown by contours or spot grades at reasonable intervals. The lot diagram shall be drawn in accordance with an accurate boundary survey, made by a licensed surveyor, which shall be attached to and form part of the lot diagram.

(2) A statement or notation as to the occupancy group or groups that apply to the building and all parts thereof, the construction class of the building, and whether the building is inside or outside of the fire districts.

(3) Floor and roof plans showing compliance with exit requirements, and with sufficient elevations and cross sections to indicate all means of egress, and including the number of stories in all parts of the building.

(4) Detailed drawings necessary to show adequately all architectural elements of the building, including those doors, windows, and interior finish schedules, and other details necessary to substantiate all required fire protection characteristics.

(a) Structural plans shall contain at least the following data and information except as provided for in section 27-590 of article one of subchapter ten of this chapter:

(1) Foundation plans, floor plans, levels, and sections, showing all structural requirements.

(2) Detailed drawings showing sizes, sections, and locations of members, and such other information as may be required to indicate clearly all structural elements and special structural engineering features.

(3) A tabulation of the vertical live loads, both uniform and concentrated (including allowances of partition loads), used in the design of the several areas and levels of the building. The locations and loads of each piece of machinery and equipment having a weight in excess of one thousand pounds shall be noted.

(4) Column schedules showing the design load contributed by the framing at any level and the total accumulated design load at each level.

(5) Where trusses are employed, a diagram or table indicating the loads or moments in the various members under the design loading conditions. The requirement for a diagram or table will be waived when the trusses consist of elements selected from load tables or similar data, subject to the requirements for verification in section 27-590 of article one of subchapter ten of this chapter.

(6) Where prestressed members are employed, a schedule or table showing the total prestressing forces and the method and sequence of application.

(7) Foundation plans shall comply with the requirements of subchapter eleven of this chapter and shall show the plan locations, design elevations of the bottoms, and details as to sizes, reinforcements, and construction of all footings, piers, foundation walls, pile groups, and pile caps. The levels of footings of adjacent structures shall be indicated or, if the adjacent structures

are pile supported, this shall be so stated. In addition, there shall be a statement indicating the character and minimum class of the soil strata required for the support of the foundation; the allowable soil pressure used for the design of footings; and the character, class, and presumptive bearing capacity of the bearing stratum to which piling is required to penetrate. The types and design capacities of piling and the records of required borings or test pits shall also be shown.

(b) Mechanical plans shall contain at least the following data and information:

(1) The plumbing, heating, ventilating, refrigeration, and other mechanical work to be performed, so drawn as to conform to the architectural and structural aspects of the building. If desired, plans may be composite plans showing one or more types of systems on each plan, provided that a clear understanding of each system shown is not thereby impaired.

(2) Details for each type of work to be performed, and for each type of equipment to be installed, shall be shown, as provided in sections 27-173 and 27-182 of this subchapter.

(3) Information as to the availability of a public sewer system.

^{**}(4) In the event a public sewer system is not available, alternate provisions for disposal of storm water and sanitary sewage. If private sewers are to be constructed pursuant to subdivision b of section fourteen hundred three of the New York city charter, a copy of the sewer plan. If a private sewage treatment plant is to be constructed, a copy of plans of the plant approved by the department of health and the department of environmental protection. If an individual on site private sewage disposal system is to be installed, a site and subsoil evaluation indicating that the site and subsoil conditions comply with the applicable law and rules.

****Local Law 65-1996.**

***§[C26-110.3] 27-158 Datum.** All elevations on plans shall be referred to the United States coast and geodetic survey mean sea level datum of nineteen hundred twenty nine (national geodetic vertical datum, NGVD), as provided in section 26-208 of chapter one of title twenty six of the administrative code, as amended. The following table shall be used to convert NGVD to borough datum elevations:

Location:	Add to NGVD to obtain borough datum
Bronx.....	+2.608
Brooklyn.....	+2.547
Manhattan.....	+2.752
Queens.....	+2.725
Statens Island.....	+3.192

***Local Law 33-1988.**

~~§[C26-110.4] 27-159 Additional information.~~ In addition to the data and information specified under subdivisions (a) through (c) of section 27-157 of this article, the commissioner may require the submission of computations, test reports, and such other data and information as may be necessary to determine compliance with code provisions and other applicable laws and regulations.

~~***§[C26-110.5] 27-160 Certification of performance bond, license and insurance required.~~

~~***~~(a) An applicant for a permit who, pursuant to section 24-526 of the administrative code, is required to construct or repair defects in catch basins or sewers which lie outside of the property shall submit to the department certification from the department of environmental protection that the applicant or owner has provided such department with:

(1) a performance bond or other security satisfactory to such department and approved as to form by the law department of the city for the full cost, as estimated by such department, of constructing the part of the storm water drainage system for such property which shall lie outside of such property and repairing defects in such construction, if and as required by section 24-526 of the administrative code;

(2) any license or other written instrument which such department or the law department of the city may reasonably request which gives such department, its agents and contractors and the surety for a performance bond described in paragraph one of this subdivision the legal right to enter private property to perform work described in paragraph one of this subdivision, pursuant to the terms of the performance bond or in accordance with the conditions of acceptance of other security described in paragraph one of this subdivision, and the legal right to connect to, to extend or to discharge storm water into any private sewer authorized as a point of disposal pursuant to section 24-526 of the administrative code, in the event that the owner of property fails to do so, if and as required pursuant to section 24-526 of the administrative code; and

(3) insurance of a kind and in an amount which such department and the law department of the city deem satisfactory to insure the city fully for all risks of loss, damage to property or injury to or death of persons to whomsoever occurring, arising out of or in connection with the performance of all work described in this section.

(b) The provisions of this section shall not be construed to abrogate or contravene any contractual obligation of the city to construct storm water drainage systems or parts thereof. The requirements of subdivision (a) of this section shall be inapplicable to an applicant for a new building permit insofar as they relate to any construction work required to be performed by the city pursuant to such a contractual obligation.

~~***Note for Excerpts from Local Law 7 1974, see end of Subchapter 1.~~

~~***Local Law 65 1996; Local Law 103 1989.~~

**ARTICLE 12 [REPEALED]
APPLICATIONS FOR BUILDING
ALTERATION PERMITS**

~~§[C26-111.1] 27-161 General requirements.~~ All applications for permits to alter existing buildings shall be subject to the requirements of articles nine and ten of this subchapter and section 27-156 of article eleven of this subchapter.

~~***§[C26-111.2] 27-162 Plans required.~~ All such applications shall be accompanied by such architectural, structural, and mechanical plans as may be necessary to indicate the nature and extent of the proposed alteration work and its compliance with the provisions of this code and other applicable laws and regulations. To the extent necessary, all such applications and plans shall be subject to and shall comply with the requirements of sections 27-157, 27-158, and 27-159 of article eleven of this subchapter. Whenever the proposed alteration work consists of the construction of a substantial horizontal enlargement as defined in subdivision (a) of section P110.2 of reference standard RS-16, the applicant shall submit information as to the availability of a public sewer system pursuant to paragraph three of subdivision (c) of section 27-157 of this code as well as an evaluation of the adequacy of any existing system for the disposal of storm water by any means other than storm or combined sewers, prepared pursuant to paragraph four of subdivision (c) of section 27-157 of this code. The plans may be submitted with the application for the permit or prior thereto, as provided in section 27-138 of article nine of this subchapter.

~~***Local Law 103 1989.~~

**ARTICLE 13 [REPEALED]
APPLICATIONS FOR FOUNDATION AND
EARTHWORK PERMITS**

~~§[C26-112.1] 27-163 General requirements.~~ All applications for foundation and earthwork permits shall be subject to the requirements of articles nine and ten and section 27-156 of article eleven of this subchapter. When the permit sought is solely for earthwork excavation operations, the applicant shall also submit satisfactory evidence that the property is free from any lien for unpaid city taxes, assessments, water rates, bail bonds, or judgments obtained by the city, together with the consent in writing of the mortgagee, if there is any mortgage upon the property, and the consent in writing of the surrogate's court or the supreme court, if the owner of the property is a minor or incompetent.

~~§[C26-112.2] 27-164 Plans required.~~ All such applications shall be accompanied by a lot diagram, as provided in paragraph one of subdivision (a) of section 27-157 of article eleven of this subchapter, and foundation plans, as provided in subdivision (b)

of section 27-157 of article eleven of this subchapter, except that when the permit sought is solely for earthwork excavation or fill operations, the applicant shall submit, in lieu of foundation plans, plans showing the exact location, extent, and depth or height of the proposed excavation or fill operation.

~~*§[C26-112.3] 27-165 Notice to adjoining owners.~~ No foundation or earthwork permit shall be issued unless and until at least five days prior written notice of the permit application shall have been given by the applicant to the owners of all adjoining lots, buildings and service facilities which may be affected by the proposed foundation work or earthwork operations, except that any foundation or earthwork that is to be done with the use of explosives shall also be subject to the notice requirements set forth in section 27-4038.1 of this code.

~~*Local Law 65-2007.~~

~~§[C26-112.4] 27-166 Protection of adjoining properties.~~ All foundation and earthwork operations shall be performed in accordance with the requirements of subchapters eleven and nineteen of this code; and all lots, buildings and service facilities adjoining the foundation and earthwork areas shall be protected and supported in accordance with the requirements of subchapters eleven and nineteen of this code and subchapter seventeen of chapter one of title twenty-six of the administrative code.

ARTICLE 14 [REPEALED]

APPLICATIONS FOR DEMOLITION AND REMOVAL PERMITS

~~§[C26-113.1] 27-167 General requirements.~~ All applications for demolition or removal permits shall be subject to the requirements of article ten, section 27-156 of article eleven, section 27-198 and section 27-198.1 of article nineteen of this subchapter.

~~§[C26-113.2] 27-168 Requirement of certifications.~~

(a) Prior to the issuance of the permit, all gas, electric, water, steam, and other service lines to the building shall be disconnected and certifications to that effect by the respective utility companies or city agencies having jurisdiction shall be filed with the department; and the applicant shall also file with the department a certification by a licensed exterminator that the building has been treated effectively for rat extermination.

(b) In addition to all other requirements of this article, an application for a permit for the demolition or removal of an existing multiple dwelling shall be accompanied by a signed statement of the applicant certifying either (1) that the dwelling contains no occupied housing accommodations subject to control under chapter three of title twenty-six of the administrative code, or (2) that the owner has notified the city rent agency of his or her intention to apply for such permit and has complied with all requirements imposed by the regulations of such agency as preconditions of such application.

~~*§[C26-113.3] 27-169 Notice to adjoining owners.~~ No demolition or removal permit shall be issued unless and until at least five days prior written notice of the permit application shall have been given by the applicant to the owners of all adjoining lots, buildings and service facilities which may be affected by the proposed demolition or removal work, except that any demolition or removal work that is to be done with the use of explosives shall also be subject to the notice requirements set forth in section 27-4038.1 of this code.

~~*Local Law 65-2007.~~

~~§[C26-113.4] 27-170 Protection of lot and adjoining properties.~~ All demolition and removal operations shall be performed in accordance with the requirements of subchapter nineteen of this chapter; and after the building has been demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper protection of the lot, restoration of grades, and the erection of necessary retaining walls and fences in accordance with the provisions of article three of subchapter eighteen of this chapter.

~~§[C26-113.5] 27-171 Requirement of photographs.~~

(a) Except as otherwise provided herein, all applications for permits for the demolition or removal of existing buildings shall be accompanied by two sets of photographs of the building or buildings to be demolished or removed. Both sets of photographs shall be received by the department on behalf of the landmarks preservation commission and the municipal archives division of the department of records and information services.

(b) The commissioner, upon the advice of the commissioner of the department of records and information services and the chairperson of the landmarks preservation commission, shall promulgate such rules and shall prescribe such specifications as may be necessary to carry out the provisions of this section.

(c) Where photographs are otherwise required to be submitted to the landmarks preservation commission, applications for demolition or removal permits submitted on behalf of the department of housing preservation and development, shall be exempt from the requirements of this section.

(d) Permits authorized pursuant to section 26-243 of the administrative code, shall be exempt from the requirements of this section.

ARTICLE 15 [REPEALED]

APPLICATIONS FOR PLUMBING PERMITS

~~§[C26-114.1] 27-172 General requirements.~~ All applications for plumbing permits shall be subject to the requirements of articles nine and ten of this subchapter. In addition, each such application shall set forth the name and business address of the licensed master plumber who is to perform or

~~supervise the proposed work, and shall be accompanied by satisfactory evidence of compliance with the provisions of the workers' compensation law.~~

~~§[C26-114.2] 27-173 Plans required.~~ Except as provided in section 27-174 of this article, all applications for plumbing permits shall be accompanied by plans which shall be complete and of sufficient clarity to indicate the nature and extent of the plumbing work to be performed and its compliance with provisions of this code and other applicable laws and regulations. The plans may be submitted with the application for the permit or prior thereto, as provided in article nine of this subchapter. All plans for plumbing work shall comply with the applicable provisions of section 27-157 of article eleven of this subchapter. In addition, the plans shall contain at least the following data and information:

(a) Single line or diagrammatic plans showing the location, layout, and spacing of all plumbing fixtures, the summation of plumbing loads, the size, location, and material for all building sewers and drains, and the soil, waste, vent, water, and gas distribution piping.

(b) One floor plan for floors with typical layouts; and stack details shown on one drawing, provided that such details are clearly identified as to location and stack number.

(c) A riser diagram showing:

(1) Story heights.

(2) All plumbing fixtures with diagrammatic arrangement of their connections to soil, waste, and vent piping.

(3) All soil, waste, and vent stacks from the point of connection with the building drain to their termination above the roof.

(4) All leader and storm water piping from the point of connection with the building drain to the roof drain.

(5) All water and gas risers.

(d) In the case of plans for new plumbing systems, the relative elevation of the lowest fixture referred to the datum provided in section 27-158 of article eleven of this subchapter and the approximate inside top of the public sewers, and the number, size, and location of all proposed sewer connections and relative location and size of all water mains, leaders, and risers; and the plans shall be accompanied by a statement from the department of environmental protection, giving the minimum water pressure in the main serving the building. When required by the commissioner, such data shall also be included on plans for the alteration of existing plumbing systems.

(e) All appurtenant equipment, including, but not limited to, pumps, ejectors, water tanks, and piping shall be indicated clearly on the plans.

~~§[C26-114.3] 27-174 Exemptions from plan requirements.~~ The submission of plans shall not be required for any of the following:

(a) Plumbing or gas piping alterations requiring a repair slip as provided in section 27-175 of this article.

(b) Plumbing for temporary installations used for exhibition purposes when not designed for sanitary use and not directly connected to a sewerage, water supply, or water distribution system.

(c) Plumbing for temporary installations used in connection with construction operations, other than plumbing for temporary gas installations for which the submission of plans shall be required.

~~*§[C26-114.4] 27-175 Alteration and repair slip.—~~

(a) An application for a plumbing permit may be treated as an application for an alteration and repair slip where the total cost of the proposed work in the building, as certified by the permit applicant, does not exceed eighteen thousand dollars in any twelve-month period and the proposed work consists of any of the following:

(1) The installation of new plumbing or gas piping, or the rerouting of existing plumbing or gas piping.

(2) The addition of not more than two plumbing fixtures or fixture connections.

(3) The mounting of new plumbing fixtures on existing roughings, other than the mere replacement of existing fixtures constituting a minor alteration or ordinary repair under article five of this subchapter.

(4) The installation or replacement of backflow prevention devices.

(b) Upon the approval of the application, an alteration and repair slip shall be issued in lieu of a plumbing permit, with same force and effect as if a plumbing permit had been issued.

~~*Local Law 51-2001, Local Law 6-1997.~~

~~§[C26-114.5] 27-176 Exemptions from permit requirement.~~

Plumbing permits shall not be required for the installation or alteration of gas service piping or gas meter piping including meters, valves, regulators, and related equipment, when such work is to be performed and serviced and maintained by utility corporations subject to the jurisdiction of the public service commission; nor shall plumbing permits be required for the emergency repair of gas distribution piping when such work is performed by licensed master plumbers or by utility corporations subject to the jurisdiction of the public service commission, in order to alleviate hazardous conditions, provided that a written report describing the details of such repairs shall be filed with the commissioner upon completion of the work.

ARTICLE 16 [REPEALED]

APPLICATIONS FOR SIGN PERMITS

~~**§[C26-115.1] 27-177 General requirements.~~ All applications for permits to erect or alter signs or sign installations shall be subject to the requirements of

~~articles nine and ten of this subchapter. In addition, each such application shall set forth the name and business address of the licensed sign hanger who is to perform or supervise the proposed work, and if the sign or sign location is under the control of an outdoor advertising company, as defined in section 26-259 of this code, the name and, where provided by rule, the registration number of such outdoor advertising company. The application shall be accompanied by satisfactory evidence of compliance with the provisions of the workers' compensation law. Each permit shall have an identification number. The changing of copy on a sign not permitted for changeable copy or any structural change of the sign or sign structure shall require a new permit pursuant to this article and sections 27-147 and 27-148 of the code. No permit for the erection, alteration or installation of a sign or sign structure issued pursuant to this article and sections 27-147 and 27-148 of the code shall be deemed to constitute permission or authorization to maintain a sign which would otherwise be illegal without a maintenance permit for an outdoor sign as required pursuant to section 26-253 of the code or which is otherwise illegal pursuant to any other provision of law nor shall any permit issued hereunder constitute a defense in an action or proceeding with respect to such an unlawful sign.~~

~~**Local Law 31-2005; Local Law 14-2001.~~

**~~§§5,6,7,8 Unconsolidated Provisions of Local Law
14-2001 are Repealed per Local Law 31-2005.~~**

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~~***§[C26-115.2] 27-178 Plans required.~~ All such applications shall be accompanied by plans which shall contain at least the following data and information:

(a) A sketch or drawing showing the size and location of the sign or sign installations in relation to the building or premises upon which the sign is or will be erected.

(b) Detail drawings showing the dimensions, materials, and construction of the sign, its supporting members, and the foundation or anchorage thereof.

(c) A tabulation or diagram of all loads and stresses.

(d) Plans for illuminated signs projecting beyond the street line shall be accompanied by a statement from the department of buildings indicating that such department has received an application from a licensed electrician for inspection of such signs.

~~***Local Law 59-1996.~~

~~§[C26-115.3] 27-179 Exemptions from permit requirements.~~ Sign permits shall not be required where the sign is:

(a) Painted directly on the exterior wall surface of a building or on the surface of a fence.

(b) A wall sign of not more than six square feet in area.

(c) A sign erected by employees of a city or other governmental agency, including traffic and other similar signs.

(d) A ground sign advertising the sale or rental of the premises on which it is erected, provided the sign does not exceed twelve square feet in area.

(e) A temporary sign erected during construction work and related thereto.

(f) A temporary sign for special decorative display use for holidays, public demonstrations, or the promotion of civic, welfare or charitable purposes, except that signs that utilize streets or cross streets shall be subject to the requirements of the department of highways.

ARTICLE 17 [REPEALED]

APPLICATIONS FOR EQUIPMENT WORK PERMITS

~~***§[C26-116.1] 27-180 When equipment work permits required.~~ Except as provided in section 27-184 of this article, equipment work permits shall be required for the installation or alteration of the following types of service equipment:

(a) Air conditioning and ventilating systems.

(b) Elevators, escalators, moving walks, and stairways, dumbwaiters, etc.

(c) Fuel burning and fuel oil storage equipment.

(d) Refrigerating systems.

(e) Heating systems.

(f) Boilers.

(g) Fire suppression piping systems.

~~***Local Law 107-1993.~~

~~§[C26-116.2] 27-181 Application requirements.~~ All such applications shall be subject to the applicable requirements of article ten and section 27-156 of this subchapter, and to the applicable requirements of article nine, subdivision (c) of section 27-157 and sections 27-158

and 27-159 of this subchapter whenever plans are required to be submitted in connection with such applications.

~~*§[C26-116.3] 27-182 Plans required.~~ Except as provided in section 27-183 and section 27-184.1 applications for equipment work permits shall be accompanied by plans in the following cases and in accordance with the following requirements:

~~*Local Law 6-1997.~~

(a) ~~Air conditioning and ventilating systems.~~ Plans for air conditioning and ventilating systems shall contain at least the following data and information:

(1) The location and sizes of all ducts; the location of all fire dampers, motors, fans, and filters; the type, air capacity, and size of all equipment; and where the plans are not accompanied by structural plans, the operating weight and manner of support of all equipment weighing in excess of one thousand pounds.

(2) The locations of smoke detecting devices.

(3) The location and size of the fresh air intake, the design population, and the index for ventilation for each room or space.

(4) The amount of air to be exhausted or supplied from each outlet for each room or space.

In the case of ventilating or exhaust systems for ranges, fryers, ovens, and other similar types of restaurant or bakery equipment, for which a hood is required, the plans shall also show the type of extinguishing system, the location of heat detection devices, nozzles, piping, gas controls, manual and automatic control valves, method of joining ducts, method and location of discharging exhaust from building, the location of break glass controls, and the quantity in cfm designed for each hood.

(b) ~~Elevators, etc.~~ Plans for elevators, escalators, moving walks and stairways, dumbwaiters, and similar equipment shall contain at least the following data and information.

(1) The location of all machinery, switchboards, junction boxes, and reaction points, with loads indicated.

(2) The details of all hoistway conditions including bracket spacing.

(3) The estimated maximum vertical forces on the guide rails on application of the safety device.

(4) In the case of freight elevators for class B or C loading, the horizontal forces on the guide rail faces during loading and unloading; and the estimated maximum horizontal forces in a post wise direction on the guide rail faces on application of the safety device.

(5) The size and weight per foot of any rail reinforcements where provided.

(c) Fuel burning and fuel oil storage equipment. Plans for fuel burning equipment and fuel oil storage equipment shall contain at least the following data and information:

- (1) The kind or grade of fuel to be used.
- (2) The location, arrangement, size, load, and maximum capacity of the burning, storage and fuel pumping equipment.
- (3) The method or means of providing air to the equipment space, showing duct and opening sizes.
- (4) The location, size, and materials for all breechings; the height and size of all chimneys and gas vents; the thickness and type of all insulation materials; and the clearances from combustible walls, partitions, and ceilings.
- (5) Diagrams of all piping, including vent and fill piping for oil systems, and all safety cut off and relief devices and valves in piping.
- (6) Where the alteration or replacement of parts for a fuel oil burning installation does not affect the size of the combustion chamber, the atomization of the fuel, the grade of fuel used, or the maximum capacity of the system, a descriptive statement of the proposed work may be submitted in lieu of plans.

(d) Refrigerating systems. Plans for refrigerating systems shall contain at least the following data and information:

- (1) The location of all machinery; the horsepower of compressors; the type and number of pounds of refrigerant to be used; and the air quantities for, and means of, ventilating the machinery space.
- (2) The location of emergency switches for compressors and for ventilation in the machinery rooms.
- (3) The location of pressure relief piping and any city water connections and water saving devices.
- (4) The tonnage capacity of the machine and the suction and discharge pressures at which the machine is rated.
- (5) The operating weight of the equipment.

(e) Heating systems. Plans for heating systems shall contain at least the following data and information:

- (1) The temperature to be maintained in every room.
- (2) The amount of heat in btu per hour to be provided in every room, and the output capacity in btu per hour of the central heat sources.

(f) Boilers. Plans for boiler installations and boiler alterations shall contain at least the following data and information:

- (1) The btu per hour output capacity and operating weight of each boiler; and the pressure setting of the relief valves.
- (2) Such other data and information as are required to be contained on plans for fuel burning equipment, as hereinabove provided.

****(g) Fire suppression piping systems.** All applications shall include a plot plan to scale indicating the location of the system in relation to the rest of the building.

(1) Standpipe systems. Plans for standpipe systems shall contain at least the following data and information:

(a) The location and size of all risers, cross-connections, hose racks, valves, siamese connections, sources of water supply, piping, and other essential features of the system.

(b) A floor plan for floors that have typical riser locations and no special features within the floor level, with the title of this plan indicating clearly the floors to which the arrangement is applicable.

(c) A riser diagram showing the essential features of the system and indicating the risers, cross-connections, valves, siamese connections, tanks, pumps, sources of water supply, pipe sizes, capacities, floor heights, zone pressures, and other essential data and features of the system.

(d) The available water pressure at the top and bottom floors of each zone, and at each floor where the weight pipe fittings change, shall be shown on the riser diagram. For street pressure fed systems and fire pumps, a statement from the department of environmental protection, giving the minimum water pressure in the main serving the building, shall be supplied.

****(2) Sprinkler systems.** Plans for sprinkler systems, whether automatic or non-automatic, shall contain at least the following data and information:

(e) The location and size of water supplies and the location, spacing, number, and type of sprinklers to be used, with approximate location and size of all feed mains, risers, valves, siamese connections, and other essential features of the system.

(f) A diagram showing the proposed sprinkler system in relation to principal construction features of the building, such as its size, walls, columns, and partitions; and such other information as may be necessary for the evaluation of the system.

(g) The location, number, and type of any electrical or automatic devices to be used in the system.

(h) The available water pressure at the top and bottom floors of each zone shall be shown on the riser diagram. For street pressure fed systems and fire pumps, a statement from the department of environmental protection, giving the minimum water pressure in the main serving the building, shall be supplied.

****(3) Other fire suppression piping systems.** Plans for chemical or gaseous fire suppression piping systems shall contain at least the following data and information:

(a) Type, model number and location of all surface, plenum and duct nozzles; the type, location and surface dimensions of all cooking appliances; the location and type of the automatic fuel shut-off and

~~statement as to type (gas or electric); location and distance of the remote control or manual pull station.~~

~~(a) A statement that board of standards and appeals or department approved grease filters are to be used in any kitchen hood; the dimensions of all hoods and all related ducts.~~

~~(b) The brand name, model and board of standards and appeals or department approval number of the fire suppression piping system; the type of extinguishing agent and number and size of agent containers; size, length, and type of all piping that will be used; number and location of all fusible links or detectors and the temperature setting; type, model number and location of all surface, plenum and duct nozzles.~~

~~(c) For halon systems, the plan should also include type and concentration of the halon, the method of providing power supply to smoke or heat detectors; if reserve supply is being provided, fire rating of partitions and if the area involved is sprinklered, location of all audible/visible alarms within and outside the location involved and the details of construction of the room to contain the halon.~~

~~**Local Law 107-1993.~~

~~§[C26-116.4] 27-183 Exemptions from plan requirements.~~

~~The submission of plans shall not be required in connection with applications for permits to install or alter fuel burning and fuel-oil storage equipment under any of the following conditions. However, the commissioner may require the filing of sketches showing compliance with the provisions of this code.~~

~~(a) The equipment is to be used for heating a one- or two-family dwelling.~~

~~(b) The equipment is fed by gas fuel and is not used with an incinerator.~~

~~(c) The capacity of the equipment does not exceed three hundred fifty thousand btu per hour and the capacity of each of the oil storage tanks for the equipment does not exceed two hundred seventy-five gallons, unless the tanks are buried, or are in a multiple dwelling, or in a building adjacent to the line of a subway, or are located above the lowest story of a building, or unless the fuel-burning equipment is located above the lowest story of a building.~~

~~§[C26-116.5] 27-184 Exemptions from permit requirement.~~ ~~An equipment work permit shall not be required in any of the following cases:~~

~~(a) Air conditioning and ventilating systems. Where the system is a voluntary system serving only one floor of a building and:~~

~~(1) Does not use lot line windows for the intake or exhaust of air or the mounting of equipment.~~

~~(2) Is not installed in any public hallway, passageway, or stairway.~~

~~(3) Does not in any way reduce the ventilation of any room or space below that required by code provisions.~~

~~(4) Does not penetrate any fire division, roof, floor, or wall (except that a packaged air conditioning unit not exceeding 3 tons rated capacity may be used in windows or in sleeves under windows, provided that health, fire and/or structural safety is not thereby impaired).~~

~~(b) Elevators, etc. Where the equipment consists of a portable elevating device used only for handling materials and located and operated entirely within one story.~~

~~(c) Fuel burning and fuel-oil storage equipment. Where the equipment consists of any of the following:~~

~~(1) Portable fuel-burning equipment that does not require a chimney or vent connection.~~

~~(2) Portable heaters used in construction work.~~

~~(3) Oil fired heaters having a fuel storage capacity of 6 gallons or less (except that internal combustion engines of any size shall require a permit).~~

~~(d) Refrigerating systems. Where the system:~~

~~*** (1) Has a capacity of twenty-five tons or less and uses a Group A1 refrigerant.~~

~~(2) Is to be installed in a vehicle, railroad car, or vessel.~~

~~(3) Uses water or air as the refrigerant.~~

~~(e) Hot water boilers and steam boilers operating at a gauge pressure of not more than fifteen pounds per square inch located in dwellings occupied by less than six families.~~

~~***Local Law 32-2004.~~

~~*§ 27-184.1 Alteration and repair slip.~~

~~(a) An application for an equipment work permit for work on an existing combined standpipe or sprinkler system may be treated as an application for an alteration and repair slip where the total cost of the proposed work within the building, as certified by the permit applicant, does not exceed ten thousand dollars in any twelve month period and the proposed work consists of any of the following:~~

~~(1) Replacement of parts required for the operation of a combined standpipe or sprinkler system. In the event of emergency an application for an alteration and repair slip must be filed within twenty-four hours after the commencement of the repairs.~~

~~(2) Replacement of sprinkler heads. Provided that orifice sizes, type and deflector position remain the same.~~

~~(3) Changes that do not alter the type of sprinkler system.~~

~~(4) Relocation of piping that does not effect the operation of the sprinkler system.~~

~~(5) Rearrangement of not more than twenty sprinkler heads in areas presently sprinklered in light hazard occupancy which will remain light hazard~~

occupancy, provided that the addition of sprinkler heads in existing systems shall be limited to light hazard occupancy in rooms or spaces not exceeding eight hundred square feet requiring only one head with the maximum spacing allowed by the code, and provided that the number of new heads does not exceed a total of five.

(6) Relocation of combined fire standpipe auxiliary hose sources and cabinets within ten feet of their original location, provided that the existing covered area is not affected and provided that such relocation complies with subchapter seventeen and reference standard RS 17-1.

(b) Notwithstanding any inconsistent provision of this section, an application for an equipment work permit for work on an existing combined standpipe or sprinkler system may not be treated as an application for an alteration and repair slip for any alteration of primary or auxiliary water supplies.

(c) Upon the approval of the application an alteration and repair slip shall be issued in lieu of an equipment work permit, with the same force and effect as if an equipment work permit had been issued.

(d) The submission of plans shall not be required for an alteration and repair slip.

**Local Law 6 1997.*

ARTICLE 18 [REPEALED] APPLICATIONS FOR EQUIPMENT USE PERMITS

~~§[C26-117.1] 27-185 When equipment use permits required.~~ Equipment use permits shall be required for the use and operation of the following types of service equipment:

- (a) Air conditioning and ventilating systems.
- (b) Elevators, escalators, moving walks and stairways, dumbwaiters, etc.
- (c) Fuel burning and fuel oil storage equipment.
- (d) Refrigeration systems.
- (e) Heating systems.
- (f) Boilers.

~~§[C26-117.2] 27-186 Application requirements.~~ All applications for equipment use permits shall be subject to the requirements of article ten of this subchapter.

~~§[C26-117.3] 27-187 Inspections and tests.~~ No equipment use permit shall be issued unless and until the equipment shall have been inspected and tested to determine proper functioning and compliance with the provisions of this code and other applicable laws and regulations. All inspections and tests shall be conducted in accordance with required inspection and test procedures; and signed copies of all required inspection and test reports shall be filed with the department and form part of the papers accompanying the permit application. In the case of heating systems, a signed statement by an architect or engineer shall be submitted with the permit application, stating that the system has been operated and

functions satisfactorily and that, to the best of his or her knowledge and belief, the system will meet code temperature requirements.

~~§[C26-117.4] 27-188 Temporary use permit.~~ The commissioner may, upon request, issue a temporary use permit authorizing partial use and operation of the equipment prior to completion of the installation or alteration work, provided that such partial use and operation may be made safely and without endangering public health, safety and welfare, and further provided that such temporary use permit shall not be issued for a period of more than thirty calendar days, subject to renewal for additional thirty day periods at the discretion of the commissioner. All temporary use permits shall be required to be posted in a conspicuous location in or near the equipment covered by the permit, and shall state the nature and extent of the partial use and operation permitted and indicate clearly that full use and operation of the equipment is not permitted.

~~§[C26-117.5] 27-189 Exemptions from equipment use permit requirement.~~ No equipment use permit shall be required for equipment exempted from the requirement of an equipment work permit under section 27-184 of article seventeen of this subchapter; nor shall an equipment use permit be required for the use and operation of equipment specifically exempted under the provisions of subchapters thirteen and fourteen of this chapter.

~~§[C26-117.6] 27-190 Duration and renewal of permit.~~ Equipment use permits shall be of indefinite duration, subject to the provisions of section 27-196 of article nineteen of this subchapter, except that permits for the use and operation of elevators and similar equipment and boilers shall be limited to a term of one year from the date of issuance of the permit, subject to annual renewal upon application and proof of compliance with the requirements for periodic inspections as prescribed in subchapters fourteen and eighteen of this chapter. Applications for renewal of such permits shall be submitted on forms furnished by the department, not later than thirty calendar days prior to the expiration date of the permit, accompanied by the required fee; and late applications for renewal shall be subject to the payment of an additional fee of one (1) dollar.

ARTICLE 19 [REPEALED] ISSUANCE OF PERMITS

~~§[C26-118.1] 27-191 Approval of permit application.~~ All applications for permits and any accompanying plans and papers, including any amendments thereto, shall be examined promptly after their submission for compliance with the

provisions of this code and other applicable laws and regulations. Except as otherwise provided in section 27-198 of this article, applications complying with the provisions of this code and other applicable laws and regulations shall be approved by the commissioner and the permit issued promptly and not later than forty calendar days after the submission thereof, and applications failing to comply with the requirements of this code and other applicable laws and regulations shall be rejected and written notice of rejection, stating the grounds of rejection, shall be given the applicant promptly and not later than forty calendar days after the submission thereof, except that on or before the fortieth day, the commissioner may on good cause shown, and upon notification to the applicant, extend such time for an additional twenty days. Whenever a permit application has been rejected and is thereafter revised and resubmitted to meet stated grounds of rejection, the revised application shall be approved if it meets the stated grounds of rejection, or shall be rejected if it fails to meet the stated grounds of rejection; and the permit shall be issued or written notice of rejection, stating the grounds of rejection, shall be given the applicant promptly and not later than 20 calendar days after the resubmission thereof.

*****§27-191.1 List of permits for cellular antenna to be maintained.** The commissioner shall maintain a separate list of alteration permits issued for the erection or placement of antennae used to provide cellular telephone or similar service or any structure related to such service which shall, at a minimum, set forth the name, business address and business telephone number of the applicant, the date of the application, the date the permit was issued, the location for which the permit was issued, including the premises address and the zoning district, whether residential, commercial, or manufacturing, and the number of permits issued for such purpose at the same location since the effective date of this section. Such list shall be made available to the public upon request between regular business hours and shall be available to the public in electronic format on a 24 hour basis on the department's website.

*****Local Law 28-2005.**

§[C26-118.2] 27-192 Approval of application in part. The commissioner may approve the application and issue a permit for construction of part of a building, including foundations, before complete plans and specifications for the entire building have been submitted and approved, provided that adequate information and detailed plans or statements have been submitted complying with the provisions of this code and any other applicable laws and regulations, and provided further that the holder of such permit shall proceed with the building operation at his or her own risk and without assurance that a permit for construction of the entire building will thereafter be issued.

§[C26-118.3] 27-193 Signature to permit. Every permit issued by the commissioner shall have his or her signature affixed thereto; but the commissioner may authorize any subordinate to affix such signature.

§[C26-118.4] 27-194 Posting of permit. A permit card bearing the permit number, application number, location of the premises or equipment for which the permit is issued, and

such other information as the commissioner may determine, shall be furnished the applicant in connection with the issuance of the permit; and such permit card shall be posted in a conspicuous place at such location open to public inspection during the entire time of the prosecution of the work or the use and operation of the equipment, or until the expiration of the permit. No such permit card shall be posted or displayed at any location other than the location of the premises or equipment for which the permit was issued.

§[C26-118.5] 27-195 Notice of commencement of work. At least twenty-four hours written notice shall be given to the commissioner before the commencement of any work for which a permit has been issued. Before any work is commenced on an item of construction requiring controlled inspection, all persons responsible for such controlled inspection shall be notified in writing at least seventy-two hours prior to such commencement.

***§[C26-118.6] 27-196 Expiration of permit.** Except as otherwise provided in section 27-190 of article eighteen of this subchapter, all permits issued by the commissioner shall expire by limitation and become invalid if the permitted work or use is not commenced within twelve months from the date of issuance of the permit or, if commenced, is suspended or abandoned for a period of twelve months thereafter. All permits for work in a special flood hazard area as delineated in reference standard RS4-4 shall expire if the actual start of permanent construction has not occurred within one hundred eighty-eight days of the date on which such permit is issued. The commissioner may, however, upon good cause shown, reinstate a work permit at any time within a period of two years from the date of issuance of the original permit, provided that the work shall comply with all the requirements of this code and other applicable laws and regulations in effect at the time application for reinstatement is made, and provided further that the applicant shall pay a renewal fee in accordance with section 26-211 of the code.
***Local Law 38-1990; Local Law 33-1988.**

****§[C26-118.7] 27-197 Revocation of permit.** The commissioner may, on notice to the applicant, revoke any permit for failure to comply with the provisions of this code or other applicable laws and regulations; or whenever there has been any false statement or any misrepresentation as to a material fact in the application or accompanying plans and papers upon the basis of which the permit was issued; or whenever any permit has been issued in error and conditions are such that a permit should not have been issued. Such notice shall inform the applicant that he or she shall have the right to present to the commissioner or his or her representative within five business days or personal service or ten days of the posting of service by mail information as to why the permit should not be revoked. The commissioner may suspend a permit immediately when the commissioner has determined that an imminent peril to life or property exists and shall at the same time notify the applicant that the permit shall be revoked

and that the applicant has the right to present to the commissioner or his or her representative within five business days of personal service or ten days of the posting of service by mail information as to why the permit should not be revoked.

~~**Local Law 11 1988.~~

~~§[C26 118.8] 27 198 Approval of plans and permit applications for alteration or demolition of single room occupancy multiple dwellings.~~

a. ~~For the purposes of this section "single room occupancy multiple dwelling" means either a class A multiple dwelling used in whole or in part as a rooming house or furnished room house or for single room occupancy pursuant to section two hundred forty eight of the multiple dwelling law or containing rooming units, as such term is defined in section 27 2004 of the housing maintenance code or a class B multiple dwelling. Notwithstanding the foregoing provision, the term "single room occupancy multiple dwelling" shall not include:~~

- ~~(1) college or school dormitories;~~
- ~~(2) clubhouses;~~
- ~~(3) luxury hotels, as such term is defined by the commissioner of housing preservation and development;~~
- ~~(4) residences whose occupancy is restricted to an institutional use such as housing intended for use primarily or exclusively by the employees of a single company or institution;~~
- ~~(5) city owned multiple dwellings;~~
- ~~(6) any multiple dwelling containing fewer than nine class B dwelling units used for single room occupancy unless the total number of such units is more than fifty percent of the total number of dwelling units in such multiple dwelling; and~~
- ~~(7) any class A or class B multiple dwelling which is~~

~~(a) The subject of a program approved by the commissioner of housing preservation and development and related to the rehabilitation and preservation of single room occupancy multiple dwellings other than a program of tax abatement or tax exemption including, but not limited to, programs of tax abatement or tax exemption authorized by subchapter two of chapter two of title eleven of the administrative code or section four hundred twenty one a of the real property tax law, and~~

~~(b) exempted from the provisions of this section by such commissioner.~~

b. ~~(1) The commissioner shall not approve any plans pursuant to article nine of this subchapter, issue an alteration permit pursuant to article twelve of this subchapter or a demolition permit pursuant to article fourteen of this subchapter for a single room occupancy multiple dwelling:~~

~~(a) for the alteration of such dwelling to a class A multiple dwelling to be used in whole or in part for other than single room occupancy purposes or for the demolition of such dwelling, or~~

~~(b) with respect to the addition or removal of kitchen or bathroom facilities in such multiple dwelling or such other types of alteration work as shall be prescribed by regulation of the commissioner of housing preservation and development, in consultation with the commissioner, unless~~

~~(i) the commissioner of housing preservation and development has certified that there has been no harassment of the lawful occupants of such multiple dwelling within the thirty six month period prior to the date of the submission of an application for a certification of no harassment or has issued a waiver of such certification,~~

~~(ii) the applicant has submitted a sworn statement by or on behalf of all the owners, as such term is defined in paragraph forty five of subdivision a of section 27 2004 of the housing maintenance code, of such multiple dwelling that there will be no harassment of the lawful occupants of such multiple dwelling by or on behalf of such owners during the construction period, and~~

~~(iii) the applicant has submitted a plan which provides for the safety and health of the occupants thereof during the construction period.~~

~~(2) Notwithstanding the foregoing provisions, if within the thirty six month period prior to the date of the submission of an application for a certification of no harassment to the commissioner of housing preservation and development, title to a single room occupancy multiple dwelling was vested in the city, the period of time for which the commissioner of housing preservation and development shall certify whether there has been no harassment of the lawful occupants of such multiple dwelling shall commence from the date on which the title to such property was no longer vested in the city.~~

~~(3) An applicant for such plan approval, alteration or demolition permit shall forward a copy of such application to the commissioner of housing preservation and development, together with an application for a certification of no harassment pursuant to section 27 2093 of the housing maintenance code.~~

~~(4) The time period in which the commissioner is required to approve or reject an application, or resubmission thereof, for such plan approval or alteration permit pursuant to section 27 144 or 27 191 of this subchapter shall commence from the date that the commissioner receives either such certification or a waiver thereof, or notice of the denial of such certification or waiver thereof from the commissioner of housing preservation and development and such sworn statement and plan.~~

~~(5) Where the commissioner of housing preservation and development denies the certification required by this section the commissioner shall reject~~

the application for such plan approval, alteration permit or demolition permit.

(6) The commissioner shall be empowered to issue a stop-work notice and order with respect to an alteration or demolition permit or rescind such plan approval, alteration or demolition permit at the request of the commissioner of housing preservation and development pursuant to section 27-2093 of the housing maintenance code.

(7) Where the commissioner rejects an application for such plan approval, alteration or demolition permit pursuant to paragraph five of this subdivision or where the commissioner rescinds such plan approval, alteration or demolition permit pursuant to paragraph six of this subdivision, no further application for plan approval, an alteration or demolition permit, for the purposes described in subdivision b of this section, with respect to the alteration or demolition of such multiple dwelling shall be considered by the commissioner for a period of thirty-six months following the date of the denial of the certification of no harassment by the commissioner of housing preservation and development or the date of the rescission of such certification of no harassment by such commissioner.

(8) The provisions of this subdivision shall not apply to repairs, demolition or any other work performed by a city agency or by a contractor pursuant to a contract with a city agency.

~~*(9) The commissioner shall not approve any plans or issue any permits based upon a certification of no harassment issued prior to February second, nineteen hundred eighty-seven unless the commissioner of housing preservation and development issues a supplemental certification that there is no reasonable cause to believe that there has been harassment at the multiple dwelling during the period of time from the date of the issuance of the original certification of no harassment to the date of the application for such a supplemental certification. If the commissioner of housing preservation and development finds that there is reasonable cause to believe that harassment has occurred during such period of time he or she shall suspend the original certification of no harassment pursuant to paragraphs two and three of subdivision f of section 27-2093 of the code.~~

~~*Local Law 9-1987; Local Law 59-1985, language juxtaposed per Ch. 907-1985.~~

~~§[C26-118.9] 27-198.1 Approval of plans and permit applications where an asbestos project is performed.~~**

a. The commissioner shall not approve any plans pursuant to article nine of this subchapter except plans for the construction of new buildings unless an asbestos investigator has certified that work to be performed will not constitute an asbestos project or the applicant submits with the application for approval of plans an asbestos inspection report completed in accordance with the provisions of section 24-146.1 of subchapter six of chapter one of title twenty four of the code.

~~b. Where the commissioner of environmental protection has by regulation required that, in connection with other work for which a permit but not plans is required under this chapter, that an asbestos investigator certify that the work to be performed will not constitute an asbestos project or that an asbestos inspection report be completed in accordance with the provisions of section 24-146.1 of subchapter six of chapter one of title twenty four of the code, the commissioner shall not issue such permit unless such certification or such report is submitted in connection with the application for such permit.~~

~~c. Where the commissioner of environmental protection has by regulation required that, in connection with work for which an alteration permit or demolition permit is required under this chapter, that an asbestos investigator certify that the work to be performed will not constitute an asbestos project or that the applicant submit with the application for such permit proof that an asbestos removal plan has been approved by the commissioner of environmental protection in accordance with the provisions of section 24-146.1 of subchapter six of chapter one of title twenty four of the code, the commissioner shall not issue such permit unless such certification or proof of such approval has been submitted in connection therewith.~~

d. The commissioner shall not issue any permit under this chapter for work which constitutes an asbestos project and for which an asbestos inspection report is required unless the applicant at the time of application for such permit certifies on forms prescribed by the commissioner of environmental protection that he or she is familiar with federal, state and local laws and regulations applicable to asbestos related work.

e. Whenever proof of approval of an asbestos removal plan is required for plan or permit approval, any requirement for the submission of an asbestos inspection report shall be deemed waived.

f. For purposes of this section, the terms "asbestos", "asbestos inspection report", "asbestos investigator", "asbestos project" and "asbestos removal plan", shall have the meanings as are ascribed in section 24-146.1 of subchapter six of chapter one of title twenty four of the code.

~~**Local Law 80-1986. Not applicable to plans submitted prior to April 1, 1987 or amendments or revisions to such plans submitted prior to March 31, 1988; Local Law 76-1985, language juxtaposed per Ch. 907-1985.~~

~~§[C26-118.10] 27-198.2 Conversion, alteration and demolition of single room occupancy multiple dwellings prohibited.~~**

a. Except as otherwise provided in this section and notwithstanding any other provision of law to the contrary, no single room occupancy dwelling unit or

~~units or portions thereof (i) shall be altered for or converted to use as apartments, whether such alteration or conversion is effected with or without physical alterations, or (ii) shall be altered for or converted to use other than as single room occupancy dwelling units, whether such alteration or conversion is effected with or without physical alterations, or (iii) shall be altered to add either kitchens or bathrooms if such units lacked either of such facilities as of January ninth, nineteen hundred eighty five or to remove such facilities. No single room occupancy multiple dwelling shall be altered to reduce the number of single room occupancy dwelling units and no single room occupancy multiple dwelling shall be demolished. No single room occupancy multiple dwelling shall be altered to remove kitchens or bathroom facilities which are used for any single room occupancy dwelling unit.~~

~~b. 1. For the purposes of this section the term "single room occupancy multiple dwelling" means a multiple dwelling which is either (i) a class A multiple dwelling which is either used in whole or in part for single room occupancy or as a rooming house or furnished room house pursuant to section two hundred forty eight of the multiple dwelling law or which contains rooming units or (ii) a class B multiple dwelling including, without limitation, hotels, lodging houses, rooming houses, boarding houses and furnished room houses. Notwithstanding the foregoing provision, the term "single room occupancy multiple dwelling" shall not include:~~

~~(a) any multiple dwelling which had a certificate of occupancy as a college or school dormitory on January ninth, nineteen hundred eighty five or if the dwelling had no certificate of occupancy was lawfully used as a college or school dormitory on such date;~~

~~(b) any multiple dwelling which had a certificate of occupancy as a clubhouse on January ninth, nineteen hundred eighty five or if the dwelling had no certificate of occupancy was lawfully used as a clubhouse on such date;~~

~~(c) any multiple dwelling which was a residencee whose occupancy was restricted to an institutional use such as housing intended for use primarily or exclusively by the employees of a single company or institution on January ninth, nineteen hundred eighty five;~~

~~(d) multiple dwellings owned by the city, the state, or any political subdivision thereof;~~

~~(e) hotels in which the rent on October first, nineteen hundred eighty four, exclusive of governmentally assisted rental payments, charged for seventy five percent or more of the total number of occupied individual dwelling units was more than fifty five dollars per day for each unit rented on a daily basis, or more than two hundred fifty dollars per week for each unit rented on a weekly basis or more than eight hundred fifty dollars per month for each unit rented on a monthly basis;~~

~~(f) any class A or class B multiple dwelling in which, on January ninth, nineteen hundred eighty five, either less~~

~~than five dwelling units were rooming units or dwelling units other than apartments or less than ten percent of the total number of dwelling units were rooming units or dwelling units other than apartments;~~

~~(g) any class A or class B multiple dwelling which is (a) the subject of a project or program related to the rehabilitation and preservation of single room occupancy multiple dwellings approved by the commissioner of housing preservation and development other than a program of tax abatement or tax exemption including, but not limited to, programs of tax abatement or tax exemption authorized by subchapter two of chapter two of title eleven of the code or section four hundred twenty one a of the real property tax law, and (b) exempted from the provisions of this section by such commissioner;~~

~~(h) any wood frame multiple dwelling.~~

~~(i) any hotel in which during the twelve month period commencing on January first, nineteen hundred eighty four ninety percent or more of the dwelling units were occupied for less than thirty consecutive days by any one occupant and in which there are no dwelling units subject to regulation pursuant to the rent stabilization law of nineteen hundred sixty nine, as amended, provided however that this provision shall not apply unless an application for exemption is filed with the department of housing preservation and development in such form and containing such information as the department shall prescribe on or before April thirtieth, nineteen hundred eighty seven.~~

~~2. The status of a vacant building as a single room occupancy multiple dwelling shall be determined by its last legal use prior to vacancy.~~

~~3. For the purposes of this section the term "single room occupancy dwelling unit" means a dwelling unit, other than an apartment, in a single room occupancy multiple dwelling.~~

~~4. For the purposes of this section the terms "apartment", "dwelling unit", "owner" and "rooming unit" shall be as defined in the housing maintenance code.~~

~~c. 1. The commissioner shall not approve any plans pursuant to article nine of this subchapter, issue an alteration permit pursuant to article twelve of this subchapter or a demolition permit pursuant to article fourteen of this subchapter for a single room occupancy multiple dwelling:~~

~~(a) for the alteration of such dwelling to a class A multiple dwelling to be used in whole or in part for other than single room occupancy purposes or for the demolition of such dwelling, or~~

~~(b) with respect to the addition or removal of kitchen or bathroom facilities in such multiple~~

~~dwelling prohibited pursuant to subdivision a of this section; or~~

~~(c) with respect to any other alterations or other work prohibited pursuant to subdivision a of this section.~~

~~2. Except as provided in paragraph three of this subdivision, the department shall revoke any such permit or approval granted on or after January ninth, nineteen hundred eighty five.~~

~~3. If demolition of a single room occupancy multiple dwelling has been completed pursuant to a permit issued on or after January ninth, nineteen hundred eighty five and prior to August fifth, nineteen hundred eighty five, the department shall not issue a permit for new construction on the site of such demolished dwelling and shall revoke any such permit for new construction issued on or after January ninth, nineteen hundred eighty five unless the owner makes the payment or provides for replacement units pursuant to subparagraph (a) of paragraph (4) of subdivision d of this section for each single room occupancy dwelling unit which was demolished.~~

~~4. The provisions of this section shall not apply to work done pursuant to any permit issued by the department prior to January ninth, nineteen hundred eighty five.~~

~~a. The provisions of subdivisions a and c shall not apply to a single room occupancy multiple dwelling if:~~

~~1. (a) such multiple dwelling had twenty four or fewer dwelling units on January ninth, nineteen hundred eighty five and~~

~~(i) on January first, nineteen hundred eighty three and on January ninth, nineteen hundred eighty five had seven or fewer occupied single room occupancy dwelling units, excluding any owner occupied single room occupancy dwelling units; or~~

~~(ii) an individual owner with at least a fifty percent fee interest in the multiple dwelling establishes to the satisfaction of the commissioner of the department of housing preservation and development prior to the issuance of any permit by the department of buildings for work which would otherwise be prohibited pursuant to subdivisions a and c of this section that he or she intends to occupy such premises as his or her primary residence for a period of not less than three years after completion of such work; and~~

~~(iii) an application to establish an exemption pursuant to this subparagraph is submitted to the department of housing preservation and development and such application is approved by the department; or~~

~~(a) such multiple dwelling had twenty five or more dwelling units on January ninth, nineteen hundred eighty five and the residential portion of such dwelling has been continuously vacant since January first, nineteen hundred eighty three, an application to establish an exemption pursuant to this subparagraph is submitted to the department of housing preservation and development on or before May twenty ninth, nineteen hundred eighty~~

~~seven and such application is approved by such department; or~~

~~2. such multiple dwelling is within an area for which the department of city planning has issued a special permit prior to January ninth, nineteen hundred eighty five which was conditioned upon a commitment by the developer to provide dwelling units as set forth in such special permit to replace the single room occupancy dwelling units which are lost; or~~

~~3. such multiple dwelling is determined by the department or by the fire department to be an unsafe building and the department determines there is no alternative to demolition; or~~

~~4. (a) (i) Prior to the issuance of a permit for work which would otherwise be prohibited pursuant to subdivisions a and c of this section, the owner of such single room occupancy multiple dwelling complies with the provisions of §27-198.3 of this code and further provides for the replacement of the single room occupancy dwelling units which would be altered, converted or demolished by paying, to the single room occupancy housing development fund company established pursuant to subdivision i of this section for each dwelling unit which would be altered, converted or demolished as a result of the work, forty five thousand dollars or such other amount which the commissioner of housing preservation and development determines by regulation would equal the cost of creating a dwelling unit, other than an apartment, to replace such single room occupancy dwelling unit. No such regulation shall be promulgated before January first, nineteen hundred eighty eight provided, however, that on and after such date such regulation shall be promulgated where the commissioner determines that the cost of creating such a dwelling unit, exceeds forty five thousand dollars. Each regulation shall indicate the manner in which the cost of creating such a dwelling unit was determined. Notwithstanding the foregoing, where fifty percent or more of the dwelling units of such multiple dwelling are occupied as of January twentieth, nineteen hundred eighty seven, the owner of such multiple dwelling shall be required to provide for replacement units pursuant to clause (ii) of this subparagraph for such units occupied as of such date; or~~

~~(ii) Prior to the issuance of a permit for work which would otherwise be prohibited pursuant to subdivisions a and c of this section, the owner replaces the single room occupancy dwelling units which would be altered, converted or demolished as a result of such work elsewhere within the city by providing dwelling units affordable to persons of low and moderate income, under a plan approved by such commissioner which complies with the provisions of §27-198.3 of this code. "Replacement" shall include but not be limited to the acquisition of an existing~~

~~multiple dwelling or the creation of such dwelling units either by the construction of a new multiple dwelling or the substantial rehabilitation of an existing multiple dwelling. "Multiple dwelling" shall include but not be limited to a "single room occupancy multiple dwelling". In the event that an existing multiple dwelling is acquired for the purpose of providing replacement units, such multiple dwelling shall be located in the same or adjacent community board in which the single room occupancy multiple dwelling which is to be altered, converted or demolished is located. Where a replacement Plan is submitted to such commissioner, the commissioner shall give notice to the council member and community board for the community district in which the dwelling units to be provided pursuant to such plan are to be located. Such plan shall provide either for the sale or net lease of the multiple dwelling containing such dwelling units to a not-for-profit organization or for such other form of transfer of ownership, management or possession of such multiple dwelling approved by such commissioner.~~

~~(iii) Notwithstanding the provisions of item (i) or (ii) of this subparagraph, upon the submission of an application for a permit for such work an owner shall make an application for a certification of no harassment or supplemental certification of no harassment pursuant to the provisions of section 27-2093 of this code and if such application is denied by the commissioner of housing preservation and development or a certification is granted and thereafter revoked and the basis for such denial or revocation is predicated in whole or in part on a determination by such commissioner that harassment occurred at such multiple dwelling after January ninth, nineteen hundred eighty five, no permit shall be issued on the basis of any payment made pursuant to item (i) or the provision of dwelling units pursuant to item (ii) and such owner shall be subject to the provisions of section 27-2151 of this code and subdivisions a and c of this section. In addition, the sanctions provided by section 27-198 shall apply and no permit shall be issued for a period of two years following the expiration of the sanction period set forth in section 27-198 unless the owner, prior to the issuance of such permit, makes a payment of twice the amount required by item (i) or provides for twice the number of replacement units required by item (ii) for each single room occupancy dwelling unit which would be demolished, altered or converted as a result of the issuance of such permit. Any payment made or replacement units provided prior to such denial or revocation shall be credited against such required amount or units.~~

~~(b) The amount of the payment required to be made or the number of dwelling units required to be provided pursuant to subparagraph (a) of this paragraph may be reduced in whole or in part by the commissioner of housing preservation and development if such commissioner determines that the owner has established:~~

~~(i) that there is no reasonable possibility that such owner can make a reasonable rate of return unless the property is~~

~~altered or converted in a manner prohibited by subdivisions a and c of this section or demolished; and (ii) that neither the owner nor any prior owner intentionally managed the property to impair the ability to earn such return, and (iii) that the requirement that all single room occupancy dwelling units be replaced would substantially impair the feasibility of redeveloping the property for any other use. Such application shall be made to the commissioner of housing preservation and development in a form and manner and containing such information as the commissioner of housing preservation and development shall prescribe. The term "reasonable rate of return" is defined to mean a net annual return of eight and one half percent of the assessed value of the subject property without recourse to the alteration, conversion or demolition prohibited by subdivisions a and c of this section. If the department of housing preservation and development determines that the assessed value of the subject property has increased as the result of the sale of such property, such department shall disregard the increase in the assessed value resulting from such sale to the extent that such department determines that the amount paid for the property at such sale was in excess of the fair market value of the property on the date of the sale if the property continued to be used for single room occupancy rental housing of the same type and quality after the sale. For the purpose of such determination the property shall be valued subject to the continuation of tenancies existing at the subject property immediately prior to the date of the sale. Notwithstanding the foregoing provision the commissioner shall revoke a determination reducing the payment or the number of replacement dwelling units if the denial or revocation of a certification of no harassment or supplemental certification of no harassment is predicated in whole or in part on a determination by such commissioner that harassment occurred at such multiple dwelling after January ninth, nineteen hundred eighty five.~~

~~e. The department shall not issue a building permit to allow new construction on the site after demolition pursuant to paragraph three of subdivision d of this section unless the owner makes the payment or provides replacement units pursuant to subparagraph (a) of paragraph four of subdivision d of this section for each single room occupancy dwelling unit which is demolished, provided however that if the department of housing preservation and development determines that the conditions which necessitated or significantly contributed to the need for the demolition were not the result of violations of the housing maintenance code which resulted from intentional acts or substantial negligence of an owner or former owner or his or her agent or was the owner of record prior to January ninth, nineteen hundred eighty five and such acts did not occur during the period of his or her ownership, the owner may~~

~~apply for a reduction of the required replacement units pursuant to subparagraph (b) of paragraph four of subdivision d of this section.~~

~~f. Notwithstanding the provisions of section 27-2077 of the code for purposes of this section, rooming units for persons of low and moderate income provided pursuant to paragraph two or four of subdivision d of this section may be created through alterations of apartment units in a class A multiple dwelling.~~

~~g.** i Any person who violates the provisions of this section shall be subject to all of the remedies and penalties provided for in this title except that no civil or criminal penalties shall apply with respect to acts in violation of this section committed prior to August fifth, nineteen hundred eighty five.~~

~~**As enacted but "1" probably intended.~~

~~2. In addition to any other penalties set forth in this subdivision or in any other provisions of law, any person who violates the provisions of this section following August fifth, nineteen hundred eighty five shall also be liable for a civil penalty in the amount of one hundred fifty thousand dollars for each single room occupancy dwelling unit unlawfully altered, converted or demolished.~~

~~3. An owner who falsely represents an intention to occupy a dwelling in order to obtain a permit pursuant to clause (ii) of subparagraph (a) of paragraph one of subdivision d of this section to do work which would otherwise be prohibited pursuant to subdivisions a and c of this section shall be liable for a civil penalty of fifty thousand dollars for each single room occupancy dwelling unit demolished or converted to use as apartments under such permit.~~

~~4. Such civil penalties shall be recovered by the corporation counsel in an action in any court of competent jurisdiction. A judgement recovered in such an action shall constitute a lien against the premises with respect to which the violation occurred from the time of the filing of a notice of pendency in the office of the clerk of the county in which such premises is situated. A notice of pendency may be filed at the time of the commencement of this action or at any time before final judgement or order.~~

~~5. In addition to any other penalties set forth in this subdivision or in any other provisions of law, the commissioner shall either (i) refuse to issue or shall seek to have revoked the certificate of occupancy of a dwelling which has been altered, converted or demolished after August fifth, nineteen hundred eighty five to reduce the number of single room occupancy dwelling units in violation of this section unless the owner makes the payment or provides replacement units pursuant to subparagraph (a) of paragraph four of subdivision d of this section for each single room occupancy dwelling unit which was unlawfully altered, converted or demolished, provided, however, that such owner shall not be eligible for a reduction in such payment pursuant to subparagraph (b) of paragraph four of subdivision d of this section; or (ii) order any single~~

~~room occupancy multiple dwelling to be restored so that the number of single room occupancy dwelling units is increased up to the number of such units prior to such alteration or conversion.~~

~~h. All applications submitted pursuant to this section shall be accompanied by an affidavit of the owner attesting to the accuracy and truthfulness of the information contained therein and an application fee. The department of housing preservation and development is authorized to establish such reasonable fees as may be appropriate.~~

~~i. The commissioner of housing preservation and development shall establish a single room occupancy housing development fund company pursuant to the provisions of article eleven of the private housing finance law or such other provision of law as may be deemed appropriate by the corporation counsel. Monies paid to the company shall be used for the preservation, acquisition and development of dwelling units for persons of low and moderate income pursuant to applicable provisions of law and a preference in the occupancy of such dwelling units shall be given to individuals who are of low income, are single adults and whose last residence was in a single room occupancy multiple dwelling unit which was altered, demolished or converted. On or before June thirtieth, nineteen hundred eighty eight and annually thereafter the company shall submit a report to the city council and to the mayor describing its activities during the preceding calendar year.~~

~~j. All civil penalties recovered pursuant to any provision of this section shall be single room occupancy housing fund development company established pursuant to subdivision i of this section.~~

~~k. The provisions of this section shall not be construed to alter, affect or amend any of the provisions of the emergency housing rent control act, the emergency tenant protection act of nineteen seventy four or any local laws enacted pursuant thereto, the emergency housing rent control law, the rent stabilization law of nineteen hundred sixty nine and the local hotel stabilization law of nineteen hundred sixty nine.~~

~~l. For the purpose of this section and §27-198.3, "commissioner of housing preservation and development" may also mean such other agency or office of the city, as the mayor may direct.~~

~~*Local Law 9-1987. However, 27-198.2 and 27-198.3 have no force or effect pursuant to Seawall v. New York, 74 N.Y. 2d 92.~~

~~***§ 27-198.3 Relocation of tenants in occupancy in certain single room occupancy multiple dwellings.**~~

~~a. An owner who, pursuant to either clause (i) or (ii) of subparagraph (a) of paragraph four of subdivision d of section 27-198.2, seeks an exemption from the provisions of subdivisions a and c of such section, shall be required to offer tenants in~~

~~occupancy as of January twentieth, nineteen hundred eighty seven, or thereafter, an opportunity for relocation to a comparable unit at a comparable rent and such comparable unit shall be located in the same borough in which the single room occupancy unit which is to be exempted is located. Any owner subjected to the provisions of subdivisions a and c of such section shall, on or before April first, nineteen hundred eighty seven, submit to the commissioner of housing preservation and development a sworn statement containing a list of tenants in occupancy as of January twentieth, nineteen hundred eighty seven. A "tenant in occupancy" shall be defined as an occupant of a dwelling unit within a single room occupancy multiple dwelling who has lawfully occupied such dwelling unit for thirty consecutive days or longer or who has entered into a lease with respect to such dwelling unit.~~

~~b. On or before April first, nineteen hundred eighty seven, an owner of a single room occupancy multiple dwelling subject to the provisions of subdivisions a and c of section 27 198.2 of this code shall both post in a conspicuous, common area in such multiple dwelling and mail to each occupant on an annual basis thereafter and to each new occupant within ten days of occupancy, a notice, in a form approved by the commissioner of housing preservation and development, setting forth the rights of tenants in occupancy pursuant to this section and other applicable provisions of law. Such owner shall be subject to a civil penalty of one hundred dollars per day for each and every day that such owner fails to mail, or to post such notice after April first, nineteen hundred eighty seven.~~

~~c. The commissioner of housing preservation and development shall not authorize the exemption of any single room occupancy dwelling unit from the prohibitions contained in subdivisions a and c of section 27 198.2 of this code unless the owner of such single room occupancy multiple dwelling shall submit a sworn statement to such commissioner accounting for all vacancies occurring at such multiple dwelling after January twentieth, nineteen hundred eighty seven by submitting to such commissioner a sworn statement by each and every tenant in occupancy at such multiple dwelling, on January twentieth, nineteen hundred eighty seven, or thereafter, who has vacated such multiple dwelling, that such tenant was advised by the owner, prior to vacating such dwelling, of his or her right to remain at such dwelling and his or her right to be offered relocation by such owner pursuant to this section. Where a vacancy has occurred at such multiple dwelling after January twentieth, nineteen hundred eighty seven and the owner does not submit the affidavit of such tenant, the owner shall submit an affidavit to such commissioner stating either that such tenant wrongfully refused to sign such affidavit or, if the owner lacks knowledge of the cause for such vacancy, setting forth the period of such tenant's occupancy at such multiple dwelling, the date of such tenant's vacating of such multiple dwelling and the circumstances thereof. The commissioner shall have the discretion not to accept an affidavit which such~~

~~commissioner has reason to believe is substantially or materially inaccurate.~~

~~d. Where an owner, pursuant to either clause (i) or (ii) of subparagraph four of subdivision d of section 27 198.2, seeks an exemption from the provisions of subdivisions a and c of such section for single room occupancy dwelling units which had tenants in occupancy as of the date of the application for such exemption, such owner shall submit to the commissioner of housing preservation and development a relocation plan for such tenants. If such plan is approved by such commissioner, the owner shall notify such tenants, in a form approved by such commissioner, of their right to elect to accept the offer of relocation pursuant to such plan within the period of ninety days from the date of such notification. A tenant in occupancy who fails to accept such an offer within such ninety day period or rejects such offer shall be deemed to have waived his or her right to relocation pursuant to this section. Upon approval of a relocation plan by such commissioner, the commissioner, shall notify those parties who have registered with the commissioner as being interested in providing tenants in occupancy with alternative offers of relocation.~~

~~*Local Law 9 1987. However, 27 198.2 and 27 198.3 have no force or effect pursuant to Seawall v. New York, 74 N.Y. 2d 92.~~

ARTICLE 20 [REPEALED] CONDITIONS OF PERMIT

~~§[C26 119.1] 27 199 Payment of fees. No permit shall be issued unless and until the required fee or fees therefor, as prescribed in subchapter three of chapter one of title twenty six of the administrative code shall have been paid.~~

~~§[C26 119.2] 27 200 Compliance with code, etc. Permits shall be deemed to incorporate the provisions [sic] that the applicant, his or her agent, employees, and contractors shall carry out the permitted work or use in accordance with the provisions of this code and other applicable laws and regulations, whether specified or not, except insofar as variations therefrom have been legally permitted or authorized.~~

~~§[C26 119.3] 27 201 Compliance with application, plans, etc.~~

~~All work shall conform to the approved application and accompanying plans and papers, and any approved amendments thereto.~~

~~§[C26 119.4] 27 202 Adherence to lot diagram.~~

~~All work shall be located strictly in accordance with the approved lot diagram; and no lot or plot shall be changed, increased or diminished in area from that shown on the approved lot diagram, unless and until a revised diagram showing such changes, accompanied by the necessary statement of the owner or applicant,~~

~~shall have been submitted to and approved by the commissioner.~~

~~§[C26-119.5] 27-203 Compliance with safety requirements.~~
All building operations shall be conducted in accordance with and subject to the safety requirements of this code and other applicable laws and regulations, including any order or requirement by the commissioner that the building under construction or alteration be vacated, in whole or in part during the progress of the work and until the issuance of a certificate of occupancy.

~~*§[C26-119.6] 27-204 Builder's pavement.~~

a. ~~Every permit issued for the construction or alteration of any building shall contain a statement that no certificate of occupancy or letter of completion shall be issued with respect to such building unless the sidewalk in front of or abutting such building, including but not limited to the intersection quadrant for corner property, shall have been installed and paved or repaired by the owner at his or her own cost, in the manner, of the materials, and in accordance with the standard specifications prescribed by the department of transportation pursuant to sections 19-113 and 19-115 of the code except where the commissioner has determined that such sidewalk is not required, unless the owner of such premises furnishes to the department prior to the issuance of a certificate of occupancy or letter of completion security satisfactory to the department that the sidewalk will be installed and paved or repaired within the time specified by the department. Nothing contained in this subdivision shall impair or diminish the power of the commissioner to waive the requirements of this subdivision if he or she shall determine that conditions do not require the construction [sic] of such sidewalks, nor affect the obligations of an owner of property specified under subdivision (a) of section 19-152 of the code, or relieve such owner of any such obligations, or impair or diminish the rights of the city or its agencies to enforce such obligations.~~

b. ~~No permit shall be granted for the construction or alteration of any building, unless the owner of such premises has furnished to the department a policy of liability insurance, marked paid, in such amounts as may be fixed by the department. Such policy shall insure, indemnify and save the city harmless from all claims, suits, demands, causes of action and judgments by reason of personal injuries, including death, sustained by any person and from any claims, suits, demands, causes of action and judgments for damages to property, occurring on any sidewalk on, abutting or in front of such premises, including but not limited to the intersection quadrant for corner property, up to the date of issuance of such certificate of occupancy or letter of completion or up to the date on the completion of the installation and pavement of such sidewalk in accordance with the standard specifications and regulations prescribed by the commissioner of the department of transportation pursuant to sections 19-113 and 19-115 of the code, whichever is later. In the event that the owner of the premises~~

~~is covered by a policy of liability insurance, the department may accept a certificate of endorsement extending such policy to include the city within the policy's coverage.~~

~~*Local Law 65-1996.~~

ARTICLE 21 [REPEALED]

DEPARTMENT INSPECTIONS

~~§[C26-120.1] 27-205 Right of entry and inspection.~~

~~The commissioner or his or her authorized representatives, in the discharge of their duties, shall have authority to enter upon and examine and inspect at all reasonable times any building, enclosure, or premises, or any part thereof, or any signs or service equipment attached thereto or contained therein, for the purpose of determining compliance with the provisions of this code and other applicable laws and regulations.~~

~~§[C26-120.2] 27-206 Identification of inspectors.~~

~~Officers and employees of the department, in the discharge of their duties, shall identify themselves by exhibiting the official badge of the department; and other authorized representatives of the commissioner shall identify themselves by producing and exhibiting their authority in writing signed by the commissioner.~~

~~§[C26-120.3] 27-207 General provisions.~~

~~All examinations and inspections, including all tests in connection therewith, as required by the provisions of this code and other applicable laws and regulations, shall be made and conducted under the direction of the commissioner and in accordance with such inspection and test procedures as may be prescribed by the provisions of this code or other applicable laws and regulations, with the expense of all tests to be borne by the owner or lessee, or the contractor performing the work. The commissioner may accept inspection and test reports from officers and employees of the department and other government agencies. The commissioner may accept signed statements and supporting inspection and test reports filed by architects, engineers or persons superintending construction work and the installation of equipment, under and pursuant to the requirements of sections 27-131, 27-132, 27-135 and 27-136 of this subchapter.~~

~~§[C26-120.4] 27-208 Preliminary inspection.~~

~~Before the issuance of a work permit, the commissioner may cause an examination and inspection to be made at the site of the proposed work.~~

~~§[C26-120.5] 27-209 Inspections during progress of work.~~

~~After the issuance of a work permit, inspections shall be made during the progress of the work at such times or at such stages of the work and in such manner as the commissioner shall direct; and such inspections shall include inspection of machinery~~

and equipment used for hoisting purposes, cableways and rigging purposes. The commissioner may accept signed statements by architects or engineers and supporting inspection and test reports which have been filed with the department covering materials and equipment subject to controlled inspection and semi controlled inspection, as provided under sections 27-132, 27-133, 27-136 and 27-137 of this subchapter, and the work may, unless otherwise specifically provided by code provisions or directed by the commissioner, proceed without any verifying inspections or test by the department, provided that the names and business addresses of such architects or engineers shall have been set forth in the work permit application or filed in writing with the department not later than ten calendar days prior to the commencement of work thereunder.

~~§[C26-120.6] 27-210 Final inspection.~~ Upon completion of the work, and before the issuance of any certificate of occupancy or equipment use permit, a final inspection of the work shall be made by the department, at which the architect, engineer, or other person who supervised or superintended the construction, installation or alteration work shall be present; and any and all failures to comply with the provisions of this code or other applicable laws and regulations shall be noted and the owner or lessee promptly notified thereof in writing.

~~§[C26-120.7] 27-211 Inspection of completed buildings.~~ The commissioner shall cause inspections to be made periodically of completed buildings, and of signs and service equipment installations when so required by the provisions of subchapter four of chapter one of title twenty six, or other applicable laws and regulations.

~~§[C26-120.8] 27-212 Inspection reports.~~ All inspection reports shall be in writing and signed by the inspector, or the responsible individual, or an officer of the inspection service, making the examination of inspection; and a record of all inspections shall be kept by the department.

ARTICLE 22 [REPEALED] CERTIFICATES OF OCCUPANCY

~~*§[C26-121.1] 27-213 General provisions.~~ All certificates of occupancy shall be issued by the commissioner and the issuance thereof shall be subject to the provisions of this section, and to the provisions of subdivision (b) of section six hundred forty five of the New York city charter and article five of subchapter three of chapter one of title twenty six.

~~*Local Law 91-1989.~~

~~§[C26-121.2] 27-214 New buildings; sidewalk requirements.~~

a. Except as permitted under the provisions of section 27-218 of this article, no building hereafter constructed shall be occupied or used, in whole or in part, unless and until a certificate of occupancy shall have been issued

certifying that such building conforms substantially to the approved plans and the provisions of this code and other applicable laws and regulations.

~~***b. (1) No certificate of occupancy or letter of completion shall be issued for any building, completed on or after April twenty third, nineteen hundred sixty three unless the sidewalk in front of or abutting such building, including but not limited to the intersection quadrant for corner property shall have been installed and paved or repaired by the owner at his or her own cost, in the manner, of the materials, and in accordance with the specifications prescribed by the department of transportation pursuant to sections 19-113 and 19-115 of the code, or unless the owner of such premises has furnished to the department security satisfactory to it that such sidewalk will be installed and paved or repaired within the time specified by the department or unless the commissioner waives such requirement where conditions do not require the installation of a sidewalk.~~

~~(2) The commissioner of buildings shall insure that streets are suitably improved in accordance with the standards and specifications of the department of transportation as required by subdivision two of section thirty six of the general city law and shall otherwise carry out the provisions of such subdivision.~~

~~c. No certificate of occupancy or temporary certificate of occupancy (excluding amendments to previously issued certificates of occupancy) shall be issued on or after April first, nineteen hundred eighty seven for any existing building which has not fully complied with all requirements of this code applicable to such existing building.~~

~~***Local Law 65-1996.~~

~~§[C26-121.3] 27-215 Altered buildings.~~ Except as permitted under the provisions of section 27-218 of this article, no building hereafter altered so as to change from one occupancy group to another, either in whole or in part, or so as to affect any existing means of egress, or so as to increase the number of habitable rooms in the building, and no building hereafter altered for which a certificate of occupancy has not theretofore been issued, shall be occupied or used unless and until a certificate of occupancy shall have been issued certifying that the alteration work for which the permit was issued has been completed substantially in accordance with the approved plans and the provisions of this code and other applicable laws and regulations. If the building was not required to be vacated, either in whole or in part, during the course of the alteration work, the occupancy or use of the building shall not continue more than thirty calendar days after completion of the alteration work, unless a certificate of occupancy has been issued, as above provided.

~~**§[C26-121.4] 27-216 Existing buildings.~~ Upon application by the owner of an existing building, and subject to the provisions of section 27-111 of article three of this subchapter, the commissioner shall issue a certificate of occupancy for such building, provided that at the time of issuing such certificate, no notices of violation or other notices or orders affecting the building as they relate to the provisions of this code are pending before the department of buildings, and provided further that it is established to the satisfaction of the commissioner, after inspection and investigation, that the alleged use of the building has heretofore legally existed. The issuance of a certificate of occupancy for any existing building on waterfront property not used in conjunction with and in furtherance of waterfront commerce and/or navigation shall be conditioned upon compliance with the provisions of this code regulating means of egress, and upon the issuance of a certificate of completion by the commissioner of ports and trade, and shall be limited to the uses and purposes certified to therein.

~~**Local Law 14 1989; Local Law 5 1986, language juxtaposed per Ch. 907 1985.~~

~~§[C26-121.5] 27-217 Change of occupancy or use.~~

(a) No change shall be made in the occupancy or use of an existing building which is inconsistent with the last issued certificate of occupancy for such building, or which would bring it under some special provision of this code or other applicable law or regulation, unless a new certificate of occupancy is issued by the commissioner certifying that such building or part thereof conform to all of the applicable provisions of this code and all other applicable laws and regulations for the proposed new occupancy or use.

(b) Except as provided by law, a new certificate of occupancy shall not be required where the change of use is within the same use group as listed in the amended zoning resolution. Where a building exceeds three stories in height and the change does not exceed twenty per cent of the total floor area, an amendment to the existing certificate of occupancy for such new use shall be issued by the commissioner certifying that the proposed new occupancy and use conforms to the provisions of the laws governing building construction and that the proposed use will not be in conflict with any provisions of the labor law, multiple dwelling law or the zoning resolution.

~~*§[C26-121.6] 27-218 Temporary occupancy.~~ The commissioner may, upon request, issue a temporary certificate of occupancy for a part or parts of a building before the entire work covered by the permit shall have been completed, provided that such part or parts may be occupied safely prior to completion of the building and will not endanger public safety, health or welfare, and further provided that the temporary certificate of occupancy shall be issued initially for a period between

ninety and one hundred eighty days, in the case of all buildings classified in occupancy group J-3 or three-family homes, and ninety days for all other buildings subject to renewal for additional ninety day periods at the discretion of the commissioner. When an applicant applies for an initial temporary certificate of occupancy for longer than ninety days, he or she must state the reason necessary for the longer time period.

~~*Local Law 12 1993.~~

~~*§[C26-121.7] 27-219 Applications for certificates of occupancy.~~ All applications for certificates of occupancy shall be submitted on forms furnished by the department. Each application shall be accompanied by an accurate and complete lot survey made by a licensed surveyor showing the location of any new building and/or any extension to an existing building, the elevation of the first tier of beams or the first floor, the finished grades of all open spaces on the lot, the location and controlling grades of watercourses, paved swales and similar above-grade methods of storm water disposal when permitted by this code, the locations of all catch basins on the property, the established curb level, and the location of all other structures and impervious surfaces, as defined in subdivision (a) of section P110.2 of reference standard RS-16, on the lot. Such lot survey shall also show the location and boundaries of the lot or plot upon which such buildings and structures are located. The commissioner may waive the requirement of such survey in the case of small sheds, stands, signs, and similar small structures. In addition, prior to the issuance of a certificate of occupancy the department shall confirm by inspection that all work relating to the installation of the part of the storm water drainage system which shall lie outside of such property, if and as required by section 24-526 of this code, has been satisfactorily completed.

~~*Local Law 65 1996; Note: For Excerpts from Local Law 7-1974, see end of Subchapter 1; Local Law 103 1989.~~

~~§[C26-121.8] 27-220 Applicant.~~ The application for a certificate of occupancy shall be made by or in behalf of the owner of the building premises; and if made by a person other than the owner, the application shall be accompanied by a signed statement of the applicant stating that he or she is authorized by the owner to make the application. The full names and addresses of the owner, lessee, and applicant, and of the principal officers thereof, if a corporation shall be stated in the application.

~~§[C26-121.9] 27-221 Statement of compliance.~~ When a certificate of occupancy for a new or altered building is applied for, the application shall be accompanied by a signed statement of the architect, engineer or other person who supervised or superintended

the construction or alteration work, stating that he or she has examined the approved plans and specifications of the building for which the certificate of occupancy is sought, and that, to the best of his or her knowledge and belief, the building has been erected or altered in accordance with the approved plans and specifications and, as erected or altered, complies with the provisions of this code and all other applicable laws and regulations, except insofar as variations or variances therefrom have been legally permitted or authorized, specifying such variations or variances in such required statement.

~~§[C26 121.10] 27-222 Issuance of certificates of occupancy.~~

(a) All applications for certificates of occupancy and accompanying papers shall be examined promptly after their submission. If the building is entitled to the certificate of occupancy applied for, the application shall be approved and the certificate of occupancy issued by the commissioner within ten calendar days after submission of the application. Otherwise, the application shall be rejected and written notice of rejection stating the grounds of rejection, shall be given to the applicant within ten calendar days of the submission of the application. Wherever an application has been rejected and proof is thereafter submitted establishing that the grounds of rejection have been met and that the building is entitled to the certificate of occupancy applied for, the application shall be approved and the certificate of occupancy issued within ten calendar days after submission of such proof.

(b) No certificate of occupancy or temporary certificate of occupancy shall be issued until a fire protection plan, if required under the provisions of article twenty-five, has been filed and accepted.

~~**(c) No certificate of occupancy shall be issued until compliance with such provisions of chapter three of title twenty-seven of this code as may be required in regulations promulgated by the commissioner is certified by the bureau of electrical control. This subdivision shall not apply to temporary certificates of occupancy issued by the commissioner pursuant to section 27-218 of this code.~~

~~**Local Law 73-1988.~~

~~§[C26 121.11] 27-223 Contents of certificates.~~ In addition to the required certification by the commissioner, each certificate of occupancy shall state the purposes for which the building may be used in its several parts, and shall specify:

(a) The occupancy group or groups which apply to all parts of the building.

(b) The maximum permissible live loads on the several floors of the building.

(c) The occupancy loads in the building and all parts thereof.

(d) Any special stipulations and conditions of the building permit.

~~§[C26 121.12] 27-224 Record of certificates.~~ A record of all certificates of occupancy shall be kept by the department; and copies thereof shall be furnished by the department upon request, and on the payment of the fee prescribed in section 26-214 of the administrative code. The certificate of occupancy

or a copy thereof shall be available for inspection at the building at all reasonable times.

ARTICLE 23 [REPEALED]

POSTING BUILDINGS

~~§[C26 122.1] 27-225 Posted occupancy and use.~~ All buildings other than buildings classified in occupancy group J shall be posted by the owner with a sign or placard in a form prescribed by the commissioner, which shall be permanently affixed to the structure in a conspicuous location in a public hall or corridor of the building, and which shall state the live loads and the occupant loads in the building and all parts thereof, as provided in subchapters six, eight and nine of this chapter.

~~§[C26 122.2] 27-226 Replacement of posted signs.~~

All posted signs shall be furnished by the owner and shall be of permanent design, shall not be removed or defaced, and if lost, removed or defaced, shall be immediately replaced. The commissioner may inspect or cause to be inspected periodically all existing buildings for compliance with the provisions of this code in regard to posting; and the inspection reports shall specify any violation thereof.

ARTICLE 24 [REPEALED]

STOP WORK ORDER

~~§[C26 123.1] 27-227 Stop Work notice and order.~~ Upon notice from the commissioner, or his or her authorized representatives, that any work at any building or building site is being executed in violation of the provisions of this code or other applicable laws or regulations, or in a dangerous or unsafe manner, such work shall immediately be stopped. The notice shall be given to the owner or lessee of the property involved, or to the agent of either of them, or to the person or persons doing the work, and may be continued in a stop work order issued by the commissioner stating the reasons for the issuance of the order and the conditions under which the work may be resumed.

{Conditions warranting issuance of a stop work order include but are not limited to, failure to have a construction site safety coordinator present in the course of on-going construction at those sites where department rules and regulations requires that a construction site safety coordinator be designated and present; the failure to erect a sidewalk shed (or portions thereof), as required by Section C26 1901.5 of the administrative code, or the removal of a sidewalk shed or portions thereof, when such sidewalk shed is still required pursuant to Section C26 1901.5 of the administrative code.

In addition to the penalties provided for in this title, failure to comply with a stop work order shall be subject to the payment of a penalty in the sum of \$500 for each day there is non-compliance, to be recovered in a civil action brought in the name of the commissioner;

provided, however, this shall not apply to any work performed to remedy an unsafe or hazardous condition.]*
**Copy in brackets not enacted but probably intended.
 (§C26-1901.5 referred to is renumbered §27-1021.)*

~~§[C26-123.2] 27-228 Unlawful continuance.~~ No person shall, with knowledge or notice of a stop work order, continue or cause to be continued any work covered by such order, except such work as is directed to be performed to remove the violation or the dangerous or unsafe condition.

ARTICLE 25 [REPEALED]

FIRE PROTECTION PLAN

~~§[C26-124.1] 27-228.1 Applicability.~~ This article shall apply to the following buildings and building sections:

- (a) High rise buildings or building sections exceeding seventy-five feet in height.
- (b) Buildings or building sections classified in occupancy group A, B, C, D, E or G which are two or more stories in height with over twenty thousand gross square feet per floor or are two or more stories in height with a total building floor area exceeding fifty thousand gross square feet.
- (c) Any building containing an assembly use having an occupant load of three hundred or more persons.
- (d) Buildings or building sections classified in occupancy group H or J-1 which are two or more stories in height and contain sleeping accommodations for thirty or more persons.
- (e) Buildings or building sections classified in occupancy group J-2 which contain thirty or more dwelling units and over ten thousand gross square feet of floor area used for mercantile, assembly, educational or institutional purposes.
- (f) Alterations to a building or building section listed in subdivisions (a) through (e) of this section, if the cost of the alterations, computed in accordance with section 27-119, exceeds one million dollars or involves a change of use.

~~§[C26-124.2] 27-228.2 Scope.~~

- (a) The plan shall include the following information, where applicable:
 - (1) Building description: address; block and lot numbers; number of stories; height in feet; occupancy group; construction classification; occupancy load and department of buildings application number.
 - (2) Key plans showing all floors, exits, corridors, partitions serving as fire separations or fire divisions, locations and ratings or required enclosures, stairs with pressurization, roof access, exit discharges, locations of frontage space.
 - (3) Descriptions in narrative form of safety systems and features, including:
 - a. Communications systems
 - b. Alarm systems
 - c. Smoke detection equipment
 - d. Location of fire command station
 - e. Elevator recall
 - f. Emergency lighting and power
 - g. Standpipes
 - h. Sprinklers
 - i. Compartmentation
 - j. Mechanical ventilation and air conditioning

- k. Smoke control systems and equipment
 - l. Furnishings types and materials
 - m. Places of assembly
 - n. Fire department access
 - o. Other systems, required and voluntary, to be installed
- (4) Proof that the fire safety plan, if required, has been filed with the fire department and accepted by that department.

~~§[C26-124.3] 27-228.3 General Requirements.~~ A fire protection plan, as defined in subchapter two shall be filed with the department by a registered architect or licensed professional engineer whose seal and signature shall be on the plan.

~~§[C26-124.4] 27-228.4 Retroactivity.~~ The requirements of this article shall apply to all alterations to, and construction of, buildings listed in section 27-228.1 in progress and not yet completed on March twenty seventh, nineteen hundred eighty four.

ARTICLE 26 SPECIAL FILING REQUIREMENTS

~~§[C26-125.1] 27-228.5 General requirements.-~~**

- (a) Owners of all existing buildings which are required to comply with the provisions of subdivision (a) of section 27-353.1 (elevator vestibules), section 27-381 and subdivision (b) of section 27-382 (exit lighting), subdivision (b) of section 27-384 (exit signs), section 27-396.3 (signs in sleeping rooms), section 27-777.2 (ventilation in J-1 buildings), subdivision (b) of section 27-929 (sprinklers, fire alarm systems, fire command and communication systems), paragraph two of subdivision (c) of section 27-989 (elevators in readiness), section 27-996.1 (locks on hoistway doors) and section 27-996.2 (firemen's service) shall file with the department a report on or before April first, nineteen hundred eighty-seven certifying to the installation of the required fire protection systems in accordance with approved plans and appropriate permits prior to such date. Owners of all existing buildings not already subject to the requirements of article nine of subchapter six of this chapter as of January eighth, nineteen hundred seventy-three shall file with the department a report on or before October first, nineteen hundred eighty-five certifying to the installation of stair and elevator signs meeting the requirements of article nine of subchapter six of this chapter prior to such date. Owners of all existing buildings that are required to comply with the provisions of subdivision (c) of section 27-384 (power source of exit signs) shall file with the department, on or before July 1, 2007, a report of an architect or engineer certifying that all required exit and/or directional signs are connected to an emergency power source or to storage battery equipment in compliance with such subdivision except that no such report shall be required to be filed if an owner of a building submits an affidavit to the department, within

ninety days after October 22, 2004 certifying that all required exit and/or directional signs are connected to an emergency power source or to storage battery equipment as required by such subdivision. Such reports shall be on such forms and in such manner as prescribed by the commissioner. Failure to file such report by such dates shall be a violation of this section, which shall be punishable pursuant to section 26-125 of title twenty-six of the administrative code.

(b) (1) Owners of all buildings one hundred feet or more in height required to comply with the provisions of subdivision (a) of section 27-929.1 (sprinklers) shall file with the department on or before July 1, 2019 a final report prepared by an architect or engineer certifying to the

installation of the required sprinklers in accordance with such provisions and, pending the filing of such final report, such owner shall be required to file the following interim reports as described below. Failure to file such final report and/or, where required, such interim reports by the dates indicated or within any extended period of time granted by the commissioner pursuant to paragraph (2) of this subdivision shall be a violation of this section, which shall be punishable pursuant to section 26-125 of the code. Such reports shall be on such forms and in such manner as prescribed by the commissioner and shall be filed as follows:

Unless a final report is filed on or prior to such date, a one year report shall be filed no later than July 1, 2005.	The one year report shall contain an affidavit by the owner of the building acknowledging that sprinklers are required to be installed in such building on or before July 1, 2019 in compliance with subdivision (a) of section 27-929.1 of this code and indicating his or her intention to comply with such requirement.
Unless a final report is filed on or prior to July 1, 2011, a seven year report shall be filed no earlier than January 1, 2011 and no later than July 1, 2011.	Such seven year report shall contain a certification by an architect or engineer of the percentage of the building in which sprinklers have been installed as of the date of such report and an implementation plan prepared by such architect or engineer detailing when and how the remaining portions of the building will be made fully compliant.
Unless a final report is filed on or prior to July 1, 2018, a fourteen year report shall be filed no earlier than January 1, 2018 and no later than July 1, 2018.	Such fourteen year report shall contain a certification by an architect or engineer of the percentage of the building in which sprinklers have been installed as of the date of such report and an implementation plan, prepared by such architect or engineer detailing when and how the remaining portions of the building will be made fully compliant.
Except as otherwise provided in paragraph (2) of this subdivision, a final report shall be filed no later than July 1, 2019.	Such final report shall contain a certification by an architect or engineer that the building is fully compliant.

(2) Where the owner of a building is unable to comply with the requirements of subdivision (a) of section 27-929.1 on or before July 1, 2019 because of undue hardship, and where such owner timely filed all interim reports as required in paragraph (1) of this subdivision and has obtained approval of all required applications, plans and permits relating to the required work, such owner may submit to the department an application for additional time to comply with such requirements. Such application shall be submitted to the department on or before July 1, 2018, along with supporting documents indicating the basis for such claim of undue hardship. The commissioner shall appoint a committee

consisting of employees of the department and the fire department and a representative of the real estate industry to review such application. Such committee shall issue findings and recommendations relating to the application. After reviewing such findings and recommendations, if the commissioner finds that the owner has made a good faith effort to complete the required work and has substantiated his or her claim of undue hardship, the commissioner may grant an extension of time in which to complete the work and submit the final report.

****Local Law 26-2004.**

***ARTICLE 27 [REPEALED] ALTERNATIVE PROCEDURE FOR CERTAIN PERMITS**

~~27-228.6 Contract with not for profit corporation.~~

~~Notwithstanding any other provision of law, the commissioner may enter into a contract with a not for profit corporation described in section 27-228.7 to provide for the examination and approval of plans and the issuance of permits by such corporation on behalf of the department for the~~

~~installation or alteration of plumbing and plumbing systems, including gas piping, as provided in article fifteen of this subchapter, and for the installation or alteration of fire suppression piping systems, as provided in article seventeen of this subchapter. Such contract shall require the not for profit corporation to agree to provide such services in conformity with sections 27-228.8, 27-228.9, 27-228.10, 27-228.11, 27-228.12, 27-228.13 and 27-228.14.~~

~~**27-228.7 Not for profit corporation.~~ No contract shall be entered into pursuant to this article except with a not for profit corporation, a majority of the members of the board of directors of which are city officials. Such members shall include one person designated by the speaker of the council and officers or employees of the department and the fire department, serving ex officio, and such other persons as provided in the bylaws of such corporation. No such bylaws shall be adopted by such corporation prior to January 18, 1994. For the purposes of this article the term "corporation" shall mean a not for profit corporation as set forth in this section.

~~**Local Law 109 1993; Local Law 107 1993.~~

27-228.8 Examination and approval of plans.

(a) The corporation shall examine and approve plans in accordance with and in the manner prescribed by the provisions of the charter, the code and the rules of the department relating to the examination and approval of plans by the department, except as hereinafter provided.

(b) Except where authorized by the commissioner, the corporation shall not have the authority to designate

(c) portions of the examination of plans submitted by architects or engineers for limited supervisory check pursuant to section 27-143 of the code.

(d) All plans approved by the corporation shall be endorsed with the official seal of the corporation.

(e) The corporation shall use forms for applications which shall be prescribed by the commissioner.

27-228.9 Issuance of permits.

(a) The corporation shall issue permits in accordance with and in the manner prescribed by the provisions of the charter, the code and the rules of the department relating to the issuance of permits by the department, except as hereinafter provided.

(b) Whenever work which requires a plumbing permit or a fire suppression piping system permit is a part of the construction of a new building or the alteration of an existing building, the corporation shall not issue such plumbing permit or fire suppression piping system permit until after the department has issued a new building permit or a building alteration permit to the applicant. The applicant shall submit to the corporation the final plans, approved by the department, for such new building or alteration and a copy of the new building permit or the building alteration permit issued by the department before the plumbing permit and/or the fire suppression piping system permit may be issued.

(c) The corporation shall act in accordance with guidelines which the commissioner shall establish under which the corporation shall defer the approval of plans or the issuance of permits pending appropriate action by other city agencies.

(d) The corporation shall not have the power to revoke any of the permits issued by the corporation but may recommend revocation to the commissioner. The commissioner may revoke permits issued by the corporation pursuant to section 27-197 of the code.

(e) All determinations of the corporation shall be subject to review by the board of standards and appeals to the same extent and in the same manner as if such determination were made by the department.

(f) All permits issued by the corporation shall bear the signature of the chief operating officer of the corporation.

27-228.10 Fees. The corporation shall collect fees on behalf of the department for permits which the corporation issues. The disposition of such fees shall be governed by the contract between the corporation and the city.

27-228.11 Employment conditions.

(a) The corporation shall require its salaried officers and employees to agree in writing:

(1) to refuse to accept gratuities in the performance of their duties for the corporation;

(2) to be subject to the restrictions set forth in chapter sixty eight of the New York city charter; and

(3) to be subject to the restrictions upon outside work, employment and financial interests set forth in section 26-114 of the code.

(b) The corporation shall require its per diem employees and consultants to agree in writing to refuse to accept gratuities in the performance of their duties for the corporation.

(c) The corporation shall adopt disciplinary and other procedures to ensure compliance with such agreements.

27-228.12 Inspection. With respect to the permits issued by the corporation, the corporation shall perform the inspections described in sections 27-208, 27-209 and 27-210 of the code. For such purpose, employees of the corporation shall be designated as authorized representatives of the commissioner pursuant to section 27-205 with authority to enter upon and examine and inspect at all reasonable times any building.

27-228.13 Records. The corporation shall keep and maintain records relating to the services performed on behalf of the department in a manner and for such period of time as shall be agreed upon between the department and the corporation.

27-228.14 Corruption prevention program. The corporation shall develop and implement a corruption prevention program to detect and punish corrupt conduct by employees in carrying out their duties on behalf of the corporation which shall not be less restrictive than the corruption prevention program for employees of the department. Such program shall provide for the dismissal of employees who are found to be engaged in corrupt activities, including the solicitation and acceptance of gratuities. The corporation shall not commence services pursuant to the contract until a plan for the implementation of such program has been reviewed and approved by the commissioner.

~~27-228.15 Performance review by the commissioner.~~

~~The commissioner shall establish such procedures for the audit, inspection, examination and review of services performed by the corporation on behalf of the department as may be necessary to ensure that the examination and approval of plans, the issuance of permits and conduct of inspections performed by the corporation are carried out in a manner consistent with the provisions of this article.~~

~~proposed drains, sewers and/or other means of storm water disposal, which the environmental protection administration normally require property owners to submit to it prior to the submission of a detailed plan for the construction of such facilities.~~

~~Effective date, May 16, 1974.~~

~~27-228.16 Jurisdiction of the fire department.~~

~~The provisions of this article shall not be construed to affect, alter or amend the jurisdiction of the fire department over the inspection and testing of plumbing and fire suppression piping systems.~~

~~*Local Law 107-1993.~~

~~Footnote: The following §§ 1 and 10 are unconsolidated provisions of Local Law 7 of 1974 (see §27-160)~~

~~Section 1. the council finds that serious flooding and ponding problems exist in areas of the city of New York which are presently without adequate sewers for the disposal of storm water. The council further finds that these flooding and ponding problems endanger human life and cause substantial property damage. As the primary means of reducing these problems, the city of New York currently is engaged in an accelerated sewer construction program, approved by the council, of unprecedented scope. The city is also engaged in an active program of maintaining existing watercourses and other storm water disposal systems, pursuant to orders of the city's Board of Health. It is the expectation of the council that in the next twenty years the city sewer construction program will provide a large network of storm sewers for the areas of the city which presently lack them. In addition, however, the council recognizes that present construction of new buildings and developments without adequate storm water drainage in these unsewered areas is worsening existing flooding and ponding problems, and that the stringent storm drainage requirements for property owners set forth in this local law, which terminate December thirty-first, nineteen hundred ninety three, are necessary as a temporary measure until the city has substantially advanced its accelerated sewer construction program.~~

~~§10. This local law shall take effect thirty days after it shall have become law. Its requirements insofar as they differ from or are additional to those of the administrative code of the city of New York in effect immediately prior to the effective date of this local law shall apply to the construction of all new buildings for which applications for new building permits have been filed on or after such effective date; provided, however, that such new of different requirements shall not apply to the construction of new buildings on specific sites for which schemes for storm water drainage have been approved by the environmental protection administration on or before such effective date if such construction lawfully commences within five years after such approval. A scheme for storm water drainage for the purpose of this section is an undetailed plan which shows the~~

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occupancies that shall be used as a basis for classifying buildings and spaces by occupancy.

§[C26-301.6] 27-242 Multiple occupancy or use.-When a building or space is used for multiple purposes, involving different activities at different times, the building or space shall be given a separate occupancy group classification for each of the activities involved. The design and construction of the building or space shall be in accordance with the most restrictive provisions of this code that apply to any of the occupancy group classifications utilized. However, a minor variation of any occupancy or use of a space from technical compliance with a particular space occupancy classification shall not be prohibited if such variation is normally associated with the occupancy classification and no specific danger or hazard is created.

ARTICLE 3 OCCUPANCY GROUP A-HIGH HAZARD

§[C26-302.1] 27-243 Classification.-Buildings and spaces shall be classified in the high hazard occupancy group when they are used for storing, manufacturing, or processing potentially-explosive products or materials, or highly-combustible or highly-flammable products or materials that are likely to burn with extreme rapidity. The high hazard group shall also include: uses that involve storing, processing, or handling any materials that produce explosive dust, or that result in the division of matter into fine particles subject to spontaneous ignition; uses that employ solids or substances that ignite or produce flammable gases on contact with water; and any other uses that constitute a high fire hazard because of the form, character, or volume of the materials involved.

(a) Typical material contents.-Acetylene gas and gases under pressure of fifteen psig or more and in quantities greater than twenty-five hundred cubic feet, including hydrogen, illuminating gas, natural gas, and all other gases subject to explosion; gas piping at pressure levels above fifteen psig regardless of the quantities of gas; celluloid and celluloid products; cotton batting; kerosene; fuel or other oils having a flash point under 200°F (tag closed cup), except five hundred fifty gallons or less in one- and two-family dwellings; refrigerating systems using high hazard refrigerants as defined in subchapter thirteen of this chapter, and except that in buildings lawfully occupied as garages prior to December sixth, nineteen hundred sixty-eight the storage of tank trucks or other vehicles, approved by the fire commissioner for the transportation of products having a flash point of over 100°F (tag open cup), and where the product contained in the cargo space of the vehicles is pending delivery, shall only be considered to constitute a high hazard occupancy when the product is stored in quantities greater than forty-five thousand gallons.

**As enacted but “°F” probably intended.*

(b) Typical occupant activities.- **Artificial flower and synthetic leather manufacture; ammunition, explosives, and fireworks manufacture, sales or storage; dry cleaning or dyeing; using or storing gasoline or other combustible solvents as outlined in article six of subchapter seven of this chapter; feather renovating; fruit ripening processes; hydrogenation processes; match manufacture or storage; metal enamelling or japanning; paint and varnish manufacture; paint spraying or dipping, as specified in article three of subchapter seven of this chapter; derivation of petroleum products by application of heat; processing of paper or cardboard in loose form; pyroxylin products manufacture and storage; rag sorting and storage; shoe polish manufacture; straw goods manufacture or broom corn storage; tar, pitch, or resin processing; waste paper sorting, shredding, storage, or baling; cotton waste processes.

***As enacted but “Artificial” probably intended.*

§[C26-302.2] 27-244 Location restrictions.-No space classified in the high hazard occupancy group shall be located above the second story of any building or building section classified in construction group II containing a space classified in occupancy group J-1 or J-2.

ARTICLE 4 OCCUPANCY GROUP B-STORAGE

§[C26-303.1] 27-245 Classification.-Buildings and spaces shall be classified in the storage occupancy group when they are used primarily for storing goods. When the goods stored are highly combustible, flammable, or potentially explosive, the building or space shall meet the requirements for high hazard occupancies when the latter are more restrictive than the corresponding requirements for the storage classification. The storage occupancy group consists of sub groups B-1 and B-2.

§[C26-303.2] 27-246 Occupancy group B-1.-Shall include buildings and spaces used for storing any flammable or combustible materials that is likely to permit the development and propagation of fire with moderate rapidity.

(a) Typical material contents: bags (cloth, burlap, and paper); bamboo and rattan; baskets; belting (canvas and leather); books and paper in rolls or packs; buttons, including cloth-covered, pearl, or bone; boots and shoes; cardboard and cardboard boxes; wearing apparel; cordage; furniture; furs; glue, mucilage, paste, and size; horn and combs other than celluloid; leather enamelling or japanning; linoleum; livestock; lumber; photo-engraving supplies; silk; soap; sugar; tobacco; cigars, cigarettes, and snuff; upholstery and mattresses; wax candles.

***TABLE 3-2 TYPICAL OCCUPANCIES
FOR OCCUPANCY CLASSIFICATION**

Occupancy Group	Designation	Representative Occupancies
HIGH HAZARD	A	Paint shop and storerooms; industrial smoke houses; grain elevators; tanneries with enamelling or japanning; distilleries; sugar, starch, cereal, feed, flour, and grist mills; any space containing gas distribution piping at pressure levels above fifteen psig
STORAGE	B-1	Warehouses; storerooms; freight depots; stables; coal pockets; group 1 public garages**
	B-2	Warehouses; storerooms; private garages; green houses; group 2 public garages**
MERCANTILE	C	Retail stores; shops; sales rooms; markets
INDUSTRIAL	D-1	Baking plants; breweries; automotive repair shops; †foundaries; heliports; scenery shops
	D-2	Mechanical and electrical equipment rooms; power plants, and boiler and furnace rooms, except those containing gas distribution piping at pressure levels above fifteen psig; commercial laundries; vocational training shops; laboratories; nonresidential kitchens
BUSINESS	E	Office buildings; banks; civic administration buildings; radio and television stations not classified as places of assembly or as equipment rooms; telephone exchanges; barber and beauty shops; automotive service stations; neighborhood family care centers; medical offices or group medical centers
[ASSEMBLY	F-1a	Theaters; playhouses; opera houses]***
	F-1b	Churches; lecture halls; court rooms; convention halls; concert halls; sports arenas; planetariums; motion picture theaters
	F-2	Grandstands; bleachers; stadiums; drive-in theaters; amusement attractions and devices; bandstands; skating rinks
	F-3	Exhibition halls; galleries; gymnasiums; museums; passenger terminals; bowling alleys; billiard parlors; skating rinks
	F-4	Restaurants; night clubs; cabarets; dance halls; ballrooms; banquet rooms; cafeterias; snack bars; taverns; coffee houses
EDUCATIONAL	G	Schools; academies; universities; libraries
INSTITUTIONAL	H-1	Jails; prisons; reformatories; mental institutions
	H-2	Hospitals; sanitariums; clinics; nursing homes; orphanages; homes for the aged; day nurseries
RESIDENTIAL	J-1	Hotels; motels; lodging houses; rooming houses
	J-2	Apartment houses; apartment hotels; school dormitory buildings
	J-3	One-family and two-family dwellings; rectories; convents; [group homes]***
MISCELLANEOUS	K	Sheds; fences; signs

**This list of occupancies is representative only and is not complete.
See reference standard RS 3-3 for additional listings.
**See article ten of subchapter seven of this chapter.*

****Copy in brackets not enacted but probably intended.*

†As enacted but "foundries" probably intended.

SUBCHAPTER 4 BUILDING LIMITATIONS

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***“C26” omitted from section numbers in this column.*

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- 4-1 Area and Height Limitations for Unsprinklered Buildings and Spaces.
4-2 Area and Height Limitations for Sprinklered Buildings and Spaces.

ARTICLE 1 GENERAL

§[C26-400.1] 27-288 Scope. -The provisions of this article establish building access requirements; shall regulate the division of the city of New York into fire districts and control the occupancy groups and construction classes permitted therein; shall regulate permissible building areas, height and projections beyond the street line and shall establish special flood hazard areas and a regulatory flood datum in the city of New York and regulate permissible occupancies and construction or other improvement below such flood datum within such flood hazard areas.

§[C26-400.2] 27-289 Standards. - The provisions of reference standard RS-4 shall be a part of this subchapter.

§[C26-400.3] 27-290 Definitions. - For definitions to be used in the interpretation of this subchapter, see subchapter two of this chapter.

* ARTICLE 2 BUILDING ACCESS SUBARTICLE 1 FIRE DEPARTMENT ACCESS

§[C26-401.1] 27-291 Frontage. - Every building, exclusive of accessory buildings, shall have at least eight per cent of the total perimeter of the building fronting directly upon a street or frontage space. For the purposes of this section, building perimeter shall be measured at that story having the maximum enclosed floor area.

§[C26-401.2] 27-292 Building access. - Provisions shall be made for access by the fire department to every building as follows:

(a) Above grade. - Access shall be provided directly from the outdoors to each story below a height of one hundred feet except to the first story or ground floor, by at least one window or readily identifiable access panel within each fifty feet or fraction thereof of horizontal length of every wall that fronts on a street or frontage space. Windows shall be openable or breakable from both the inside and the outside, and shall have a size when open of at least twenty-four inches by thirty-six inches. Panels shall be openable from both the inside and outside and shall have a height when open of forty-eight inches and a width of at least thirty-two inches. The sill of the window or panel shall not be higher than thirty-six inches above the inside floor.

(b) Below grade. - Access shall be provided directly from the outdoors to the first basement or cellar story below grade, except as provided in paragraphs two, three and four of this subdivision, within each one hundred feet or fraction thereof of horizontal length of every wall that fronts on a street or frontage space. Such access shall be by stairs, doors, windows or other

means that provide an opening forty-eight inches high and thirty-two inches wide, the sill of which shall not be higher than thirty-six inches above the inside floor. If an areaway is used to provide below grade access, the minimum horizontal dimension shall be at least one-third the depth of the areaway or six feet whichever is less.

(1) Access to additional stories below grade is not mandatory since they are required to be sprinklered as provided in subdivision k of section 27-954 of article four of subchapter seventeen of this chapter.

(2) One- and two-family dwellings need not provide direct access.

(3) Any building classified in occupancy group J-2 not more than three stories in height and with not more than two dwelling units on any story need not provide direct access when such first basement or cellar story is used for dwelling units or for uses accessory to the residential use in the building.

(4) Except as provided in paragraph three of this subdivision, for buildings classified in occupancy group J-1 or J-2 only one direct access from the outdoors to the first basement or cellar story consisting of a stair or door shall be required when such story is used for dwelling units or for uses accessory to the residential use in the building.

(c) Signs. - Where wall signs are erected to cover doors or windows of existing buildings, access panels shall be provided as necessary to comply with the requirements of subdivisions (a) and (b) of this section.

(d) Location. - Wherever practicable, one access opening in each story shall provide access to a stairway, or where there is no stairway at the exterior wall, one access opening in each story shall be located as close as practicable to a stairway.

(e) Exemptions. - The provisions of subdivisions (a) through (d) of this section shall not apply to any story that is completely protected by an automatic sprinkler system conforming to the construction requirements of subchapter seventeen.

**Local Law 58-1987.*

*SUBARTICLE 2 FACILITIES FOR PEOPLE HAVING PHYSICAL DISABILITIES

§27-292.1 Scope. - As set forth in this subarticle, buildings shall be provided with accessible routes, usable or adaptable space and accessible elements and facilities to make buildings accessible and usable by, and to establish a safe environment for, all categories of people having physical disabilities.

§27-292.2 Standards. - The pertinent provisions of reference standard RS 4-6 shall be part of this subarticle.

§27-292.3 Definitions. - For definitions to be used in

the interpretation of this subarticle, see section 27-232 and reference standard RS 4-6.

§27-292.4 General Requirements. -

(a) This subarticle shall apply to all buildings or portions thereof and their accessory areas, except as specified in this subarticle.

(b) The provisions of this subarticle shall be supplemental to and take precedence over less restrictive provisions of this code in the following articles and sections and in their referenced national standards:

(1) Subchapter four, building limitations

a. §27-308 ramps

(2) Subchapter six, means of egress

a. §27-357 (d) building access

b. §27-371 (e) door opening width

c. §27-377 ramps

(3) Subchapter seven, special uses and occupancies

a. Article ten, public garages

b. Article eleven, open parking structures

c. Article thirteen, open parking lots

d. Article fifteen, swimming pools

(4) Subchapter eight, places of assembly

a. §27-531 Seating in assembly spaces

(5) Subchapter sixteen, plumbing and gas piping

a. Reference standard RS-16, paragraph (c) of section P104.1 Facilities for physically handicapped

b. Reference standard RS-16, paragraph (d) of section P104.1 accessibility

(6) Subchapter seventeen, fire alarm, detection and extinguishing equipment

c. Article six, smoke detecting devices

(7) Subchapter eighteen, elevators and conveyors

a. Reference standard RS 18-1

(c) Facilities in existence on the effective date of this subarticle which comply with the requirements of this subarticle or of other provisions of this code relating to the provision of facilities for people with physical disabilities shall not be diminished to less than those which would be required were the building in which the facilities are located hereafter erected.

§27-292.5 Accessibility. -

(a) Primary entrance(s). - The primary entrance(s) for buildings shall be accessible, except for buildings classified in occupancy group A, J-3 and/or other spaces which normally are not frequented by the public or employees of the facility.

(b) Exterior accessible route. - Except as provided in this subarticle, buildings shall be provided with an exterior accessible route to permit entry at the primary entrance(s) of the building from the following locations:

(1) Public street or sidewalk

(2) Driveways

(3) Parking areas

(4) Passenger loading zones

(5) Transportation stops

(c) Interior accessible route. - Except as provided in this subarticle, in buildings having (an) interior route(s) to one or more of the following spaces or facilities, such route(s) shall be (an) interior accessible route(s) from the entrance(s) usable by all categories of people having physical disabilities to adaptable or usable dwelling units and other spaces and facilities on the same premises including but not limited to:

(1) Laundry rooms

(2) Refuse disposal locations

(3) Mailbox areas

(4) Recreational, assembly and tenants' meeting rooms

(5) Storage rooms

(6) Management offices

(7) Stores

(8) Dining areas

(9) Parking areas

Where the only route to one or more of such spaces or facilities is an exterior route, such route shall be accessible.

(d) Path of travel. - The path of travel in exterior and interior accessible routes shall provide unobstructed safe access and applicable items in such path of travel shall comply with the requirements set forth in reference standard RS 4-6.

(e) Elevators. - Where provided, all elevators shall comply with subchapter eighteen, reference standard RS 18-1, where an interior accessible route is required.

(f) Assembly occupancies. - For assembly occupancies having a mezzanine or balcony which provides a similar view as that from the main floor, accessibility to the mezzanine or balcony shall not be required provided toilet rooms are on the main floor.

(g) Restaurants. - For restaurants, dining rooms and similar occupancies having the same services on levels other than the main floor, accessibility to such levels shall not be required provided that toilet rooms are on the main floor.

(h) Storage. - For buildings in which the intended use is the storage of goods or merchandise, the only requirement shall be accessibility at the primary entrance and an interior accessible route to offices where business may be conducted.

(i) Non-grade stories of small non-residential buildings. - The following non-residential buildings or parts thereof are exempt from the provisions of this subarticle concerning requirements for people having physical disabilities, to the extent set forth in subdivisions (1) and (2) of this subsection:

(1) construction of such new buildings the total floor area of which is two thousand five hundred square feet or less;

(2) alterations to such building already existing where the alterations are being made to an above-grade story having a total floor area of two thousand five hundred

square feet or less or to a below-grade story having a total floor area of two thousand square feet or less. Notwithstanding the foregoing, floor areas frequented by the public for assembly, governmental, public utility or health facility purposes shall not be exempted unless equivalent functional accessible facilities are provided on the first story.

****(A)** Where the floor area is more than two thousand five hundred square feet but less than five thousand square feet, a vertical wheelchair lift enclosed in construction having the required fire-resistance rating and connecting not more than two contiguous levels is permitted in lieu of an accessible route as set forth in reference standard RS 4-6.

****(B)** Where the below-grade cumulative floor area is more than two thousand square feet but not more than five thousand square feet, a vertical wheelchair lift enclosed in construction having the required fire-resistance rating and connecting not more than two contiguous levels is permitted in lieu of an accessible route as set forth in reference standard RS 4-6.

*****(j) and (k) enacted but (A) and (B) probably intended as subparts of §27-292.5(i)(2)***

***§27-292.6 Waiver of requirements.-**

(1) The commissioner may waive the requirements of this subarticle or of subdivision (d) of section 27-357 of this code for the alteration of existing buildings, and for any new building for which a formal application together with plans required by such application was filed with an agency of the city or with the battery park city authority prior to September first, nineteen hundred eighty-seven, when such application was required by law or regulation to be approved by such agency; provided, however, that such waiver would not significantly adversely affect provisions for health, safety and security and that equally safe and proper alternatives are prescribed and, further, that such waiver is based upon a specific finding that strict compliance with the requirement:

- (a) would create an undue economic burden; or
- (b) would not achieve its intended objective; or
- (c) would be physically or legally impossible; or
- (d) would be unnecessary in light of alternatives which insure the achievement of the intended objective or which, without a loss in the level of safety, achieve the intended objective more efficiently, effectively or economically; or
- (e) would entail a change so slight as to produce a negligible additional benefit consonant with the purposes of this code.

(2) Each application for a waiver under subdivision one of this section shall be made to the commissioner in writing, setting forth each requirement sought to be waived and the specific reason or reasons therefor. The commissioner shall determine, under all of the

circumstances presented by such application, which of such requirements may appropriately be waived. The commissioner shall render such determination in a writing, which shall set forth in detail, the commissioner's findings and conclusions with respect to each requirement sought to be waived. A copy of such written determination shall be forwarded to the applicant. Such written determination shall be filed with the department and shall be available for public inspection.

(3) The mayor's office for the handicapped or its successor agency shall be consulted by and shall advise the commissioner concerning each application for a waiver under this section.

***Local Law 65-1988.**

§27-292.7 Special requirements of other city departments. -

The commissioner upon good cause may waive the requirements of this subarticle for the construction of buildings or spaces, or for the alteration of existing buildings to meet the special requirements of other city departments in regard to any of the following:

- (a) Firehouses
- (b) Correctional facilities
- (c) Cargo handling facilities on the waterfront
- (d) Wholesale food markets

§27-292.8 Adaptable dwelling units. -

(a) General requirements.

(1) Adaptable dwelling units are units that contain habitable rooms, kitchens, kitchenettes and bathrooms in residential buildings other than in occupancy group J-3 which when constructed are on an accessible route (except as set forth in this subdivision) and are constructed and equipped as defined in section 27-232 and as set forth in this subarticle so that they can be converted to be used, with a minimum of structural change, by all categories of people having physical disabilities.

(2) Such units shall be provided with door widths and clear floor spaces for making dwelling units usable as set forth in reference standard RS 4-6 when occupied by people having physical disabilities.

(3) Interior access, floor surfaces, adaptable kitchens, adaptable kitchenettes and adaptable bathrooms in these dwelling units shall comply with the requirements set forth in reference standard RS 4-6.

(4) Where an adaptable dwelling unit occupies two or more stories within itself, accessibility shall only be required at the first story of such dwelling unit provided that:

- a. The second story is accessible from without; or that
- b. Equivalent accessible functional facilities are provided on the first story; or that
- c. The stair within the dwelling unit has a minimum width of three feet.

(b) Number of adaptable dwelling units. -

(1) All dwelling units in buildings with elevators shall

be adaptable unless usable dwelling units are provided in accordance with section 27-292.9.

(2) At least one but not less than twenty-five percent of the total number of dwelling units in buildings without an elevator, which have dwelling units on the ground floor and which contain three or more dwelling units, shall be adaptable, unless usable dwelling units are provided in accordance with section 27-292.9. Such adaptable dwelling unit(s) shall be located on the ground floor. Where determination by percentage results in a number containing a decimal of 0.5 or more, the next higher number shall be used, but such number shall not exceed the number of dwelling units actually proposed for the ground floor.

(c) Adaptable bathrooms, kitchens and kitchenettes.

- Adaptable bathrooms, kitchens and kitchenettes within adaptable dwelling units shall be constructed and equipped in accordance with requirements set forth in reference standard RS 4-6 with respect to the following:

Access doorway or opening

Clear floor space

Floor surface

Bathroom, kitchen and kitchenette facilities and controls capable of being made usable

Space and utilities for usable range, (or cooktop or oven), refrigerator/freezer, (dishwasher if provided).

Such items shall include water closet and toilet paper dispenser, lavatory and removable base cabinet, mirrors, medicine cabinet, bathtub and controls, bathtub and shower enclosure, reinforced areas for grab bars, clearance between opposing base cabinets, counter tops, appliances and walls, adjustable or replaceable sink and removable base cabinet, as well as storage cabinets, drawers and shelves.

(d) Washing machines and clothes dryers within adaptable dwelling units.

- Where washing machines and clothes dryers are located within adaptable dwelling units, they shall comply with or be capable of being converted to the requirements set forth in reference standard RS 4-6.

(e) Emergency warning devices within adaptable dwelling units.

- Emergency warning devices within adaptable dwelling units shall be capable of being converted to audible and visual indication as required and to conform to the requirements set forth in subchapter seventeen, article six, reference standard RS 17-11, reference standard RS 17-12 and reference standard RS 4-6.

§27-292.9 Usable dwelling units. -

(a) General requirements. -

(1) Usable dwelling units are units in residential buildings in other than occupancy group J-3 which are accessible, constructed and equipped, as defined in section 27-232 and as set forth in this subarticle, so as to be usable by people having physical disabilities. A

usable dwelling unit shall be established by conversion from an adaptable dwelling unit when the unit becomes occupied by a person having a physical disability.

(2) Access, storage, controls, windows, doors, floor surfaces, kitchens, kitchenettes and bathrooms, appliances and emergency warning devices in these units shall comply with the requirements set forth in reference standard RS 4-6.

(b) Number of usable dwelling units. (1) Hotels. - In lieu of the requirements of section 27-292.8 in buildings in occupancy group J-1 having ten or more units, not less than five percent of the total number of units shall be constructed as usable units. In all buildings in occupancy group J-1 there shall be available portable smoke detectors of both audible and visual design. The number of detectors available shall be three percent of the number of sleeping rooms with a minimum of one operational detector per building. Proprietors shall post conspicuously a sign at least three inches in height, at the main desk or other similar station, advising of the availability of such detectors. Such detectors shall have a flash frequency range of sixty to one hundred twenty flashes per minute; and, where the average illuminance with motion present is more than twenty lumens per square foot, the visible signaling appliance shall have an effective intensity rating between one hundred and one thousand candela. Hard wiring of audible/visual detectors into an existing central closed-circuit alarm system shall be permitted in lieu of such portable detectors. Where determination by percentage results in a number containing a decimal of 0.5 or more, the next higher number shall be used. Notwithstanding the foregoing, entrance doors to all dwelling units in occupancy group J-1 having ten or more units, and to all bathrooms in such units, shall be no less than thirty-two inches in width.

(2) Adult residential care facilities.- All units in adult residential care facilities shall be usable. "Adult residential care facility" shall mean a family type home for adults, a shelter for adults, a residence for adults, an enriched housing program or an adult home, which contains three or more dwelling units and which provides board and temporary or long-term residential care and services to adults who, though not requiring continual medical or nursing care, are by reason of physical or other limitations associated with age, physical or mental disabilities or other factors unable or substantially unable to live independently. Such facilities shall be considered to be within occupancy group J-2.

(c) Usable bathrooms, kitchens and kitchenettes. -

Usable bathrooms, kitchens and kitchenettes within usable dwelling units shall be constructed and equipped in accordance with requirements set forth in reference standard RS 4-6 with respect to the following:

Access doorway or opening

Clear floor space

Floor surface

Bathroom, kitchen and kitchenette facilities and controls

Space and utilities for usable range, (or cooktop or oven), refrigerator/freezer, (dishwasher if provided).

Such items shall include usable water closet and toilet paper dispenser, lavatory and base cabinet, bathtub and controls, bathtub and shower enclosure, grab bars, clearance between opposing base cabinets, counter tops, appliances and walls, sink and base cabinet.

(d) Washing machines and clothes dryers within usable dwelling units. - Where washing machines and clothes dryers are located within usable dwelling units, they shall comply with or be capable of being converted to the requirements set forth in reference standard RS 4-6.

(e) Emergency warning devices within usable dwelling units. - Emergency warning devices within usable dwelling units shall be capable of being converted to audible and visual indication as required and to conform to the requirements set forth in subchapter seventeen, article six, reference standard RS 17-11, reference standard RS 17-12 and reference standard RS 4-6.

§27-292.10 Usable spaces. -

(a) Functional spaces and rooms.

(1) Except as otherwise provided in section 27-292.5, spaces and rooms intended for general public and occupant use shall be accessible and usable. Such spaces and rooms include but are not necessarily limited to the following:

Mercantile spaces

Industrial spaces

Business spaces

Assembly spaces

Educational spaces

Institutional spaces

Toilet rooms

Bathrooms, bathing facilities, shower rooms.

(2) Doors and floor surfaces in usable spaces shall comply with the requirements set forth in reference standard RS 4-6.

(3) Where seating, tables and/or work stations are provided in usable spaces, at least one and not less than five percent shall comply with the requirements set forth in reference standard RS 4-6.

(b) Toilet rooms. -

(1) The location and number of water closets, urinals and lavatories shall be provided in accordance with the requirements set forth in table RS 16-5.

(2) Except where exempted in subdivision (i) of section 27-292.5 or section 27-292.6, facilities for people having physical disabilities shall be provided in toilet rooms or in a readily accessible location. Where such

toilet room is designed for use by not more than one person at a time and has provision for locking from the inside, such toilet room shall be permitted to be used by either sex.

(3) Where toilet rooms are not accessible by elevator, they shall be located so that people with physical disabilities need not travel more than one story thereto by ramp.

(c) Bathing facilities. -

(1) The location and number of plumbing fixtures shall be provided in accordance with the requirements set forth in table RS 16-5 and in reference standard RS 4-6.

(2) Each required bathing facility shall be accessible and at least one of each type of fixture or accessory that is provided in such bathing facility shall comply with the requirements set forth in table *RS 16-4 and in reference standard RS 4-6.

**As enacted but RS 16-5 probably intended.*

§27-292.11 Assembly spaces. -

(a) Assembly spaces other than places of assembly shall be provided with a minimum of accessible wheelchair viewing positions as follows:

Capacity of Assembly Space	Number of Viewing Positions
1 to 25	Minimum 1
26 to 50	Minimum 2
51 to 74	Minimum 3

(b) Places of assembly shall be provided with accessible wheelchair viewing positions in accordance with subparagraph h of paragraph (1) of subdivision (a) of section 27-531.

(c) Size and placement of wheelchair location, surfaces, access to performing area and listening systems, where required, shall comply with the provisions of reference standard RS 4-6. These positions may be utilized by persons who do not use wheelchairs provided that the positions are delineated on the approved seating plans, the seating is readily removable and the positions are unsold one full working day before the performance.

§27-292.12 Public toilet rooms. - Where public toilet rooms are provided, there shall be at least one water closet stall and lavatory fixture for each sex which is accessible to and usable by people having physical disabilities and complies with the requirements of paragraph (c) of section P104.1 of reference standard RS 16-1 and reference standard RS 4-6.

§27-292.13 Drinking fountains. -

(a) Location and number of drinking fountains shall be provided in accordance with the requirements set forth in table 16-5.

(b) At least one drinking fountain on a story on which drinking fountains are provided shall be accessible and

ARTICLE 7 HEIGHT LIMITATIONS

§[C26-406.1] 27-305 Height limitations of buildings.

- No building or building section shall be constructed or altered so as to exceed the height limits established by tables 4-1 and 4-2 based on the occupancy group classification of the building or building section, except as these may be specifically modified by other provisions of this code.

§[C26-406.2] 27-306 Measurement. - In applying the provisions of this code governing height limits, the following appurtenant structures shall not be included in the height of the building unless the aggregate area of all such structures exceeds thirty-three and one-third percent of the area of the roof of the building upon which they are erected:

- (a) Roof tanks and their supports.
- (b) Ventilating, air conditioning, and similar building service equipment.
- (c) Roof structures, bulkheads, and penthouses.
- (d) Chimneys.
- (e) Parapet walls four feet or less in height.

***TABLE 4-1 AREA AND HEIGHT LIMITATIONS FOR UNSPRINKLERED BUILDINGS AND SPACES**

Occupancy Group		NONCOMBUSTIBLE CONSTRUCTION GROUP I					COMBUSTIBLE CONSTRUCTION GROUP II				
		Class IA	Class IB	Class IC	Class ID	Class IE	Class IIA	Class IIB	Class IIC	Class IID	Class IIE
HIGH HAZARD A ^e	Area	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.
STORAGE B-1	Height	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.
	Area	1,000	1,000	1,000	1,000	1,000	1,000	1,000	N. P.	1,000	N. P.
STORAGE B-2 ^b	Height	75'-0"	75'-0"	65'-0"(5)	65'-0"(5)	40'-0"(3)	50'-0"(4)	50'-0"(4)	N. P.	40'-0"(3)	N. P.
	Area	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	2,100
MERCANTILE C	Height	75'-0"	N.L.	75'-0"	75'-0"(6)	40'-0"(3)	75'-0"(6)	75'-0"(6)	40'-0"(3)	40'-0"(3)	40'-0"(3)
	Area	7,500	7,500	7,500	7,500	7,500	7,500	7,500	5,600	8,400	2,100
INDUSTRIAL D-1	Height	75'-0"	75'-0"	75'-0"	75'-0"(6)	40'-0"(3)	75'-0"(6)	75'-0"(6)	40'-0"(3)	40'-0"(3)	40'-0"(3)
	Area	7,500	7,500	7,500	7,500	3,500	7,500	7,500	N. P.	1,400	N. P.
INDUSTRIAL D-2	Height	75'-0"	75'-0"	65'-0"(5)	65'-0"(5)	40'-0"(3)	50'-0"(4)	50'-0"(4)	N. P.	40'-0"(3)	N. P.
	Area	N.L.	N.L.	N.L.	17,500	10,500	14,700	14,700	5,600	8,400	2,100
BUSINESS E	Height	75'-0"	75'-0"	75'-0"	75'-0"(6)	40'-0"(3)	75'-0"(6)	75'-0"(6)	40'-0"(3)	40'-0"(3)	40'-0"(3)
	Area	75'-0" ^{d,f}	75'-0" ^{d,f}	N.L.	75'-0" ^{d,f}	10,500	14,700	14,700	5,600	8,400	2,100
ASSEMBLY F-1	Height	75'-0"	75'-0"	75'-0"	75'-0"(6)	40'-0"(3)	75'-0"(6)	75'-0"(6)	40'-0"(3)	40'-0"(3)	40'-0"(3)
	Area	75'-0"	75'-0"	N.L.	17,500	10,500	14,700	14,700	5,600	8,400	2,100
ASSEMBLY F-2 ^c	Height	N.L.	N.L.	N.L.	N.L.	17,500	N.L.	N.L.	12,600	15,400	9,100
	Area	N.L.	N.L.	N.L.	N.L.	75'-0"(6)	75'-0"(6)	75'-0"(6)	65'-0"(5)	75'-0"(6)	65'-0"(5)
ASSEMBLY F-3	Height	75'-0"	75'-0"	75'-0"	75'-0"(6)	40'-0"(3)	75'-0"(6)	75'-0"(6)	40'-0"(3)	40'-0"(3)	40'-0"(3)
	Area	75'-0"	75'-0"	N.L.	17,500	10,500	14,700	14,700	5,600	8,400	2,100
ASSEMBLY F-4 ^b	Height	75'-0"	75'-0"	75'-0"	75'-0"(6)	40'-0"(3)	75'-0"(6)	75'-0"(6)	40'-0"(3)	40'-0"(3)	40'-0"(3)
	Area	75'-0"	75'-0"	N.L.	17,500	10,500	14,700	14,700	5,600	8,400	2,100
EDUCATIONAL G	Height	75'-0"	75'-0"	75'-0"	75'-0"(6)	40'-0"(3)	75'-0"(6)	75'-0"(6)	40'-0"(3)	40'-0"(3)	40'-0"(3)
	Area	N.L.	N.L.	N.L.	17,500	10,500	14,700	14,700	5,600	8,400	2,100
INSTITUTIONAL H-1	Height	75'-0"	75'-0"	75'-0"	75'-0"(6)	40'-0"(3)	75'-0"(6)	75'-0"(6)	40'-0"(3)	40'-0"(3)	40'-0"(3)
	Area	17,500	14,000	10,500	7,000	N.P.	4,200	4,200	N. P.	N. P.	N. P.
INSTITUTIONAL H-2	Height	75'-0"	75'-0"	65'-0"(5)	50'-0"(4)	N.P.	50'-0"(4)	50'-0"(4)	N. P.	N. P.	N. P.
	Area	17,500	14,000	10,500	7,000	N.P.	4,200	4,200	N. P.	N. P.	N. P.
RESIDENTIAL J-1	Height	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.
	Area	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.
*RESIDENTIAL J-2 When Constructed Subject to the Requirements of §27-954(t) or Altered Subject to the Requirements of §27-123.2	Height	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.
	Area	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.
*RESIDENTIAL J-2 When Not Subject to the Requirements of §27-954(t) or Altered Subject to the Requirements of §27-123.2	Height	N.L.	N.L.	N.L.	17,500	N. P.	10,000	10,000	5,600	N. P.	N. P.
	Area	N.L.	N.L.	75'-0"	75'-0"(6)	N. P.	75'-0"(6)	75'-0"(6)	40'-0"(3)	N. P.	N. P.
RESIDENTIAL J-3	Height	N.L.	N.L.	75'-0"	75'-0"(6)	40'-0"(3)	75'-0"(6)	75'-0"(6)	40'-0"(3)	40'-0"(3)	40'-0"(3)
	Area	N.L.	N.L.	N.L.	17,500	10,500	14,700	14,700	5,600	8,400	2,100

N.L.— No Limit

N.P.— Not Permitted

 Not Permitted Inside Fire Districts^a

Notes for Table 4-1:

Tabulated areas are given in sq. ft. and establish maximum gross area permitted on any one story within a building or fire area. See section 27-303 and subdivision (e) of section 27-328 for permissible area increases. Tabulated heights are given in feet and number of stories (in parentheses).

^a See section 27-297 for construction exemptions.

^b See article eleven of subchapter seven of chapter one of this title for area and height limitations of open parking structures.

^c See paragraph two of subdivision (b) of section 27-548 for grandstand limitations.

^d See subdivision (c) of section 27-339 for area limitations for existing office buildings one hundred feet or more in height with mechanical ventilation and/or air-conditioning systems that serve floors other than the floor on which the equipment is located.

^e Spaces in occupancy group A solely due to their containing gas distribution piping at pressure levels above fifteen psig may be unsprinklered and conform with the area and height limitations set forth in table 4-2, provided other fire protection requirements set forth in section 27-404 and subchapters five and seventeen of chapter one of this title are met.

^f See section 27-954 for area limitations for buildings less than seventy-five ft. in height.

^g See subdivisions (u) and (v) of section 27-954 for requirements pertaining to F-4 spaces within J-1 buildings, catering establishments and banquet halls with occupant load of three hundred or more persons.

^{*}*Local Law 10-1999.*

TABLE 4-2 AREA AND HEIGHT LIMITATIONS FOR SPRINKLERED BUILDINGS AND SPACES

Occupancy Group		NONCOMBUSTIBLE CONSTRUCTION GROUP I					COMBUSTIBLE CONSTRUCTION GROUP II				
		Class IA	Class IB	Class IC	Class ID	Class IE	Class IIA	Class IIB	Class IIC	Class IID	Class IIE
HIGH HAZARD A	Area	N.L.	17,500	14,000	10,500	3,500	7,700	7,700	N.P.	1,400	N.P.
	Height										
STORAGE B-1	Area	N.L.	N.L.	N.L.	17,500	10,500	14,700	14,700	5,600	8,400	2,100
	Height										
STORAGE B-2 ^b	Area	N.L.	N.L.	N.L.	N.L.	17,500	N.L.	N.L.	12,600	15,400	9,100
	Height										
MERCANTILE C	Area	N.L.	N.L.	N.L.	N.L.	17,500	N.L.	N.L.	12,600	15,400	9,100
	Height										
INDUSTRIAL D-1	Area	N.L.	N.L.	N.L.	17,500	10,500	14,700	14,700	5,600	8,400	2,100
	Height										
INDUSTRIAL D-2	Area	N.L.	N.L.	N.L.	N.L.	17,500	N.L.	N.L.	12,600	15,400	9,100
	Height										
BUSINESS E	Area	N.L.	N.L.	N.L.	N.L.	17,500	N.L.	N.L.	12,600	15,400	9,100
	Height										
ASSEMBLY F-1	Area	N.L.	N.L.	N.L.	N.L.	17,500	N.L.	N.L.	12,600	15,400	9,100
	Height										
ASSEMBLY F-2	Area	N.L.	N.L.	N.L.	N.L.	N.L.	N.L.	N.L.	19,600	N.L.	16,100
	Height										
ASSEMBLY F-3	Area	N.L.	N.L.	N.L.	N.L.	17,500	N.L.	N.L.	12,600	15,400	9,100
	Height										
ASSEMBLY F-4	Area	N.L.	N.L.	N.L.	N.L.	17,500	N.L.	N.L.	12,600	15,400	9,100
	Height										
EDUCATIONAL G	Area	N.L.	N.L.	N.L.	N.L.	17,500	N.L.	N.L.	12,600	15,400	9,100
	Height										
INSTITUTIONAL H-1	Area	N.L.	N.L.	17,500	11,200	7,000	11,200	11,200	3,500	4,000	N.P.
	Height										
INSTITUTIONAL H-2	Area	N.L.	N.L.	17,500	11,200	7,000	11,200	11,200	3,500	4,000	N.P.
	Height										
RESIDENTIAL J-1	Area	N.L.	N.L.	N.L.	N.L.	N.P.	N.L.	N.L.	N.P.	N.P.	N.P.
	Height										
RESIDENTIAL J-2	Area	N.L.	N.L.	N.L.	N.L.	N.P.	N.L.	N.L.	12,600	N.P.	N.P.
	Height										
RESIDENTIAL J-3	Area	N.L.	N.L.	N.L.	N.L.	17,500	N.L.	N.L.	12,600	15,400	9,100
	Height										

N.L. — No Limit

N.P.—Not Permitted

 Not permitted inside Fire Districts^a

TABLE 6-1 DETERMINATION OF EXIT AND ACCESS REQUIREMENTS

Occupancy Group of Building or Space	Group Designation	Maximum Travel Distance (ft.) ^a		Capacity Number of Persons per Unit of Width				Corridors ⁱ	
		Unsprinklered	Sprinklered	Doors Openings ^m		Stairs, Escalators ^k	Ramps, ^b Corridors, Exit Passages, ^j Horizontal Exits	Min. Width (in.)	Max. Dead End ^h (length in ft.)
				To Outdoors at Grade	All Other Exit and Corridor Doors				
High Hazard	A	N.P.	150	50	40	30	50	36	N.P.
Storage	B-1 ^c	100	150	75	60	45	75	36	50
	B-2 ^c	125	175	75	60	45	75	36	N.R.
Mercantile	C	150	200	100	80	60	100	36	50
Industrial	D-1	125	175	100	80	60	100	44	50
	D-2	150	200	100	80	60	100	44	50
Business	E	200	300	100	80	60	100	44	50
Assembly*	F	150	200	100	80	60	100	44	30
Educational	G	150	200	100	80	60	100	66 ^e	30 ^d
Institutional	H-1	125	175	50	40	30	50	36	40
	H-2	125	175	30	30	15	30	96 ^f	30 ^g
Residential	J-1	150	200	50	40	30	50	36	40
	J-2	150	200	50	40	30	50	36	40
	J-3	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.

N.P. — Not Permitted

N.R. — No Requirements (except as provided in section 27-375)

See Table 8-1 for exit and access requirements applying to places of assembly.***Notes:**^a For method of measurement, see subdivision (c) of section 27-360 of this article.^b Reduce listed capacity of ramps by twenty-five percent when slope exceeds one in ten.^c Except for public garages. (See article ten of subchapter seven of this chapter.)^d There shall not be more than one classroom on each side of a corridor between an exit and the end of the corridor (dead end).^e Applies to corridors serving classrooms. Other corridors shall have a minimum width of forty-four inches.^f Applies to corridors serving patients. Other corridors shall have a minimum width of forty-four inches.^g There shall be no patient bedrooms between an exit and the end of the corridor (dead end).^h See subdivision (d) of section 27-369 of article five of this subchapter for permissible increase.ⁱ See section 27-369 of article five of this subchapter.^j See section 27-370 of article five of this subchapter.^k See section 27-378 of article five of this subchapter.^m Where a door opening is divided by mullions into two or more doors openings, each such opening shall be measured separately in computing the number of units of exit width.****There is no note l.****§[C26-601.3] 27-359 Capacity of exits. -**

The capacity of exits and access facilities shall be measured in units of width of twenty-two inches, and the number of persons per unit of width shall be determined by the occupancy group classification and type of exit as listed in table 6-1. Fractions of a unit of width less than twelve inches shall not be credited. Where twelve inches or more are added to one or more full units of width, one-half unit of width may be credited.

Where computations of total required width give fractional results, the next larger integral number of exit units or integral number plus one-half, shall be used. A fraction less than one-half may be neglected in cases where such fraction constitutes less than ten per cent of the total required number of units. Notwithstanding any of the above computations, no exit or access facility shall be narrower than the minimum width requirements specified in table 6-1, or elsewhere in this code.

**TABLE 6-2 OCCUPANT LOAD REQUIREMENTS
NET AREA TABLE**

Occupancy	Net Floor Area per Occupant (sq. ft.)
Billiard rooms.....	50
Bowling alleys.....	50
Classrooms.....	20
Dance floors.....	10
Dining spaces (nonresidential).....	12
Exhibition spaces.....	10
Garages and open parking structures..	250
Gymnasiums.....	15
Habitable rooms.....	140
Industrial shops.....	200
In schools.....	30
Institutional sleeping rooms	
Adults.....	75
Children (except as listed below)...	50
Day Care	
a. under 6 mos.....	50
b. 6 mos. *- 2 yrs.....	40
c. 2 yrs. *- 6 yrs.....	30
Institutional staff, all.....	30
Kindergartens.....	35
Kitchens (nonresidential).....	200
Laboratories.....	50
Preparation rooms.....	100
Libraries.....	25
Locker rooms.....	12
Offices.....	100
Passenger terminals or platforms.....	1.5xC
Sales areas (retail).....	
1 st floor or basement.....	25
All other floors.....	50
Seating areas (audience) in all places of assembly	
Fixed seats.....	D
Moveable seats.....	10
Skating rinks.....	15
Stages (See subchapter eight).....	—
Standing room (audience) in all places of assembly.....	4
Storage rooms.....	200

Notes:

C—capacity of all passenger vehicles that can be unloaded simultaneously.

D—designed number of seats or occupants.

Dash not enacted but probably intended*§[C26-601.4] 27-360 Travel distance. -****(a) General requirement. -**

The maximum travel distance from the most remote point in any room or space to the center of a door opening directly on an open exterior space, a vertical exit, an interior stair, an exit passageway or to a horizontal exit shall not be greater than the limit specified in table 6-1 for the occupancy group classification of the room or space.

(b) Travel distance within dwelling units. -

In buildings classified in occupancy groups J-1 and J-2, the maximum travel distance from the centerline of a door from any habitable room within a dwelling unit either to the centerline of a door opening on a corridor or to the center of a door opening on an exit shall not be greater than forty feet, except that for buildings classified in occupancy group J-2 of construction class I-A, the distance may be increased to fifty feet. Such travel distances shall be included in the maximum travel distance established in subdivision (a) of this section.

(c) Measurement. - Travel distance shall be measured along a natural and unobstructed path of travel. Where the path of travel is over an access stair, it shall be measured along an inclined straight line through the center of the outer edge of each tread.

ARTICLE 3 LOCATION OF EXITS**§[C26-602.1] 27-361 Arrangement. -**

All exits and access facilities shall be located so that they are clearly visible, or their locations clearly indicated, and they shall be kept readily accessible and unobstructed at all times.

§[C26-602.2] 27-362 Tenant spaces. -

When more than one tenant occupies a building or floor area, each tenant shall have direct access to the required number of exits without passing through premises occupied by other tenants, except as permitted for balconies in subdivision (g) of section 27-369 of article five of this subchapter.

***§[C26-602.3] 27-363 Remote location. -**

(a) When more than one exit is required from a floor of a building, each such required exit shall be placed as remote from the others as is practicable. Where this results in a distance between exits exceeding the maximum travel distances required by section 27-357, additional remote vertical exits shall be provided.

(b) In addition to the requirements of subdivision (a) of this section:

(1) For exits serving spaces classified in occupancy groups G or J-2, in no event shall such exits be less than fifteen feet distant from each other.

(2) For exits serving spaces classified in other occupancies, in no event shall such distance be less than thirty feet or one-third the maximum travel distance **[required by section 27-357], whichever is greater.

(c) On any floor containing ten thousand square feet or more in a high rise building classified in occupancy group E (office space), each exit that is required to be remote from another exit shall not share any common walls, floors, ceilings, scissor stair assemblies, or other enclosures.

Local Law 26-2004.**As enacted but "of the floor" probably intended.*

(a) Group 1. - Buildings or spaces used for the parking of vehicles having fuel storage tanks in excess of twenty-six gallon capacity; or used for the parking of vehicles of any size, and in which mechanical repair, body work, or painting of vehicles is conducted, or in which gasoline, oil, or similar products are dispensed. Group 1 public garages shall be classified in storage occupancy group B-1.

(b) Group 2. - Buildings or spaces used exclusively for the parking of vehicles having fuel storage tanks of twenty-six gallon capacity or less, and in which no repair, body work or painting of vehicles is conducted, and in which no gasoline, oil, or similar products are dispensed. Group 2 public garages shall be classified in storage occupancy group B-2.

§[C26-709.3] 27-452 Construction. -

The street floor construction of group 1 public garages shall have at least a two hour fire-resistance rating. Where openings are provided in the floor of any public garage, they shall be protected by railings complying with the requirements of subchapters nine and ten of this chapter, with a curb or ramp at least six inches high above the floor. All floors shall be concrete or equivalent noncombustible material. Columns in parking areas shall comply with the provisions of section 27-559 of article three of subchapter nine of this chapter.

§[C26-709.4] 27-453 Group 1 public garages in buildings of other occupancy classification. -

No group 1 public garage shall be located within, or attached to, a building occupied for any other use, unless separated from such other use by construction meeting the requirements of table 5-2 for fire divisions. Elevators, stairways, and exit passageways connecting group 1 garages to other occupancies shall be accessible only through vestibules constructed of materials having a two hour fire-resistance rating. The floor area of such vestibules shall be at least fifty square feet but not more than seventy-five square feet. Ventilation shall be provided by a louver permanently open to the outdoor air having a net free area of one hundred forty-four square inches, located near the floor. Vestibule doors shall be one and one-half hour self-closing fire doors, with a six inch high sill provided at the door between the vestibule and the garage. Both doors shall swing in the direction of the elevators, stairways or exit passageways.

§[C26-709.5] 27-454 Roof storage of motor vehicles.-

Roofs of buildings shall not be used for the parking or storage of motor vehicles unless the building is of class 1-A, 1-B, or 1-C construction, or is an open parking structure. When the roof of a building is used for parking of motor vehicles, it shall be provided with a parapet wall or guard rail at least three feet six inches high, and with curbs or wheel guards of noncombustible

materials of *a least eight inches high. Such guards shall be substantially anchored to prevent any vehicle from striking the parapet wall or guard rail. Guard rails shall comply with the requirements for railings in subchapter nine of this chapter.

**As enacted but "at" probably intended.*

§[C26-709.6] 27-455 Sprinklers. -

(a) Automatic sprinkler protection complying with the construction provisions of article four of subchapter seventeen shall be provided as required for occupancy group B-1 or B-2 respectively, except that in existing buildings lawfully occupied as garages prior to December sixth, nineteen hundred sixty-eight, storage of forty-five thousand gallons or less of product having a flash point over one hundred *degrees° F (tag open cup) in the cargo space of tank truck or other vehicles approved for such storage by the fire commissioner, pending delivery, shall not be deemed to require sprinkler protection.

**As enacted but "degrees F" probably intended.*

(b) Smoke detection or thermostatic alarm with central office connection. -A thermostatic alarm system or smoke detection system equipped with a central office connection complying with subchapter seventeen of this code, and reference standard RS 17-3 of the appendix to this code may be provided in lieu of the sprinkler system required under the preceding subdivision in existing buildings lawfully occupied as garages prior to December sixth, nineteen hundred sixty-eight, when the storage of fuel oils or other products having a flash point over one hundred degrees F (tag open cup) is twenty-two thousand five hundred gallons or more but not exceeding forty-five thousand gallons in the cargo space of tank trucks or other vehicles approved for such storage by the fire commissioner, pending delivery.

(c) Portable fire fighting appliances, as the fire commissioner may direct, shall be provided in existing buildings lawfully occupied as garages prior to December sixth, nineteen hundred sixty-eight, when the storage of fuel oils or other products, having a flash point over one hundred degrees F (tag open cup), in the cargo space of tank trucks or other vehicles approved for such storage by the fire commissioner, pending delivery, is less than twenty-two thousand five hundred gallons.

§[C26-709.7] 27-456 Ventilation. -

Public garages shall be ventilated in accordance with provisions of section 27-766 of article eight of subchapter twelve of this chapter and the following:

(a) Garage spaces above or below grade except as provided in subdivision (e) of this section shall be provided with mechanical ventilation according to one of or a combination of the following methods:

(1) Air exhaust at the rate of not less than one cfm per square foot of total floor area with properly designed means for air inflow.

(2) Air supply at the rate of not less than one cfm per square foot of total floor area with properly designed means for air outflow.

(3) Air exhaust or air supply at a rate sufficient to maintain an average concentration of carbon monoxide not to exceed one hundred parts per one million parts of air for periods longer than one hour and with a maximum concentration at any time not to exceed four hundred parts of carbon monoxide per one million parts of air. The concentration of carbon monoxide shall be determined by periodic tests taken between three and four feet from the floor by means of approved carbon monoxide detector tubes or other equivalent means. This method of mechanical ventilation may be used only if the overall design includes automatic ventilating fan control by means of approved carbon monoxide monitoring devices or by other approved means located so as to provide full protection for the occupancy.

(b) The provisions of section 27-766 of article eight of subchapter twelve of this chapter shall apply.

(c) Air supply shall be taken from an uncontaminated source. Exhaust outlets shall be located in accordance with the requirements of subchapter thirteen with one-half of them located six inches above floor level. In public garages where motor vehicles are parked by mechanical means, the ventilation requirements shall be one-half of those required above.

(d) No automotive service pits shall be installed in floors below the street floor. Pits shall have mechanical exhaust ventilation taken from near the bottom.

(e) Garage spaces above grade provided with natural ventilation having a free openable area of at least five percent of the total floor area of the space and having adjustable openings measuring at least six inches by four inches located within six inches of the floor and at most sixteen feet apart on all outside and court walls need not be provided with mechanical ventilation.

§[C26-709.8] 27-457 Exits. -

Public garages shall be provided with at least two exits from each tier of parking. One of the exits may be a ramp used by motor vehicles, when serving not more than one level below grade. All vertical exits shall have a minimum width of thirty-six inches and shall be enclosed in two hour fire-resistive construction, except as permitted by section 27-458 of article ten of subchapter seven of this chapter. No exit in a group 1 public garage shall have a path of travel through a fuel dispensing area. In group 2 public garages ***occurring in occupancy group J-2 buildings, overhead doors shall be of the automatic self-closing type.

***As enacted but "occurring" probably intended.

(a) **Travel distance.** - No point in any public garage shall be more than one hundred feet from an exit, except that such distance may be increased to one hundred fifty feet when the garage is fully sprinklered.

(b) **Repair and fuel spaces.** - Spaces in group 1 public garages used for the repair of motor vehicles or the dispensing of fuel shall be provided with at least two exits, within the travel distance limitations of subdivision (a) of this section.

(c) **Roof parking.** - When the roof of a building is used for parking, interior vertical exits shall be enclosed in a bulkhead constructed as required by subchapter five of this chapter.

§[C26-709.9] 27-458 Ramps. -

Vehicular ramps in public garages shall not exceed a gradient of one in seven, and their surfaces shall be nonslip. A landing having a minimum length of twenty feet shall be provided at the discharge point at the street level, within the street line. Ramps serving as required exits shall be enclosed in construction having a two hour fire-resistance rating except that openings for motor vehicles at each parking tier may be protected by a water curtain consisting of deluge-type sprinkler heads supplying at least three gallons of water per minute per linear foot of opening.

§[C26-709.10] 27-459 Heating equipment. -

Heat generating equipment for public garages shall be enclosed in accordance with the requirements of section 27-419 of article five of subchapter seven of this chapter.

*§27-459.1 Parking spaces for people having physical disabilities. -

Parking spaces for people having physical disabilities shall comply with the requirements of section 27-292.19 and reference standard RS 4-6.

*Local Law 58-1987.

†As enacted but "disabilities" probably intended.

ARTICLE 11 OPEN PARKING STRUCTURES

§[C26-710.1] 27-460 Application. -

This section shall apply to the construction, alteration, and use of open parking structures. Open parking structures in buildings of other occupancy group classification shall not be permitted unless separated from other occupancies by construction having at least a two hour fire resistance rating.

§[C26-710.2] 27-461 Height and area limitations. -

The height of the top parking surface, and the area per parking tier, shall not exceed the limitations listed in table 7-1.

TABLE 7-1
HEIGHT AND AREA LIMITATION[S] ** OF
OPEN PARKING STRUCTURES

Construction Classification	Maximum Allowable Height (ft.)	Allowable area per Parking Tier (sq. ft.)
1A	Unlimited	Unlimited
1B	Unlimited	Unlimited
1C	100	50,000
1D	100	50,000
1E	75	30,000

**Copy in brackets not enacted but probably intended.

a. The area of an open parking structure having not more than two tiers above grade shall not be limited.

b. Open parking structures of construction class 1C, or 1D exceeding three parking levels may be sixty thousand square feet on any parking level provided they shall have at least fifty percent of their perimeter, fifty percent open.

**SUBCHAPTER 8
PLACES OF ASSEMBLY**

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*"C26" omitted from section numbers in this column.

**"27" omitted from section numbers in this column.

LIST OF TABLES

Table No.

8-1 Determination of Exit and Access Requirements

ARTICLE 1 GENERAL

*****§[C26-800.1] 27-522 Scope. -**

The provisions of this subchapter shall control the design and construction of places of assembly as defined in subchapter two of this chapter. For specific classifications of assembly occupancies, see article eight of subchapter three of this chapter. For place of assembly permit requirements, see section 27-525.1 of article two of this subchapter.

****Local Law 23-1990.*

§[C26-800.2] 27-523 Definitions. -

For definitions to be used in the interpretation of this subchapter, see subchapter two of this chapter.

§[C26-800.3] 27-524 Tents and air supported structures.-

Places of assembly enclosed by tents or air supported structures shall comply with the provisions of this subchapter regulating indoor places of assembly, and with the provisions of article nineteen of subchapter seven of this chapter.

ARTICLE 2 BASIC REQUIREMENTS

§[C26-801.1] 27-525 General. -

The provisions of this article shall apply to all places of assembly, in addition to the specific requirements of articles three through five of this subchapter for the several categories of places of assembly.

****§27-525.1 Place of assembly permit. -**

a. It shall be unlawful to use or occupy any building or premises or part thereof as a place of assembly unless and until a permit therefor shall have been issued by the department. The permit shall be for a term of one year.

b. The application for such permit and such permit shall be in a form prescribed by the commissioner.

c. The annual fee for a permit issued pursuant to this section shall be the amount provided for in paragraph seven of subdivision a of section 26-214 of the code. An application for such permit or renewal thereof shall be accompanied by the annual fee, except as otherwise provided in section 26-210 of the code.

d. The permit issued pursuant to this section shall be posted in a conspicuous place in the place of assembly, which is covered by such permit.

e. In the case of a permittee that is an establishment that offers for sale food and/or beverages for on-premises consumption, but not including establishments operated by a not-for-profit corporation, and employs or uses the services of a security guard, as that term is defined in subdivision six of section eighty nine-f of the general business law, such permittee shall comply with the provisions of article 7-A of the

general business law, shall obtain proof that such security guard is registered pursuant to article 7-A of the general business law, shall maintain such proof in a readily available location, in accordance with rules promulgated by the commissioner during all hours in which such place of assembly is open to the public, shall maintain a roster of all security guards working at any given time when such place of assembly is open to the public, and shall require each security guard to maintain on his or her person proof of registration at all times when on the premises.

f. For purposes of this section, there shall be a rebuttable presumption that a person employed or whose services are retained at a place of assembly whose job functions include (1) the monitoring or guarding of the entrance or exit of such place of assembly to manage ingress and egress to such place of assembly for security purposes during the hours of operation of such establishment and/or (2) protection of such place of assembly from disorderly or other unlawful conduct by such patrons is a security guard provided, however, that such rebuttable presumption shall not apply to the owner of such establishment as described in subdivision e of this section that has received a place of assembly permit.

g. Notwithstanding any provision of this chapter, only the permittee shall be liable for violations of this section that relate to a permittee's obligations regarding security guards.

h. In addition to employees of the department, employees of the police department and the department of consumer affairs shall have the authority to enforce the provisions of this section regarding security guards.

i. The enforcement agency shall report any violation of the provisions of this section relating to security guards to the state liquor authority if the permittee holds a license pursuant to the alcoholic beverage control law.

****Local Law 35-2006; Local Law 23-1990.**

§[C26-801.2] 27-526 Location. –

No place of assembly shall be located within two hundred fifty feet of any occupancy containing explosive contents.

§[C26-801.3] 27-527 Posted capacity. -

Signs shall be posted in all assembly spaces, indicating the number of persons who may legally occupy the space. Signs shall not be required where seating is fixed in place in accordance with an approved seating plan and no provision is made for standee spaces. Such signs, where required, shall read as follows:

OCCUPANCY BY MORE THAN _____ PERSONS
IS DANGEROUS AND UNLAWFUL

Public Assembly License No _____ Commissioner,
(where applicable) Dept. of Buildings, City of New

When a space is occupied for multiple purposes involving different occupant loads the sign shall read as follows:

OCCUPANCY BY MORE THAN
(number) _____ PERSONS AS _____ (type of occupancy) _____
OR BY
(number) _____ PERSONS AS _____ (type of occupancy) _____
OR BY
(number) _____ PERSONS AS _____ (type of occupancy) _____
IS DANGEROUS AND UNLAWFUL
Public Assembly License No _____ Commissioner,
(where applicable) Dept. of Buildings, City of New York

Signs shall be at least twelve inches wide and sixteen inches high. The lettering shall be red on a white background. The letters shall be at least one inch high and the numerals at least one and one-quarter inches high. Signs shall be framed under a transparent protective cover, and permanently mounted in a location that is conspicuously visible to a person entering the space. Signs shall be lighted by artificial illumination at all times during occupancy to maintain at least five foot candles on the surface of the sign.

§[C26-801.4] 27-528 Approved seating plans. -

In every place of assembly providing seating, copies of approved seating plans and approved alternate seating plans shall be kept on the premises. The plans shall be readily available for inspection, and shall provide the following information:

(a) For assembly spaces:

(1) The location of each seat of each tier of seating, along with the number of occupants of each seating section.

(2) The location and number of standees for each standee area.

(3) The total number of occupants of each tier and of the assembly space.

(4) The location and classification of all exits.

(b) For safe areas:

(1) The furniture and equipment arrangement and location.

(2) The number of occupants to be accommodated.

(c) For stage areas:

(1) The maximum number of occupants, including audience seating on the stage.

(2) Any conditions limiting the use of the stage area.

(3) The location of all exits.

These plans shall not be smaller in size than required for one-eighth inch scale plans.

§[C26-801.5] 27-529 Enclosure and interior finish. -

Places of assembly shall be separated from adjoining occupancies by construction meeting the requirements of table 5-1 or table 5-2, whichever may apply. The interior finish of places of assembly shall meet the requirements of table 5-4.

§[C26-801.6] 27-530 Means of egress. -

Places of assembly shall be provided with exit facilities meeting all of the requirements of this subchapter and all of the requirements of subchapter six of this chapter. A place of assembly located in a building classified in another occupancy group shall comply with the exit requirements of this subchapter, but may use the exit facilities of the building of which it is a part as a means of egress from the building.

§[C26-801.7] 27-531 Seating in assembly spaces. -

All seating in assembly spaces shall conform to the following:

(a) Seating arrangements.- Except as otherwise provided in this subchapter, all seating shall be arranged in rows to provide for orderly egress.

(1) CHAIR SEATING. - Seating patterns employing individual chairs shall comply with the following:

a. Assembly spaces in which the net floor area, exclusive of stage area, is less than eight square feet per person shall be provided with chairs that are rigidly anchored to the construction or fixed in place by devices that prevent movement in any direction, except that not more than twelve movable chairs may be provided in a box or loge if such box or loge is separated from the main seating pattern by railings or other permanent construction and has an area of at least five square feet per chair.

b. In assembly spaces where the net floor area, exclusive of stage area, is between eight and twelve square feet per person, movable chairs may be used provided all chairs in a row between aisles are fastened or ganged together to preserve the integrity of the row. Not more than twelve chairs shall be used in any row between aisles.

c. In assembly spaces where net floor area, exclusive of stage area, is more than twelve square feet per person, individual movable chairs may be used.

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using scenery or scenic elements. Steppings shall not be permitted in cross aisles.

(7) AISLE GRADIENTS AND STEPPINGS. - The floors of aisles shall have a gradient of not more than one in eight. Where differences in levels require a greater gradient, steps shall be used, complying with the following:

a. When one riser only is used between levels of platforms, its height shall not exceed eight inches, and where more than one riser is used, none shall exceed seven and three-quarter inches.

b. No riser shall be less than four inches high.

c. No riser shall vary from the height of the riser immediately above or below except that risers that are separated by a tread of seventeen inches or more may vary up to one-quarter inch.

d. The width of treads of intermediate steps between platform levels shall be at least nine and one-half inches, but not more than ten and one-half inches, exclusive of nosings.

e. Treads at the level of platforms and seventeen inches or more in width may slope not more than one-quarter inch in twelve inches.

f. No steps shall be used to enter a row of seats from an aisle unless an unobstructed floor space of at least seven square feet is provided at the level of the aisle, between the aisle and the steps.

g. Each step in an aisle shall be marked along its nosing with a permanent contrasting color stripe, and shall be provided with a step light.

h. The line of risers of aisle steppings shall deviate no more than twenty degrees from a line perpendicular to the centerline of the aisle.

(8) STEPPED AISLE LANDINGS. - Stepped aisles shall

be provided with landings at exit openings, and shall have a length equal to at least the width of the aisle and a slope of not more than one in twelve.

(9) LIGHTING. - Aisles and cross aisles shall be provided at all times with at least one-half foot candle of artificial illumination by electrical means.

(10) VOMITORIES. - Vomitories within assembly spaces shall comply with all of the requirements for aisles, and shall have a clear ceiling height of at least seven feet.

§[C26-801.9] 27-533 Travel distance. -

At least one exit opening shall be available from every attached seat or standee space in an assembly space, or from the most remote point in the space when movable seats are provided or, when no seats are provided, within the primary travel distance limitation listed in table 8-1. In addition, an alternate exit opening shall be available from every attached seat or standee space, or from the most remote point when attached seats are not provided within the secondary travel distance limitation listed in

table 8-1. Such alternate exit openings may serve to satisfy the requirements for primary travel distance for other seats or locations. Exit openings satisfying the primary and secondary travel distance requirements for any one seat or location shall be separated from each other by a distance of at least twenty-five feet.

(a) Travel distance shall be the measured distance along centerlines of paths of travel to the centerline of the exit opening, as adjusted by penalties for multi-directional or stepped travel as provided below.

(1) No path of travel shall be permitted through rows of seating other than the first leg of travel from a seat to an aisle.

(2) The first thirty-five feet of a primary path of travel and a secondary path of travel may be common to each other except that this distance may be increased to fifty feet in F-2 places of assembly.

(3) Not more than three changes in direction of travel shall be permitted in the path of travel to an exit opening. A change in direction shall be deemed to occur when it is necessary to change direction by a forty-five degrees or greater angle, measured from the preceding line of travel, except that it shall not be considered as a change in direction when it is necessary in an aisle or cross aisle to travel in another direction not more than seven feet.

(4) Travel distance shall be the sum of the distances of all segments of travel to the exit, computed as follows:

Segment	Length
First leg of travel	Measured distance
Second leg of travel after first change in direction	Measured distance
Third leg of travel after second change in direction	1.25 times measured distance
Fourth leg of travel after third change in direction	1.40 times measured distance
Any leg of travel with four or more steps	1.25 times length of segment as computed above

§[C26-801.10] 27-534 Exit openings. -

Exit openings from assembly spaces shall comply with the following:

(a) **Capacity.** - The capacity of exit openings shall be listed as in table 8-1, based on the number of occupants for whom the opening satisfies the primary travel distance requirement.

(b) **Width.** - Exit openings shall be at least thirty-six inches wide for single doors and at least sixty-six inches but not more than eighty-eight inches wide for doors swinging in pairs, except that in assembly spaces having an occupant load of over three hundred persons, single door openings shall be at least forty-four inches wide.

TABLE 8-1 DETERMINATION OF EXIT AND ACCESS REQUIREMENTS

Occupancy Group Classification	Maximum Travel Distance Within Assembly Space (ft.) ^a		Capacity (number of persons per unit of width)				
			Aisle and Cross Aisle ^e	Doors or Openings		Stairs and Escalators	Ramps, Corridors, Safe Areas, Exit Passageways
	Primary	Secondary		From Assembly Space	From Safe Area		
F-1a ^b	85	125	80	50	100	60	80
F-1b ^c	100	125	90	80	125	80	100
F2	175	250	400	400	500	320	425
F3	100 ^d	125 ^d	90	80	125	80	100
F4	85 ^d	125 ^d	80	50	100	60	80

Notes:

^a See section 27-533. When an exit opening from an assembly space discharges into corridor that does not meet the requirements of this code for a safe area, the travel distance shall include the distance within the corridor to an exit.

^b See paragraph four of subdivision (b) of section 27-546 for stages.

^c See paragraph three of subdivision (b) of section 27-547 for stages.

^d In place of assembly completely equipped with automatic sprinklers, this distance may be increased fifty percent.

^e See section 27-532.

* **Bracket not enacted but probably intended.**

(c) Classification. - Exit openings from assembly spaces shall be classified as follows:

Class. 1.- Exit openings that are used for normal entry to the assembly space, and that open directly to a safe area or to an open exterior space.

Class 2.-Exit openings that are not used for normal entry to the assembly space, and that open directly to a safe area or to an open exterior space.

Class 3.-Exit openings that open from the assembly space into corridors, exit passageways, or vertical exits.

(d) Distribution of classes. - The required exit capacity from F-2 places of assembly, and from all other assembly spaces in which the net floor area, exclusive of stage area, is twelve square feet or more per person may be provided by exit openings of any class. The required exit capacity from assembly spaces in which the net floor area, exclusive of stage area, is less than twelve square feet per person shall be distributed so that exit openings of each class are provided to comply with the following requirements:

1. For assembly spaces in which the mean floor level is not more than fifteen feet above or below the adjoining grade elevation, the exit capacity shall be distributed as follows:

Class 1- not less than forty percent

Class 2- not more than sixty percent

Class 3- not more than forty percent

2. For assembly spaces in which the mean floor

level is more than fifteen feet, but not more than thirty feet, above or below the adjoining grade elevation, the exit capacity shall be distributed as follows:

Class 1 - not less than sixty percent

Class 3 - not more than forty percent

3. For assembly spaces in which the mean floor level is more than thirty feet above or below the adjoining grade elevation, the exit capacity shall be distributed as follows:

Class 1- not less than one hundred percent

(e) Location. - No exit opening shall be closer than twelve feet to any part of a stage using scenery or scenic elements. All exit openings shall be clearly identifiable and shall not be disguised as part of a wall or covered in any way to obscure them from view. Where, because of the configuration of the assembly space enclosure, an exit opening is not visible from all seats using it as a means of egress, directional exit signs shall be placed on the enclosure alongside the exit opening to indicate its location. These signs shall be in addition to those required over the exit opening.

(f) Locking. - No exit door shall be locked so as to prevent egress from an assembly space while it is occupied.

be added at the site, plus two hundred fifty percent of the design live load.

(4) **DEFLECTION REQUIREMENT.** -With the member or assembly supported as described in paragraph two of this subdivision, and after loading as required by the provisions of subparagraph a of paragraph three of this subdivision and the removal of said load, the percentage of recovery of the deflection caused by the superimposed load shall be at least seventy-five percent. The deflection under the design live load shall not exceed that permitted in this subchapter.

(5) **MODEL TESTS.** -Tests on models less than full size may be used to determine the relative intensity, direction, and distribution of stresses and applied loads, but shall not be considered as a proper method for evaluating stresses in, nor the strength of, individual members unless approved by the commissioner for this purpose. Where model analysis is proposed as a means of establishing the structural design, the following conditions shall be met:

a. Analysis shall be made by a firm or a corporation satisfactory to the commissioner.

b. The similitude, scaling, and validity of the analysis shall be attested to by an officer or principal of the firm or corporation making the analysis.

c. A report on the analysis shall be submitted showing test set-ups, equipment, and readings.

(b) Load tests of completed construction.- The provisions of this subdivision shall apply to any type of construction where the appropriate reference standard does not provide for load test of completed construction and the construction is questionable. When the appropriate reference standard provides for such load testing, the provisions of reference standard shall be used.

(1) **STRENGTH.** -The construction shall be loaded in two stages:

(a) With all dead load to which it will be subjected in service plus a superimposed load equal to the design live load reduced as described in subchapter nine of this chapter; and

(b) With a total load, including its own weight, equal to one hundred fifty percent of the total dead load to be supported in service plus one hundred eighty percent of the design live load, reduced for contributory area as described in subchapter nine of this chapter, which load shall remain in place for a minimum period of twenty-four hours.

(2) **DEFLECTION REQUIREMENT.** -Under the first stage loading, the deflection shall not exceed that permitted in the applicable reference standard. The residual deflection after removal of the second stage loading shall not exceed twenty-five percent of the calculated elastic deflection under the superimposed test load. The structure, after recovery of the deflection shall not show any evidence of serious distress.

(3) **INTERACTION.**- The load area shall extend to include the loading of all framing and elements that contribute to the strength of the element or elements under test, by way of interaction.

(4) **LATERAL LOADS.**- Where the elements in question must resist lateral loads in service, such loads shall be simulated in the tests. In such case, the magnitude of the applied live load and lateral load components of the test load may be adjusted as described in section 27-594 of article two of this subchapter, provided that the stress condition under the load increments described in paragraph one of this subdivision is not more critical.

(5) **RELOADING.** -Unloading and reloading or cyclical loading of test areas will not be permitted, except for the addition of increments of additional load to a member already under load.

[(6) **LIMITATION ON USE OF LOAD TESTS OF CONCRETE STRUCTURES.** -Where the strength tests of the concrete (as defined in reference standard RS 10-3) that initiate the requirement for load tests show strengths less than 2/3 of the strength required by the design of the specific element, the use of load tests to show the adequacy of the structure will not be permitted.]*

**Copy in brackets not enacted but probably intended.*

ARTICLE 4 MASONRY

§[C26-1003.1] 27-600 General requirements. -

(a) Unreinforced masonry. - Materials, design, and construction of unreinforced masonry shall meet the requirements of reference standard RS 10-1.

(b) Reinforced masonry. - Materials, design, and construction of reinforced masonry shall meet the requirements of reference standard RS 10-2.

§[C26-1003.2] 27-601 Identification. -

(a) Masonry units. -Masonry units shall be clearly identified to show the grade of the unit and the compressive strength where called for on the plans.

(b) Metal reinforcement.- Reinforcing bars shall be rolled so as to identify the grade of steel and the size. Bundles and rolls of cold-drawn steel wire or welded wire fabric shall be tagged so as to identify the type and grade of steel and the size.

§[C26-1003.3] 27-602 Inspection. -The inspection of masonry and masonry construction shall conform to the requirements of tables 10-1 and 10-2.

ARTICLE 5 CONCRETE

***§[C26-1004.1] 27-603 General requirements. -**

Concrete materials, design, construction, quality, inspection and testing shall meet the requirements of reference standard RS 10-3. Precast concrete construction utilizing a thin skin or slab stiffened or supported by a system of ribs shall conform to the requirements of reference standard RS 10-4.

**Local Law 65-1990.*

§[C26-1004.2] 27-604 Identification of metal-reinforcement.-

Reinforcing bars shall be rolled so as to identify type and grade of steel, and size. Bundles and rolls of wire,

strands, or welded wire fabric shall be tagged so as to identify the type and grade of steel and the size.

***§[C26-1004.3] 27-605 Mixes.**- Concrete may be proportioned, batched, and mixed by any of the following methods:

***Local Law 65-1990.**

(a) Method I. -Mixes with Minimum Cement Content. -

(1) MINIMUM CEMENT CONTENT. -The cement content used in the work shall not be less than the content given in table 10-3 for the corresponding strength of concrete.

(2) WATER-CEMENT OR STRENGTH-CEMENT RATIO.- Normal weight concrete proportioned on the basis of preliminary tests shall be produced by using a water-cement ratio corresponding to a point on a strength-cement or water-cement ratio curve. Proportioning of lightweight and heavyweight concrete, and concrete using an aggregate other than natural sand, gravel or stone shall be by using a strength-cement content curve. The point on the respective curves shall represent a strength of concrete at the slump and age called for on the plans at least twenty-five percent higher than the specified strength, f'c. The cement content shall not be less than the content shown in table 10-3.

(3) PRELIMINARY TESTS. -Preliminary tests of concrete shall be made in advance of any concreting operation by a licensed concrete testing laboratory acceptable to the architect or engineer of record. Preliminary tests shall consist of compression strength tests of molded concrete cylinders made in accordance with reference standards RS 10-17 and RS 10-21. A curve representing the relation between the average strength of the concrete at twenty-eight days, or at any other specified age filed with the department, and the strength-cement ratio or the water-cement ratio shall be established for the range of strength values at the slump required for the work. The tests shall include at least four mixes with different strength-cement ratios or four mixes with different water-cement ratios and at least four cylinder specimens for each mix. The cylinder strength tests shall be supplemented by tests to confirm that the cement and aggregates conform to the provisions of reference standard RS 10-3.

(4) PREVIOUSLY ACCEPTED MIXES. -In lieu of the requirements of paragraph three of this subdivision, the architect or engineer designated for controlled inspection may permit the use of mix proportions of aggregates having the same specific gravity, size and gradation; cements of the same type and batch weight; admixtures of the same type and quantity; and other ingredients the same as or equal to those that have been previously submitted with applicable preliminary tests which complied with paragraphs one and two of this subdivision, and which have been accepted by the commissioner within the past year. If any of the mix proportions or ingredients are changed, a separate submission for acceptance shall be required.

(5) QUALITY CONTROL AND INSPECTION OF MATERIALS AND OF BATCHING. -Where concrete materials are used for structural elements defined in section 27-585 of article one of this subchapter, quality control and inspection shall be provided at the batch plant by a licensed concrete testing laboratory under the

revision: July 1, 2008

supervision of the architect or engineer designated for controlled inspection, in accordance with the requirements of table 10-1 and in sufficient scope to:

a. Determine and record the actual batched weights of the ingredients and the volume of water charged into the mixer;
b. Verify that such weights conform to the weights and proportions required by the preliminary test mix, adjusted for moisture content, fineness modulus and gradation of aggregates;

c. Verify conformance of the quality and condition of the materials to reference standard RS 10-3;

d. Verify that the aggregates have the same specific gravity, size and gradation; the cement is the same type and batch weight, the admixtures are the same type and quantity; and that any other ingredients are the same as or equal to those used for the preparation of the preliminary test mixes;

e. For all concrete, whether or not designated for controlled inspection, attestation of the results of quality control and inspection at the batch plant shall appear on a ticket accompanying each load of concrete. The attestation for subparagraphs a, b, c and d of this paragraph shall be executed by the licensed concrete testing laboratory.

f. The licensed concrete testing laboratory shall also attest that the slump entrained air content and unit weight of the fresh concrete, as discharged from the mixer at the job site, were tested in accordance with reference standards RS 10-49, RS 10-51, RS 10-52, RS 10-61, RS 10-62, RS 10-63 and RS 10-64, and that all were in compliance with the accepted mix design.

(b) Method II. -Proportioning on the basis of field experience. -

(1) PROPORTIONING.- For the computation of the standard deviation in accordance with reference standard RS 10-14, mixes with test data from previous projects, similarly proportioned in accordance with the provisions of subdivision (a) of this section, and having materials of similar density and admixtures and having a slump equal to or greater than that at which the concrete is to be placed shall be used. Such mixes may be accepted subject to the approval of the architect or engineer designated for controlled inspection.

(2) STRENGTH. -The required average strength, **fcr, to be used as the basis for the selection of mix proportions, shall in no case be less than fifteen percent higher than the specified strength called for on the plans.

****As enacted but "f'c" probably intended.**

(3) BATCHING. -The concrete shall be produced either in the concrete production facility used to produce the concrete from which the tests were made to develop the field experience data referred to in paragraph one of this subdivision or, subject to the approval of the architect or engineer designated for controlled inspection, in any concrete production facility that has data showing a record of standard deviation equal to or less than that of the original facility. All concrete proportioned according to field experience shall be produced in a plant with automatic recording equipment for all ingredients.

(4) QUALITY CONTROL AND INSPECTION OF MATERIALS AND OF BATCHING. - When the concrete is batched in a plant where automatic recording

weight and temperature. Compression strength test specimens shall be molded only by a licensed concrete testing laboratory or by a person certified by the American Concrete Institute as qualified to perform such function. Attestation shall be executed by the person superintending the use of the material in accordance with the requirements of subdivision (b) of section 27-132 of article seven of subchapter one of this chapter.

**Local Law 65-1990.*

***§[C26-1004.6] 27-608 Admixtures.** -Admixtures may be used in the concrete only where included in the preliminary test mixes made in accordance with paragraph three of subdivision (a) of section 27-605 or mixes proportioned in accordance with the provisions of reference standard RS 10-3. In the case of mixes proportioned in accordance with subdivision (c) of section 27-605, there shall be no reduction of the cement content called for in table 10-3A because admixtures are used in the mix. Where admixtures are used, the provisions of reference standards RS 10-3 and RS 10-44 shall apply. In addition, no anti-freeze agents shall be used. Admixtures shall be added in measured quantities in conformance with the accepted mix design.

**Local Law 65-1990.*

***§[C26-1004.7] 27-609 Licensed concrete testing laboratories.** -All strength tests of concrete and testing of concrete materials required by the provisions of this section shall be performed by concrete testing laboratories licensed in accordance with the requirements of article nine of subchapter two of chapter one of title twenty-six of the administrative code and rules promulgated by the commissioner. The licensed concrete testing laboratory shall, among other things, analyze, evaluate and test concrete materials; determine whether the materials comply with specifications and pertinent referenced national standards in reference standard RS 10-3; select mix proportions for preliminary tests; recommend the mix proportions to be used on the project for which the tests were made; analyze data from previous projects and compute the standard deviation; and recommend the mix proportions to be used based on such field experience data. At the batch plant or at the job site, the licensed concrete testing laboratory shall, among other things, sample concrete and test for slump, entrained air content, unit weight and temperature, mold compression test specimens; store and cure such specimens on the job site; remove, transport and deliver such specimens to the laboratory; demold, store, cure, cap and test such specimens at the laboratory and furnish written reports of the results of all tests of the materials and concrete to the architect or engineer designated for controlled inspection and to the concrete producer. When tests of the hardened concrete are required, they shall be made by the licensed concrete testing laboratory in accordance with reference standard RS 10-3 and the national

standards for making tests for penetration resistance, rebound number, pullout strength and of drilled cores. The architect or engineer designated for controlled inspection is authorized either to dismiss or to employ a particular licensed concrete testing laboratory at any time during the progress of the work.

**Local Law 65-1990.*

§[C26-1004.8] 27-610 Short-span concrete floor and roof construction supported on steel beams. -In lieu of analysis, the following empirical procedures may be used for the design of short-span concrete floor and roof slabs containing draped reinforcement and supported on steel beams. The empirical equations described in subdivisions (c) and (d) of this section shall apply only where the steel beams are placed, or are encased, in a manner that will provide section for the transfer of shear from slabs to beams equivalent to, or in excess of, the slab thickness required by said equations.

(a) Concrete. -The concrete shall have a minimum compressive strength at twenty-eight days of seven hundred psi.

(b) Reinforcement. -Reinforcement shall consist of steel fabric, rods, or other suitable shapes that shall be continuous or successively lapped to function as a continuous sheet. The main reinforcement shall be at least 0.15% of the gross cross section where continuous steel fabric is used and at least 0.25% of the gross cross section where other forms of steel reinforcement are used. All reinforcing shall be draped, with the center of the reinforcement at the center of the span one inch above the bottom of the slab and the center of reinforcement over the support one inch below the top of the slab.

(c) Minimum slab thickness. -The minimum total thickness of concrete floor and roof construction shall be determined by the following formula, but shall not be less than four inches:

$$t = \left| \frac{L}{2} \right| + \left| \frac{w-75}{200} \right|$$

where: t = total thickness (in.)

L = clear span between steel flanges (ft.)

w = gross uniform load (dead load plus reduced live load) (psf).

(d) Allowable load. -The allowable load shall be determined by the following formula:

$$w = \frac{3CA_s}{L^2}$$

where: w = gross uniform load (psf)

A_s = cross sectional area of main reinforcement (sq. in. per ft. of slab width)

L = clear span between steel flanges in feet. (L shall not exceed ten feet in any case, and when the gross floor load exceeds two hundred psi shall not exceed eight feet)

C = the following coefficient for steel having an ultimate strength of at least fifty-five thousand psi;

1. For lightweight aggregate concrete:
 - a. twenty thousand when reinforcement is continuous.
 - b. fourteen thousand when reinforcement is hooked or attached to one or both supports.
 2. For stone concrete:
 - a. twenty-three thousand when reinforcement is continuous.
 - b. fifteen thousand when reinforcement is hooked or attached to one or both supports.
- (1) When the above formula is used the reinforcement shall be hooked or attached to one or both supports or be continuous.
 - (2) If steel of an ultimate strength in excess of fifty-five thousand psi is used, the above coefficient may be increased in the ratio of the ultimate strength to fifty-five thousand but at most by thirty percent.
- (e) Openings in floors and roofs.** -Openings more than one foot six inches on a side shall be framed. All areas encompassing multiple openings aggregating more than one foot six inches in any ten foot width or span of floor or roof slab shall be framed.

§[C26-1004.9] 27-611 Pneumatically placed concrete.- Construction methods shall conform to the applicable provisions and recommendations of reference standard RS 10-15.

***§27-611.1 Conveying concrete by pumping methods.**- All classes and strengths of concrete may be conveyed by pumping methods. All materials and methods used shall conform to the rules promulgated by the commissioner for conveying concrete by pumping methods.
**Local Law 65-1990.*

***§[C26-1004.10] 27-612 Formwork, slip form construction, lift method construction, precast and prestressed construction.**- The provisions of subchapter nineteen of this chapter shall apply.
**Local Law 65-1990.*

§[C26-1004.11] 27-613 Concrete utilizing preplaced aggregate. -The use of concrete formed by the injection of grout into a mass of preplaced coarse aggregate will be permitted where it can be demonstrated by successful prototype installation that the proposed mix, materials, and method of placement will produce a concrete of the specified strength and free of areas or inclusions of uncemented aggregate.

(a) Prototypes. -At least two prototypes, from either previous work or samples prepared for the proposed project shall be prepared. The forms shall be stripped, and a minimum of six cores recovered and tested to demonstrate the strength of the concrete produced by the proposed materials and methods of installation. In addition, the homogeneity of the prototypes shall be demonstrated by demolishing the prototypes.

(b) In-place concrete. -The concrete, as finally placed in the work, shall be prepared using the same materials, mix, equipment, and procedures utilized to prepare the successful prototype installations.

***(c) Inspection.** -All preparation and placement of structural concrete utilizing preplaced aggregates shall be subject to controlled inspection. Compression test specimens shall be prepared and tested as required for premixed concrete, except that the specimens shall be prepared under conditions that will simulate the conditions under which the concrete in the work is installed.

**Local Law 65-1990.*

***§27-613.1 Precast and prestressed concrete.** - The provisions of reference standard RS 10-3 shall apply.
**Local Law 65-1990.*

***§27-613.2 Thin-section precast concrete construction.**- The provisions of reference standard RS 10-4 shall apply.
**Local Law 65-1990.*

ARTICLE 6 STEEL

§[C26-1005.1] 27-614 General requirements. - Materials, design, and construction methods shall meet the requirements of the following reference standards:

(a) Structural steel. -Reference standard RS 10-5.

(b) Light *gauge cold formed steel.** - Reference standard RS 10-6.

****(c) Open web steel joists.**- Reference standard RS 10-7. The commissioner shall amend RS 10-7 to establish minimum acceptable fireproofing methods for open web steel joists and to redefine the limitations or restrictions on the buildings or occupancies in which the use of open web steel joists shall be permitted.

***Local Law 26-2004.*

**** As enacted but "gage" probably intended.*

§[C26-1005.2] 27-615 Identification. -Structural steel that is required to have a minimum yield point greater than thirty-six thousand psi shall at all times in the fabricator's plant, be marked, segregated, or otherwise handled so that the separate alloys and tempers are positively identified, and after completion of fabrication, shall be marked to identify the alloy and temper. Such markings shall be affixed to completed members and assemblies or to boxed or bundled shipments of multiple units prior to shipment from the fabricator's plant. Open web steel joists shall have identification affixed to each bundle or lift showing size and type.

§[C26-1005.3] 27-616 Quality control. -

(a) Reference.- The provisions of tables 10-1 and 10-2 shall apply.

(b) Welding operations. -

(1) Welding work shall be performed only by persons who have obtained a license from the commissioner.

(2) Where manual welding work is not performed in the city of New York, welds shall be made by welders qualified under the provisions of appendix D, parts II and III, of the AWS code for welding in building construction. Qualification with any of the steels permitted by the AWS code shall be considered as qualification to weld any of the other steels permitted by the code.

CEILING JOIST NAILING TO EVERY RAFTER
(Number of 16d nails)

Slope of Roof	4/12		5/12		6/12		7/12		9/12		12/12	
Rafter Spacing, o.c. (in.)	16	24	16	24	16	24	16	24	16	24	16	24
Width of building —												
Up to 24 ft.....	5	8	4	7	3	5	3	4	3	3	3	3
24 to 30 ft.....	7	11	6	9	4	7	3	6	3	4	3	3

(2) FLOORS. -

a. Planks shall be splined or tongue-and-groove, not less than three inches thick, covered with one inch tongue-and-groove flooring, laid crosswise or diagonally to the plank, or other surface having equivalent fire resistance; or shall be,

b. At least four inches wide, set on edge close together and well spiked, and covered the same as for three inch thick plank. The planks shall be laid so that there is no continuous line of end joints except at points of support. Floors shall not extend closer than one-half inch to walls to provide an expansion joint, but the joint shall be covered at top or bottom to avoid flue action.

(3) ROOF DECKS. -Roof decks shall be splined or tongue-and-groove planks at least two inches thick; or tongue-and-groove plywood panels (bonded with exterior glue) at least one and one-eighth inch thick, with face grain perpendicular to supports that shall be spaced not more than forty-eight inches on center; or of planks at least three inches wide set on edge close together and laid as required for floors.

(b) Construction details. -Self releasing type wall plate boxes or approved hangers shall be provided where beams and girders enter masonry.

§[C26-1006.8] 27-624 Construction methods. -

(a) Fabrication. -All timber shall be accurately cut and framed to a close fit in such a manner that the joints will have even bearing over the contact surfaces. Mortises shall be true to size for their full depth and tenons shall fit snugly. No shimming in joints, or open joints, shall be permitted.

(b) Erection. -

(1) ASSEMBLY. -Joints shall have a tight fit. Fasteners shall be installed in a manner that will not damage the wood. End compression joints shall be brought to full bearing. All framework shall be carried up true and plumb.

(2) TEMPORARY CONNECTIONS.- As erection progresses, the work shall be bolted, or nailed as necessary, to resist all dead load, wind, and erection stresses.

(3) ALIGNMENT. -The structure shall be properly aligned before final tightening of the connections.

ARTICLE 8 ALUMINUM**§[C26-1007.1] 27-625 General requirements. -**

Materials, design, and construction methods shall meet the requirements of reference standards *RS 10-10A, RS 10-10B and RS 10-11.

*Reference Standard designations revised per DOB 9-2-01 promulgation.

§[C26-1007.2] 27-626 Identification. -Aluminum for structural elements shall at all times in the fabricator's plant, be marked, segregated, or otherwise handled so
revision: July 1, 2008

that the separate alloys and tempers are positively identified, and after completion of fabrication shall be marked to identify the alloy and temper. Such markings shall be affixed to completed members and assemblies or to boxed or bundled shipments of multiple units prior to shipment from the fabricator's plant.

§[C26-1007.3] 27-627 Quality control. -

(a) Reference. -The provisions of tables 10-1 and 10-2 shall apply.

(b) Welding operations. -

(1) Welding work shall be performed only by persons who have obtained a license from the commissioner.

(2) Where manual welding work is not performed in the city of New York, welds shall be made by welders qualified under the applicable provisions of reference standard RS 10-25.

(3) Tack welds that are not later incorporated into finished welds carrying calculated stress shall not be considered as structural welds.

(4) The inspection of welding operations stipulated in table 10-2 shall include a check to ascertain that the welders employed on the work have the required license or are qualified in accordance with paragraph two of this subdivision.

§[C26-1007.4] 27-628 Erection. -

(a) Bracing. -All framework shall be carried up true and plumb. Temporary bracing shall be provided to support all loads imposed upon the framework during construction that are in excess of those for which the framework was designed.

(b) Temporary connections. -As erection progresses, the work shall be securely bolted, or welded, to resist all dead loads, wind, and erection stresses.

(c) Alignment. -The structure shall be properly aligned before riveting, permanent bolting, or welding is performed.

ARTICLE 9 REINFORCED GYPSUM CONCRETE**§[C26-1008.1] 27-629 General requirements. -**

Materials, design, and construction methods shall meet the requirements of reference standard RS 10-12.

§[C26-1008.2] 27-630 Identification of metal reinforcement. -

Bundles or rolls of welded wire fabric shall be securely tagged so as to identify the type and grade of steel, and the size.

§[C26-1008.3] 27-631 Limitations of use. -

Reinforced gypsum concrete shall not be used where exposed directly to the weather or where subject to frequent or continuous wetting. Precast units shall be protected by coverings or coatings from the weather and

from contact with moisture during shipment and during storage at the work site.

ARTICLE 10 THIN SHELL AND FOLDED-PLATE CONSTRUCTION

§[C26-1009.1] 27-632 **General requirements.** -Thin shell and folded-plate construction may be used for buildings or portions of buildings, as required in this section and subject to the provisions of this subchapter. The applicable provisions of the several reference standards relating to allowable stresses and the use of structural materials shall apply except as modified in this section.

§[C26-1009.2] 27-633 **Analysis.** -

- (1) Unless otherwise permitted by the commissioner, stresses, displacements, and stability of thin shell and folded-plate structures shall be determined on the basis of the assumption of elastic behavior. The shell or plate may be assumed to be homogeneous and isotropic.
- (2) The analysis for stability shall consider large deflections, creep effects and the deviation between the actual and theoretical shell surface.

§[C26-1009.3] 27-634 **Thin concrete shells.** -

The provisions of section 403, 404 and 405 of reference standard RS 10-45 shall apply with the following modifications. The remaining sections of reference standard RS 10-45 shall not apply.

- (1) The advisory provisions of this standard shall be considered as mandatory.
- (2) The minimum ultimate strength of concrete for thin shells shall be three thousand psi.
- (3) Change all references to "the building code (ACI 318-63)" to "reference standard RS 10-4."

ARTICLE 11 SUSPENDED STRUCTURES

§[C26-1010.1] 27-635 **General requirements.** -

The materials, design, and construction of suspended structures shall meet the applicable requirements of the code and the requirements of this article.

§[C26-1010.2] 27-636 **Suspenders.** -

(a) **Bridge Wire Cable.** -Bridge wire cables used for suspenders shall be either bridge strand or bridge rope fabricated from galvanized bridge wire.

(1) **WIRE.** -Wire shall be produced from rods rolled from high carbon steel, the composition of which shall be controlled to provide internal soundness, uniformity of chemical composition and physical properties, freedom from injurious surface imperfections, and shall meet the following requirements.

a. The minimum ultimate tensile strength of zinc-coated wire shall be as follows:

Class A coating two hundred twenty thousand psi

Class B coating two hundred ten thousand psi

Class C coating two hundred thousand psi

b. Yield strength shall be one hundred fifty thousand psi minimum for zinc-coated wire with class A or Class B coating, one hundred forty thousand psi minimum for zinc-coated wire with class C coating, based on the cross-sectional area of the coated wire when loaded to 0.7% elongation in a ten inch gage length. In determining the yield strength, an initial stress equivalent to forty-two thousand psi, based on cross-sectional area of the coated wire, shall be applied to the wire sample. At this loading, the extensometer shall be attached and an initial dial reading set at the equivalent of 0.15% elongation.

c. Elongation shall be four percent minimum in a ten inch gage length, determined as the permanent increase in length after failure of a marked section of the wire originally ten inches [sic] in length except that a value of two percent will be permitted for wires 0.110 in. or less in diameter having a class A zinc coating.

d. The zinc-coated wire must withstand wrapping at a rate not exceeding fifteen turns per minute twice around a mandrel equal to three times the wire diameter without fracture of the steel.

e. The wire used in bridge strand or bridge rope shall be zinc-coated (galvanized) in accordance with the requirements of table 10-5. Weight of coating shall be determined in accordance with the provisions of reference standard RS 10-24.

TABLE 10-5-MINIMUM WEIGHTS OF COATING-BRIDGE WIRE, ZINC-COATED, FOR BRIDGE STRAND AND BRIDGE ROPE CONSTRUCTIONS

Diameter of coated Wire (in.)	Minimum Weight of Coating (Ounces per Sq. Ft. of Uncoated Wire Surface)		
	Class A	Class B	Class C
0.041 to 0.061 incl.....	0.40	0.80	1.20
Over 0.061 to 0.079 incl.....	0.50	1.00	1.50
Over 0.079 to 0.092 incl.....	0.60	1.20	1.80
Over 0.092 to 0.103 incl.....	0.70	1.40	2.10
Over 0.103 to 0.119 incl.....	0.80	1.60	2.40
Over 0.119 to 0.142 incl.....	0.85	1.70	2.55
Over 0.142 to 0.187 incl.....	0.90	1.80	2.70
Over 0.187.....	1.00	2.00	3.00

**TABLE 10-6 PROBABILITY OF BREAKAGE FOR GLASS PANELS
(BASED ON COEFFICIENT OF VARIATION OF 25%)**

Elevation Above Grade of Mid-Point of Glass		Area of Panel — Sq. Ft.			
-Ft.....	0-60	60-80	80-100	100-120	120+
0-50.....	1.0%	1.0%	1.0%	1.0%	1.0%
*50 or more.....	1.0%	0.8%	0.6%	0.4%	0.2%

**As enacted but "more than 50" probably intended.*

TABLE 10-7 MAXIMUM AREA OF GLASS — SQ. FT.

Nominal Thickness of Glass-Inches	Elevation Above Grade of Mid-Point of Glass-Ft.			
	0-50	50-300	300-600	600+
Sheet Glass				
Single strength.....	9	9	8	7
Double strength.....	13	13	11	10
3/16".....	25	25	21	19
7/32".....	32	32	27	24
Plate and Float Glass				
13/64".....	25	25	21	19
1/4".....	37	37	32	28
5/16".....	54	54	46	40
3/8".....	78	74	63	58
1/2".....	114	100	86	75
5/8".....	152	120	103	90
3/4".....	210	137	118	103
7/8".....	241	158	135	118
1".....	312	204	175	153

TABLE 10-8 MULTIPLYING FACTORS FOR VARIOUS TYPES OF GLASS

Glass Type	Multiplying Factor
Full tempered.....	4.0
Heat strengthened.....	2.0
Factory-fabricated double glazing...	1.5*
Laminated.....	0.6
Wired.....	0.5
Sandblasted or etched.....	0.4

*For asymmetrical units base strength on thinner lite.

§[C26-1011.9] 27-651 Panels subject to human impact loads.- Glass in prime and storm doors, interior doors, fixed glass panels that may be mistaken for means of egress or ingress, shower doors and tub enclosures, or in similar installations wherein one or more of the following criteria apply, shall meet the requirements set forth in table 10-9, or by comparative tests shall be proven to produce equivalent performance:

(a) openings are located in regularly occupied spaces.

(b) lowest point of panel is less than eighteen inches above finished floor.

(c) minimum dimension of panel is larger than eighteen inches.

TABLE 10-9 REQUIREMENTS FOR GLASS PANELS SUBJECT TO IMPACT LOADS^{a,b}

*3. Glass Type	Individual Opening Area	Requirements
Regular plate, sheet or rolled (annealed)	Over 6 sq. ft.	Not less than 3/16 in. thick. Must be protected by a push-bar or protective grille firmly attached on each exposed side ^c , if not divided by a muntin.
Regular plate, sheet or rolled (annealed), surface sandblasted, etched, or otherwise depreciated	Over 6 sq. ft.	Not less than 7/32 in. thick. Must be protected by a push-bar or protective grille firmly attached on each exposed side ^c .
Regular plate, sheet or rolled (annealed), obscure	Over 6 sq. ft.	Not less than 3/16 in. thick. Must be protected by a push-bar or grille firmly attached on each exposed side ^c .
Laminated	Over 6 sq. ft.	Not less than 1/4 in. thick. Shall pass impact test requirements of reference standard RS 10-67.
Fully-tempered	Over 6 sq. ft.	Shall pass impact test requirements of reference standard RS 10-67.
Wired	Over 6 sq. ft.	Not less than 7/32 in. thick. Shall pass impact test requirements of reference standard RS 10-67.
All unframed glass doors (swinging)		Shall be fully-tempered glass and pass impact test requirements of reference standard RS 10-67.

Notes for Table 10-9:

^aGlass less than single strength (SS) in thickness shall not be used.

^bIf short dimension is larger than 24 in., glass must be double strength (DS) or thicker.

^cBuilding owners and tenants shall maintain push-bars or protective grilles in safe condition at all times.

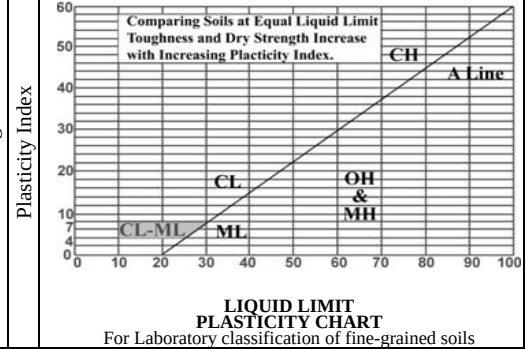
*"3." *enacted but probably not intended.*

TABLE 11-1 UNIFIED SOIL CLASSIFICATION
(Including Identification and Description)

Major Divisions		Group Symbols	Typical Names	Field Identification Procedures (Excluding particles larger than 3 in. and basing fractions on estimated weights)			Information Required for Describing Soils	Laboratory Classification Criteria							
1	2	3	4	5			6	7							
Coarse-grained Soils More than half of material is <i>larger</i> than No. 200 sieve size. The No. 200 sieve size is about the smallest visible to the naked eye.	Gravels More than half of coarse fraction is larger than No. 4 sieve size. (For visual classification, the ¼-in. size may be used as equivalent to the No. 4 sieve size.)	Clean Gravels (Little or no fines)	GW	Well-graded gravels, gravel-sand mixture, little or no fines.	Wide range in grain size and substantial amounts of all intermediate particle sizes.			For undisturbed soils add information on stratification, degree of compactness, cementation, moisture condition, and drainage characteristics. Give typical name; indicate approximate percentages of sand and gravel, maximum size; angularity, surface condition, and hardness of the coarse grains; local or geologic name and other pertinent descriptive information; and symbol in parentheses. Example: Silty sand, gravelly; about 20% hard, angular gravel particles ½-in. maximum size; rounded and subangular sand grains, coarse to fine; about 15% nonplastic fines with low dry strength; well compacted and moist in place; alluvial sand; (SM).	Determine percentage of gravel and sand from grain-size curve. Depending on percentage of fine (fraction smaller than No. 200 sieve size) coarse-grained soils are classified as follows: Less than 5% More than 5% More than 12% 5% to 12% GW, GP, SW, SP, GM, GC, SM, SC. Borderline cases requiring use of dual symbols.	$C_u = \frac{D_{60}}{D_{10}}$ Greater than 4		$C_e = \frac{(D_{30})^2}{D_{10} \times D_{60}}$ Between 1 and 3		Not meeting all gradation requirements for GW	
			GP	Poorly graded gravels or gravel-sand mixture, little or no fines.	Predominantly one size or a range of sizes with some intermediate sizes missing.					Atterberg limits below “A” line or P1 less than 4		Above “A” line with P1 between 4 and 7 are <u>borderline</u> cases requiring use of dual symbols.			
		GM	Silty gravels, gravel-and-silt mixtures.	Nonplastic fines or fines with low plasticity (for identification procedures see ML below).			Atterberg limits above “A” line with P1 greater than 7								
		GC	Clayey gravels, gravel-and-clay mixtures.	Plastic fines (for identification procedures see CL below).											
	Clean Sands (Little or no fines)	SW	Well-graded sands, gravelly sands, little or no fines.	Wide range in grain size and substantial amounts of all intermediate particle sizes.			$C_u = \frac{D_{60}}{D_{10}}$ Greater than 6			$C_e = \frac{(D_{30})^2}{D_{10} \times D_{60}}$ Between 1 and 3		Not meeting all gradation requirements for SW			
		SP	Poorly graded sands or gravelly sands, little or no fines.	Predominantly one size or a range of sizes with some intermediate sizes missing.						Atterberg limits above “A” line or P1 less than 4		Limits plotting in hatched zone with P1 between 4 and 7 are <u>borderline</u> cases requiring use of dual symbols.			
		SM	Silty sands, sand-silt mixtures.	Nonplastic fines or fines with low plasticity (for identification procedures see ML below).						Atterberg limits above “A” line with P1 greater than 7					
		SC	Clayey sands, sand-clay mixtures.	Plastic fines (for identification procedures see CL below).											
	Fine-grained Soils More than half of material is <i>smaller</i> than No. 200 sieve size. The No. 200 sieve size is about the smallest visible to the naked eye.	Silts and Clays Liquid Limit is less than 50	ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands or clayey silts with slight plasticity	None to slight	Quick to slow	None	For undisturbed soils add information on structure, stratification, consistency in undisturbed and remolded states, moisture and drainage conditions Give typical name; indicate degree and character of plasticity; amount and maximum size of coarse grains; color in wet condition; odor, if any; local or geologic name and other pertinent descriptive information; and symbol in parentheses. Example: Clayey silt, brown; slightly plastic; small percentage of fine sand; numerous vertical root holes; firm and dry in place; loess; (ML)		Use grain-size curve in identifying the fractions as given under field identification.	Plasticity Index				
				CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays.	Medium to high	None to very slow									Medium
		Silts and Clays Liquid limit is greater than 50	OL	Organic silts and organic silty clays of low plasticity.	Slight to medium	Slow	Slight								
			MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts.	Slight to medium	Slow to none	Slight to medium								
CH			Inorganic clays of high plasticity, fat clays.	High to very high	None	High									
OH			Organic clays of medium to high plasticity, organic silts.	Medium to high	None to very slow	Slight to medium									
Highly Organic Soils			Pt	Peat and other highly organic soils.	Readily identified by color, odor, spongy feel and frequently by fibrous texture										
(1) Boundary classifications: Soils possessing characteristics of two groups are designed by combinations of group symbols. For example GM-GC, well-graded gravel-sand mixture with clay binder. (2) All sieve sizes on this chart are U.S. standard. (3) Adopted by Corps of Engineers and Bureau of Reclamation, January 1952															

Determine percentage of gravel and sand from grain-size curve. Depending on percentage of fine (fraction smaller than No. 200 sieve size) coarse-grained soils are classified as follows:
 Less than 5% GW, GP, SW, SP,
 More than 12% GM, GC, SM, SC.
 5% to 12% Borderline cases requiring use of dual symbols.

Use grain-size curve in identifying the fractions as given under field identification.



**FIELD IDENTIFICATION PROCEDURES FOR FINE-GRAINED
SOILS OR FRACTIONS (Notes for Table 11-1)**

These procedures are to be performed on the minus No. 40 sieve size particles, approximately 1/64 in. For field classification purposes, screening is not intended, simply remove by hand the coarse particles that interfere with the tests.

Dilatancy (reaction to shaking)

After removing particles larger than No. 40 sieve size, prepare a pat of moist soil with a volume of about one-half cubic inch. Add enough water if necessary to make the soil soft but not sticky.

Place the pat in the open palm of one hand and shake horizontally, striking vigorously against the other hand several times. A positive reaction consists of the appearance of water on the surface of the pat which changes to a livery consistency and becomes glossy. When the sample is squeezed between the fingers, the water and gloss disappear from the surface, the pat stiffens, and finally it cracks or crumbles. The rapidity of appearance of water during shaking and of its disappearance during squeezing assist in identifying the character of the fines in a soil.

Very fine clean sands give the quickest and most distinct reaction whereas a plastic clay has no reaction. Inorganic silts, such as a typical rock flour, show a moderately quick reaction.

Dry Strength (crushing characteristics)

After removing particles larger than No. 40 sieve size, mold a pat of soil to the consistency of putty, adding water if necessary.

Allow the pat to dry completely by oven, sun or air-drying, and then test its strength by breaking and crumbling between the fingers. This strength is a measure of the character and quantity of the colloidal fraction contained in the soil. The dry strength increases with increasing plasticity.

High dry strength is characteristic for clays of the CH group. A typical inorganic silt possesses only very slight dry strength.

Silty fine sands and silts have about the same slight dry strength, but can be distinguished by the feel when powdering the dried specimen. Fine sand feels gritty whereas a typical silt has the smooth feel of flour.

Toughness (consistency near plastic limit)

After particles larger than the No. 40 sieve size are removed, a specimen of soil about one-half inch cube in size, is molded to the consistency of putty. If too dry, water must be added and if sticky, the specimen should be spread out in a thin layer and allowed to lose some moisture by evaporation. Then the specimen is rolled out by hand on a smooth surface or between the palms into a thread about one-eighth inch in diameter. The thread is then folded and rerolled repeatedly. During this manipulation, the moisture content is gradually reduced and the specimen stiffens, finally loses its plasticity, and crumbles when the plastic limit is reached.

After the thread crumbles, the pieces should be lumped together and a slight kneading action continued until the lump crumbles.

The tougher the thread near the plastic limit and the stiffer the lump when it finally crumbles, the more potent is the colloidal clay fraction in the soil. Weakness of the thread at the plastic limit and quick loss of coherence of the lump below the plastic limit indicate either inorganic clay of low plasticity, or materials such as kaolin-type clays and organic clays which occur below the A-line.

Highly organic clays have a very weak and spongy feel at the plastic limit.

(2) MEDIUM HARD ROCK. -Includes crystalline rocks of paragraph one of this subdivision, plus Inwood marble and serpentine. Characteristics are: all those listed in paragraph one of this subdivision, except that cracks may be one-quarter inch wide and slightly weathered, generally spaced no closer than two feet apart; core recovery with a double tube, diamond core barrel is generally fifty percent or greater for each five foot run.

(3) INTERMEDIATE ROCK. -Includes rocks of paragraphs one and two of this subdivision, plus cemented shales and sandstone of the Newark formation. Characteristics are: the rock gives dull sound when struck with pick or bar; does not disintegrate after exposure to air or water; broken pieces may show weathered surfaces; may contain fracture and weathered zones up to one inch wide spaced as close as one foot; core recovery with a double tube, diamond core barrel is generally thirty-five percent or greater for each five foot run.

(4) SOFT ROCK. - Includes rocks of paragraphs one, two and three of this subdivision in partially weathered condition, plus uncemented shales and sandstones. Characteristics are: rock may soften on exposure to air or water; may contain thoroughly weathered zones up to three inches wide but filled with stiff soil; core recovery with a double tube, diamond core barrel is less than thirty-five percent for each five foot run, but standard penetration resistance in soil sampling is more than fifty blows per foot. Where core recoveries are less than twenty percent and the material is to be used for bearing, a minimum three inches diameter core shall be recovered and the material recovered shall be classified in accordance with table 11-1.

(b) Special soil types. -

(1) FINE SAND.- Soils of group SM, containing more than fifty percent (by weight) of particles passing a number sixty mesh sieve.

(2) HARDPAN.- Soils of groups GM, GC, and SW, generally directly overlying rock, and which are sufficiently cemented to be difficult to remove by picking.

(3) CLAY SOILS.- Soils of each group SC, CL and CH shall be classified according to consistency as hard, medium, or soft in accordance with the following:

a. Hard clay.- A clay requiring picking for removal, a fresh sample of which cannot be molded by pressure of the fingers.

b. Medium clay.- A clay that can be removed by spading, a fresh sample of which can be molded by a substantial pressure of the fingers.

c. Soft clay. -A clay, a fresh sample of which can be molded with slight pressure of the fingers.

(4) SILT SOILS.- Soils of each group ML and MH shall be classified as dense, medium, or loose depending on relative difficulties of removal as described for hard, medium, and soft clays in paragraph three of this subdivision.

(5) VARVED SILT. -A natural soil deposit consisting of alternating thin layers of silt, clay, and sand in which the silt or silt plus sand layers predominate.

§[C26-1103.2] 27-676 Satisfactory bearing material.-

The following materials, or any combination of them shall be considered as generally satisfactory bearing materials; hard sound, medium hard, intermediate, and soft rock; hardpan; granular soils of G and S groups;

§[C26-1104.2] 27-682 Procedure. -

(a) Preparations. -

(1) A sketch showing the layout, levels, number of tests, details of test apparatus, and test procedures shall be filed with the commissioner before conducting such tests. The sketch shall also include the locations and levels of the proposed tests in relation to the contemplated foundation levels as well as the logs of borings that have been made for the building or buildings involved.

(2) The tests shall be made at the levels contemplated for the proposed building footings, and in at least two locations within the limits of the building area. The surfaces at the locations of the proposed tests shall be leveled at the elevations of the proposed test for a clear distance of at least five feet all around the test plate.

(3) The loaded area shall be square and at least twenty-four inches by twenty-four inches.

(4) When load tests are performed on materials affected by drying, suitable methods shall be used to prevent evaporation from the material.

(5) In the event ground water is present *immediately below, at, or above the level required to be tested, dewatering facilities shall be installed to maintain ground water a minimum of four feet below the level of the test plate during the preparation and duration of the test or tests.

**As enacted but "immediately" probably intended.*

(6) Trenches and other provisions at the ground surface shall be made to prevent inflow of surface water and to remove water that may drain into the test area. The entire test area shall be protected against weather and rainfall for the entire duration of the test.

(7) The load platform providing the support for the test load shall be supported on adequate timber cribbing, which shall not be closer than five feet from the edge of the test plate.

(8) The plate on which the loads are applied shall be of steel having a minimum thickness of two inches and shall be set and centered in a depression in the bottom of the pit or loading area about thirty inches square for a twenty-four inch by twenty-four inch plate and eight inches deep. The area on which the plate is placed shall be scraped to remove any disturbed soil. The area to be tested shall be covered with a thin layer of fine clean sand that shall be smoothed and leveled until a completely level surface for placing the test plate is obtained.

(9) Settlement observations shall be made at four corners of test plate by means of dial extensometers. The extensometers shall provide readings to the nearest 0.001 in. In addition, settlement observations shall be taken using an engineer's level reading to 0.001 ft., properly referenced to a well-established benchmark.

(10) All tests shall be made under the surveillance of the commissioner, who shall be duly notified in order that he or she may be represented.

(b) Loading of the soil. -

(1) Loads shall be applied to the test plate by direct weight or by means of a hydraulic jack. The loading platform or

box shall be constructed to provide a concentric load on the plate. If direct weight is employed, the loading increments shall be applied without impact or jar.

The weight of the blocking placed on the plate and the loading platform or box shall be obtained prior to the test and this weight shall be considered as the first increment of load. If a hydraulic jack is employed, facilities for maintaining each increment of desired load constant under increasing settlement shall be provided.

The gauge [sic] for the jack and the jack shall be calibrated as a unit not more than two weeks prior to the test.

(2) The unit intensity of the test load shall be one and one-half times the unit intensity of the loading proposed to be imposed on the soil by the design loads. The test load shall be applied in a minimum of six increments at twenty-five percent, fifty percent, seventy-five percent, one hundred percent, one hundred twenty-five percent, and one hundred fifty percent of the proposed working load. Each load increment shall be maintained for a length of time as follows:

a. At the proposed loading and at one hundred fifty percent of load until the settlement is less than 0.005 in. over a period of twenty-four hours.

b. At other loadings until the settlement is 0.001 in. or less, over a period of five minutes.

(3) Under each load increment, settlement observations shall be made and recorded at intervals of one-half minute, one minute, four minutes, and each four minutes thereafter after application of load increment except in the instance of the working load and one hundred fifty percent of working load where, after the four minute reading, the time interval shall be doubled successively until the final settlement limitation is reached and the load is increased or removed.

(4) After the test load and limiting rate of settlement under the test load is reached, loads shall be removed in not less than three equal increments and rebound observations made in the same manner as for the loading increments. The final rebound shall be recorded twenty-four hours after the entire test load has been removed.

(c) Determination of results. -

(1) Subject to the limitations designated in section 27-681 of this article, the soil load test for soils of classes 5-65 through 8-65 shall be considered as tentatively substantiating the ability of the soil to support the proposed unit intensity of loading if the gross settlement of the test plate under the proposed unit intensity of loading does not exceed one-half inch and the total gross settlement after the fifty percent overload is applied does not exceed one inch. This tentative substantiation shall be supported by a report by the architect or engineer on the correlation of

the behavior of the load test to the probable behavior of the full size building. The proposed design load shall be considered as acceptable only upon written acceptance by the commissioner.

(2) For soils of classes 9-65 and 10-65, the soil load test alone shall not be considered as evidence of allowable bearing capacity of the soil, but the data so obtained may be utilized to establish an allowable bearing capacity subject to the provisions of section 27-677 and 27-678 of article four of this subchapter.

(3) In the event that it is desired to conduct load tests on square areas larger than the minimum stipulated above, permission may be granted provided notice of such increase in area is properly filed with the test information required to be submitted to the commissioner. The limiting gross settlements stipulated in paragraph one of this subdivision shall be increased in relation to the increase in width of test plate in accordance with the following formula:

$$S = (9S_1/16)(2B/B + 1)^2$$

where: S = settlement of the larger loaded area (in.)

S₁= permissible settlement of twenty-four inch by twenty-four inch loaded area, as specified in paragraph one of this subdivision (in.)

B = side dimension of square plate used for test (ft.)

ARTICLE 6 FOOTINGS, FOUNDATION PIERS, AND FOUNDATION WALLS

§[C26-1105.1] 27-683 Materials.- All structural elements of foundations as defined in section 27-585 of article one of subchapter ten shall meet the requirements as to type and minimum quality of materials prescribed in such subchapter. Inspection of materials and construction shall comply with the provisions of section 27-586 of such subchapter.

§[C26-1105.2] 27-684 Footings. - Inspections of subgrade of footings, piers and walls shall comply with the requirements of section 27-723 of article thirteen of this subchapter.

(a) Wood footings. -Wood footings may be used only for wood frame structures. Wood footings shall be given a preservative treatment in accordance with reference standard RS 11-4.

(b) Pole buildings. -Buildings not more than one story high may be supported on poles embedded in the ground. Wood poles shall conform to the requirements of reference standard RS 11-5 and shall be given a preservative treatment in accordance with reference standard RS 11-4. Steel poles embedded in the soil shall be protected as required by the provisions of paragraph one of subdivision (c) of section 27-685 of this article.

(c) Grillages. -Grillage beams shall be provided with proper spacers, ***stiffeners*, and diaphragms, or the space between the beams shall be filled with concrete or grout. In addition, all steel grillages shall be fully protected against corrosion by encasement, coating with metal protection of a type satisfactory to the commissioner or by other approved device.

***As enacted but "stiffeners" probably intended.*

(d) Design. -

(1) **CONCRETE FOOTINGS.** -Concrete footings shall be proportioned in accordance with the provisions of reference standard RS 10-3. Reinforcement shall extend to within four inches of the edges of the footing.

(2) **MASONRY FOOTINGS.** - Masonry used for the construction of footings shall be of solid units.

a. Reinforced masonry footings shall meet the requirements of reference standard RS 10-2 and shall be proportioned similarly to the proportioning of reinforced concrete footings.

b. Unreinforced masonry footings shall be of such dimension that a sloping plane extending downward from the top of the footing where it intersects the pier *of wall, to the bottom of the footing, and measured at the angle with the horizontal that is indicated below, will be contained entirely within the footing:

**As enacted but "or" probably intended.*

Soil bearing capacity of three tons per square foot or less-sixty degrees.

Soil bearing capacity between three tons per square foot and six tons per square foot-seventy degrees.

Soil bearing capacity greater than six tons per square foot shall be investigated.

The compressive stress in the footing, based on the assumption that the vertical load is uniformly distributed over horizontal sections bounded by said planes, shall not exceed the values given in reference standard RS 10-1.

§[C26-1105.3] 27-685 Foundation piers.-

Foundation piers shall be designed as columns. Reinforced concrete piers shall be designed in accordance with the provisions of reference standard RS 10-3. Reinforced and unreinforced masonry piers shall be designed in accordance with the provisions of reference standards RS 10-2 and RS 10-1. Unreinforced concrete piers shall be designed in accordance with subdivision (b) of this section.

(a) Lateral support. -The equivalent unbraced length of a pier supported by lateral soil pressure may be determined by a recognized method of elastic analysis. Alternatively, such a pier may be assumed to be hinged, but laterally braced at intervals equal to the full height of the pier or eight times the least lateral dimension of the pier, whichever is the lesser value. The provisions of subdivision (e) of this section shall apply.

(b) Unreinforced concrete piers. -Where unreinforced concrete piers are used, the allowable compressive stress shall not exceed 0.25f 'c and the

(a) Excessive temperatures that may be detrimental to the occupants.

(b) The danger of large concentrations of toxic substances in the air.

(c) The danger of large concentrations of airborne irritants and** impurities, such as steam, gases, vapor, and dust, that may be injurious to health.

Where the exhausted air may contain toxic substances or strong objectional*** odors, the exhaust system shall be independent of exhaust systems serving other parts of the building.

***As enacted but "and" probably intended.*

****As enacted but "objectionable" probably intended.*

§[C26-1207.11] 27-767 Ventilation for special uses and occupancies. -Special uses and occupancies, not provided for in this subchapter, shall be ventilated in accordance with the requirements of subchapter seven of this chapter. Ventilation of stage areas shall be in accordance with the requirements of subchapter eight of this chapter.

ARTICLE 9 NOISE CONTROL IN MULTIPLE DWELLINGS

§[C26-1208.1] 27-768 Requirements. -Interior walls, partitions, floor-ceiling constructions, and mechanical equipment in spaces or buildings of occupancy group J-2 shall be designed and constructed in accordance with the requirements of this subchapter, to provide minimum protection for each dwelling unit from extraneous noises emanating from other dwelling units and from mechanical equipment. In addition, airborne sound from exterior mechanical equipment of buildings in any occupancy group shall conform to the requirements of this subchapter.

(a) Field testing. -Where conditions indicate that the installed construction or equipment does not meet the noise control prescribed in this subchapter, measurements shall be taken to determine conformance or non-conformance. For conformance with this subchapter, the results of such measurements shall not fail by more than two db to meet the requirements in any octave band, or by more than two points to meet any STC or INR requirements.

(b) Materials or assemblies of materials utilized to meet noise control requirements shall comply with load bearing, fire protection or other applicable requirements of this code for walls, partitions and floor-ceiling constructions.

§[C26-1208.2] 27-769 Acoustical isolation of dwelling units.-

(a) Airborne noise. -

(1) Walls, partitions, and floor-ceiling constructions separating dwelling units from each other or from public halls, corridors, or stairs shall have a minimum sound transmission class (STC) rating of forty-five for airborne noise. This requirement shall not apply to dwelling unit entrance doors. However, such doors shall fit closely and not be undercut. For permits issued after January first, nineteen hundred seventy-two, the

STC required shall be fifty for airborne noise. For permits issued after April thirtieth, nineteen hundred seventy-three, dwelling unit entrance doors shall have a minimum STC of 35.

(2) STC ratings shall be obtained by tests conducted in accordance with the procedures of reference standard RS 12-2 except as provided in paragraph three of this subdivision.

(3) The STC ratings of construction assemblies as listed in reference standard RS 12-2 may be used to determine conformance with the requirements of paragraph one of this subdivision and with any other section that requires a specific STC rating.

(4) Penetrations or openings in walls, partitions, or floors for pipe sleeves, medicine cabinets, hampers, electric devices, or similar items shall be packed, sealed, lined, back-plastered, or otherwise isolated by sufficient mass to maintain the required STC ratings.

(5) Where grilles, registers, or diffusers in one dwelling unit are connected by ductwork with grilles, registers, or diffusers in another dwelling unit, and where such connecting duct is less than seven feet long, it shall be lined with duct lining; otherwise, an approved sound attenuating device shall be installed therein. Duct lining shall conform to the requirements of subchapter thirteen of this chapter.

(b) Structure-borne noise. -

(1) Floor-ceiling constructions separating dwelling units from each other or from public halls or corridors shall have a minimum impact noise rating (INR) of zero.

(2) Such INR shall be obtained by tests conducted in accordance with the procedure of reference standard RS 12-3 except as provided in paragraph three of this subdivision.

(3) The INR of a floor-ceiling construction listed in reference standard RS 12-3 shall be used to determine conformance with the requirements of paragraph one of this subdivision above and with any other paragraph that requires a specific INR. Constructions shall be designed and installed to avoid short circuiting the isolation devices that are incorporated into the constructions.

(4) This subdivision shall apply only to construction pursuant to permits issued after the thirty-first day of December, nineteen hundred seventy-six.

§[C26-1208.3] 27-770 Noise control of mechanical equipment. -

(a) Minimum airborne noise insulation requirements.

(1) **BOILER ROOMS.** - Boiler rooms adjoining dwelling spaces, either vertically or horizontally, shall be separated therefrom by floor-ceiling or partition constructions having a minimum STC rating of fifty.

(2) **MECHANICAL EQUIPMENT SPACES.** -Spaces or shafts containing air conditioning, refrigeration, or ventilating equipment, elevator machinery, or other mechanical equipment shall be separated both vertically and horizontally from dwelling units by constructions

that will provide a minimum STC rating of fifty. [Spaces or shafts containing equipment shall be separated both vertically and horizontally from dwelling units by constructions that will provide a minimum STC rating of fifty.]* Spaces or shafts containing equipment totaling more than seventy-five rated h.p. shall not be located vertically or horizontally adjacent to dwelling units unless the total sound power level output of all the equipment in the space or shaft is certified not to exceed the maximum sound power levels of table 12-3 in any octave band. Such sound power level ratings shall be obtained by tests conducted in accordance with the procedures of reference standard RS 12-5.

- a. Ventilating openings into mechanical equipment spaces. -Ventilating openings into boiler rooms and other mechanical equipment spaces shall not be located in yards or courts where there are windows opening from living quarters, unless such ventilating openings are provided with sound attenuating devices if needed to limit noise transmission to NC-40 (noise criterion) levels in the exposed dwelling units. For permits issued after January first, nineteen hundred seventy-two, the permissible noise levels shall not exceed NC-35.
- b. Noise criteria requirements.- Noise criteria requirements prescribed in this subchapter shall be in accordance with reference standard RS 12-4.

**Copy in brackets not enacted but probably intended.*

TABLE 12-3 MAXIMUM SOUND POWER LEVELS PERMITTED IN MECHANICAL SPACES OR SHAFTS ADJOINING DWELLING SPACES [b]*

Octave Bands, c.p.s. Mid-Frequency	Max. Sound Power Level db ^a	
	db re 10 ⁻¹³ Watts	db re 10 ⁻¹² Watts
63	101	91
125	101	91
250	103	93
500	105	95
1000	102	92
2000	101	91
4000	98	88
8000	96	86

**Copy in brackets not enacted but probably intended.*

Notes for Table 12-3:

^aThe maximum sound power levels shall be reduced five db in any octave band where the equipment data indicate pure tone generation. The presence of pure tones may be determined by means of one-third octave band analysis. The criterion for a significant pure-tone component shall be an audible pure-tone sound together with an increase of the sound pressure level in the corresponding one-third octave band above the mean of the two adjacent one-third of at least:

Center frequency of one-third octave band.....	40/125	160/250	215/500	630/1,000	1,000/10,000
Increase in sound pressure level (db)	6	4	3	2	1 ½

^bFor permits issued after January first, nineteen hundred seventy-two, the maximum sound power levels shall be changed as follows:

Octave Bands, c.p.s. Mid-Frequency	db re 10 ⁻¹³ Watts	db re 10 ⁻¹² Watts
63	98	88
125	97	87
250	100	90
1000	97	87
2000	96	86
4000	93	83
8000	91	81

TABLE 12-4 MAXIMUM SOUND POWER LEVELS PERMITTED FOR EXTERIOR MECHANICAL EQUIPMENT ADJOINING BUILDINGS^b

Maximum distance from equipment to exterior window (ft.) ^a	Maximum Sound Power Levels in Octave Bands—db re 10 ⁻¹³ Watts ^a							
	Octave Bands c.p.s Mid Frequency							
	63	125	250	500	1000	2000	4000	8000
12	99	92	88	84	82	82	82	82
25	103	96	92	88	86	86	86	86
50	107	100	96	92	90	90	90	90
100	110	103	99	95	93	93	93	93
	Octave Bands—db re 10 ⁻¹² Watts							
12	89	82	78	74	72	72	72	72
25	93	86	82	78	76	76	76	76
50	97	90	86	82	80	80	80	80
100	100	93	89	85	83	83	83	83

Notes for Table 12-4:

^aThe minimum distance shall be measured in a straight line regardless of obstructions. Interpolated levels may be used for distances between those given in this table. See note a at end of table 12-3.

1. In the event sound power level data for the exterior mechanical equipment is not available, the sound pressure levels in octave bands, of the exterior mechanical equipment shall be measured.
2. The measurements shall be obtained with the microphone of the measuring equipment located at the interior of the dwelling unit affected in a line with the window nearest the exterior mechanical equipment. The window shall be fully open and the microphone shall be located three ft. away from the open portion of the window.
3. Measurements shall be obtained during times when the ambient sound pressure levels, in octave bands, are at least six db lower at all octave bands than the sound pressure levels measured with the exterior equipment operating. By ambient sound pressure levels is meant the measured sound pressure levels, at the above described measuring location, with the exterior equipment not in operation.

For permits issued after January first, nineteen hundred seventy-two, the permitted maximum sound power levels for exterior mechanical equipment adjoining buildings shall be changed as follows:

Feet	Maximum Sound Power Levels in Octave Bands—db re 10 ⁻¹³ Watts ^a							
	63	125	250	500	1000	2000	4000	8000
12	97	90	83	78	75	73	72	71
25	104	96	89	84	81	79	78	77
50	110	102	95	90	87	85	84	83
100	116	108	101	96	93	91	90	89
	[in]* Octave Bands—db re 10 ⁻¹² Watts							
12	87	80	73	68	65	63	62	61
25	94	86	79	74	71	69	68	67
50	100	92	85	80	77	75	74	73
100	106	98	91	86	83	81	80	79

**Copy in brackets not enacted but probably intended.*

TABLE 12-5 NOISE OUTPUT LIMITATIONS FOR EXTERIOR MECHANICAL EQUIPMENT MAXIMUM SOUND PRESSURE LEVEL^{a,b} (NOT TO BE EXCEEDED IN ANY OCTAVE BANDS)

Octave Bands Center Frequency (cps)	Decibels re .0002 Microbar
63	64
125	57
250	51
500	45
1000	41
2000	39
4000	38
8000	37

Notes for Table 12-5:

^aMeasurements shall be obtained with a sound level meter and octave band analyzer, calibrated both electronically and acoustically before and after the measurements are made. The equipment used shall meet the requirements of reference standards RS 12-6.

^bFor permits issued after January first, nineteen hundred seventy-two, the maximum sound pressure levels shall be changed as follows:

Octave Bands Center Frequencies (cps)	Decibels re .0002 microbar
63	61
125	53
250	46
500	40
1000	36
2000	34
4000	33
8000	32

(3) DUCTWORK. -Ducts serving dwelling units shall be lined with duct lining for at least twenty feet from the fan discharge or intake; otherwise, an approved sound attenuating device shall be installed therein. All toilet exhaust ducts shall be lined with duct lining for at least twenty feet upstream of the exhaust fan intake, otherwise, an approved sound attenuating device shall be installed therein. Duct lining shall conform to the requirements of subchapter thirteen of this chapter.

(4) EXTERIOR MECHANICAL EQUIPMENT. - Mechanical equipment in a building in any occupancy group, when located outside of the building in a yard or court or on a roof, or where the equipment opens to the exterior of the building, shall be subject to the noise output limitations given in table 12-4 where one or more windows of a dwelling unit in any building in occupancy groups J-1, J-2, or J-3 is located within a sphere of one hundred foot radius whose center is any part of the equipment or its housing, unless it can be shown that the sound pressure levels, in octave bands, of the exterior mechanical equipment as measured within the dwelling unit do not exceed the levels given in table 12-5.

(b) Minimum structure-borne noise and vibration isolation requirements. -All isolators used in accordance with the following requirements shall be approved.

(1) BOILER ROOMS. -

a. Boilers.- All boilers supported on floors above a story having dwelling units shall be supported on resilient isolators having a minimum static deflection of one inch. The isolators shall be installed directly under the structural frame of the boiler.

b. Boiler breeching and piping.- When boilers are equipped with mechanical draft fans, the boiler breeching and piping that is supported from or on slabs, floors or walls that are contiguous to the dwelling unit shall be supported for a distance of fifty pipe diameters on or from resilient isolators. Each isolator shall have a minimum static deflection of one inch.

(2) INCINERATOR CHARGING CHUTES. -

a. Metal chutes. -Metal chutes, metal chute supports, and/or metal chute bracing, shall be free of direct contact with the shaft enclosure and the openings provided in the floor construction. Metal chutes shall be resiliently supported at each structural support location. Isolators shall provide a minimum static deflection of 0.30 in. All chutes shall be plumb.

b. Masonry chutes. -The interior chute wall shall be plumb and without obstructions for the full height of the shaft and shall have a smooth interior finish.

(3) PIPING. -

a. Metal piping connected to power driven equipment shall be resiliently supported from or on the building structure for a distance of fifty pipe diameters from the power driven equipment. The resilient isolators shall have a minimum static deflection of one inch for all piping with a four inch or larger actual outside diameter and one-half inch for piping with less than four inches in actual outside diameter. Piping connected to fluid

pressure-reducing valves shall be resiliently isolated for a distance of fifty pipe diameters from pressure reducing valves and isolators shall provide a minimum static deflection of one-half inch.

b. Equipment such as heat exchangers, absorption refrigeration machines, etc., that is located on any floor or roof other than a floor on grade, and that is not power driven but is connected by metal piping to power driven equipment, shall be resiliently supported from or on the building structure, for a distance of fifty pipe diameters from the power driven equipment. The resilient supports shall be vibration isolators having a minimum static deflection of one inch and shall incorporate approved resilient pads having a minimum thickness of one-quarter inch.

(4) FANS. -Except for fans installed in compliance with section 27-353 of article five of subchapter five of this chapter all fan equipment located on any roof or floor other than a floor on grade shall be mounted on or from vibration isolators. Fan equipment with motor drives separated from the fan equipment shall be supported on an isolated integral rigid structural base supporting both the fan and motor. Fan equipment with motor drives supported from the fan equipment shall be mounted directly on vibration isolators. Each isolator shall have provision for leveling. Isolators shall incorporate resilient pads having a minimum thickness of one-quarter inch. The vibration isolators shall provide a minimum isolator efficiency of ninety percent at fan rotor rpm with a maximum deflection of two inches. Fans and compressors of three h.p. or less assembled in unitary containers may meet this requirement with isolators internal to the container providing the isolators meet the above minimum isolator efficiencies.

(5) PUMPS. -All pumps of three h.p. or more located on any floor other than a floor on grade shall be supported on vibration isolators having a minimum isolation efficiency or eighty-five percent at the lowest disturbing frequency. Each isolator shall incorporate a leveling device and a resilient pad having a minimum thickness of one-quarter inch.

(6) COMPRESSORS. -Compressors and drives located on a floor other than a floor on grade shall be mounted on vibration isolators having a minimum isolation efficiency of eighty-five percent at the lowest disturbing frequency. Each isolator shall incorporate a leveling device and a resilient pad having a minimum thickness of one-quarter inch.

(7) COOLING TOWERS. -All moving parts of cooling towers located on a roof or floor other than a floor on grade shall be installed on vibration isolators providing a minimum isolation efficiency of eighty-five percent at fan rotor rpm with a maximum static deflection of four inches. Each isolator shall incorporate a leveling device and a resilient pad having a minimum thickness of one-quarter inch.

(8) EVAPORATIVE CONDENSERS.- Evaporative and air cooled condensers located on a roof or floor other

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HEATING AND COMBUSTION EQUIPMENT**

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14-1 Reduction of Appliance Clearance With Specified Forms of Protection

ARTICLE 1 GENERAL

§[C26-1400.1] 27-787 Scope. -This subchapter shall establish the minimum safety requirements for, and control the design, construction, installation, alteration, and use of heating, combustion, fuel storage, and related equipment. In addition, within special flood hazard areas, and below the regulatory flood datum, as described in article ten of subchapter four of this chapter, heating, combustion, fuel storage and related equipment shall meet the requirements of the applicable provisions of reference standard RS 4-5.

§[C26-1400.2] 27-788 Standards. -The provisions of reference standard RS-14 shall be a part of this subchapter.

§[C26-1400.3] 27-789 Definitions. -For definitions to be used in the interpretation of this subchapter, see subchapter two of this chapter.

§[C26-1400.4] 27-790 Plans. -For the requirements governing the filing of plans and the work to be shown on plans, see subchapter one of this chapter.

§[C26-1400.5] 27-791 Permits. -For the requirements governing equipment work permits and equipment use permits, see subchapter one of this chapter.

§[C26-1400.6] 27-792 General requirements. -All heating, combustion, and cooking equipment shall be installed with adequate clearances from combustible construction in accordance with the provisions of this subchapter. Either the equipment shall be provided with insulation or the building construction shall be fire protected, so that during continued or intermittent operation the surface of combustible construction materials will not be raised to a temperature higher than one hundred seventy

degrees Fahrenheit. Such equipment shall be located, arranged, and protected so that the means of access to them for ordinary operation and maintenance will not be hazardous. They shall not be located in exits, hoistways, nor in the same space with other equipment or materials when the proximity to the other equipment or materials would create a hazardous condition. All piping shall be installed so as to provide for adequate expansion and contraction.

†As enacted but “construction” probably intended.

ARTICLE 2 INSPECTIONS AND TESTS FOR EQUIPMENT USE PERMITS

*****§[C26-1401.1] 27-793 Boilers. -**

(a) Acceptance tests. -Boilers shall not be placed in operation upon completion of construction until they have been inspected and tested and an equipment use permit has been issued by the commissioner. All final inspections and tests for boilers shall be subject to the provisions for controlled inspection as provided in subchapter one of this chapter, except that such inspections and tests shall be made by a qualified boiler inspector in the employ of the department or a duly authorized insurance company as provided in section two hundred four of the labor law. Equipment having a Btu input of not more than three hundred fifty thousand Btu per hour shall be exempt from this requirement.

(b) Periodic boiler inspections.-

(1) Except as provided in paragraph two of this subdivision, all boilers, as defined in section two hundred four of the labor law, excepting those boilers listed in subdivision five of such section of the labor law, shall be inspected at least once a year by duly authorized insurance companies or other qualified inspectors in the manner set forth in rules and regulations promulgated by the commissioner. Such inspections shall also include the chimney connectors described in article three of subchapter fifteen of this chapter. All boiler inspectors who perform periodic inspections pursuant to this subdivision shall be qualified under section two hundred four of the labor law and rules and regulations promulgated by the commissioner of labor.

(2) Each owner of a high-pressure boiler, as defined in sections 26-160 and 27-795 of this code, may choose to have the annual boiler inspection conducted by the department or by a duly authorized insurance company.

(c) Owner's annual statement. -

(1) The owner of each boiler that is subject to periodic inspection shall file an annual written statement with the commissioner, specifying:

- The location of each boiler.
- Whether or not the owner, agent, or lessee has had the boiler inspected by a duly authorized insurance company or other qualified inspector in accordance with the requirements of subdivision (b) of this section, setting forth the name and address of the insurance

(1) All fuel oil storage tanks shall be built of steel plates or sheets, made by the open hearth or basic oxygen process. Such steel shall be free from physical imperfections, and shall be new, in good condition, and free from rust.

(2) Tanks shall be welded, riveted and caulked, or riveted and welded. Flanges or other pipe connections may be welded. All caulking shall be placed with round nose tools and without damages to the plates. Filler of any kind between plates shall be prohibited.

(3) Tanks to be buried shall be cleaned and then coated on the outside with two coats of red lead, or equivalent. They shall be further protected by a coating of hot tar, asphalt, or equivalent rust resistive material, applied at the work site. Tanks installed inside buildings above ground shall be coated with one coat of red lead, or equivalent.

(4) All buried storage tanks shall be constructed of at least one-quarter inch thick metal and shall be designed to withstand any external loads to which the tank may be subjected.

(5) At the time of installation all storage tanks shall bear a permanently-fixed plate, spot welded or equivalent, bearing the name of the tank manufacturer, the gage [sic] of the material, and capacity of the tank. Shop fabricated storage tanks shall be installed without structural alteration.

(6) All openings shall be through the top of the storage tank, except that storage tanks of two hundred seventy five gallon capacity or less, located above ground but below the lowest story, may be provided with a three-quarter inch opening for gravity discharge and a one inch opening in the bottom for cleaning and protection against corrosion.

(7) Tanks for no. 1, no. 2, no. 3 and no. 4 *commercial grade oils need not have manholes. However, if manholes are used for such oils, the manhole covers shall be bolted and made gastight. Tanks for no. 5 and no. 6 commercial grade oils shall have manhole covers bolted or otherwise secured to the tanks and kept hydrostatically tight at all times.

**As enacted but "commercial" probably intended.*

(8) Tanks outside of buildings shall be electrically grounded in accordance with the requirements for equipment grounding of the electrical code of the city of New York.

(9) Tanks shall be located at least seven feet measured in the most direct manner, from any source of exposed flame unless protected as provided in paragraph two or three of subdivision (a) of section 27-829 of this article and at least two feet from any surface where the temperature exceeds one hundred sixty-five degrees Fahrenheit.

(b) Construction requirements, cylindrical tanks, except vertical tanks above ground outside of buildings, more than two hundred seventy-five gallon capacity. -

(1) The thickness of cylindrical tanks, including oval, elongated oval, or **obround tanks of more than two hundred seventy-five gallon capacity shall be subject to the following requirements:

***As enacted but "round" probably intended.*

a. Tanks thirty-six inches in diameter and less-at least 1/4 in. shell and 1/4 in. heads.

b. Tanks thirty-seven to seventy-two inches in diameter-at least 1/4 in. shell and 5/16 in. heads.

c. Tanks seventy-three to one hundred twenty inches in diameter-at least 5/16 in. shell and 3/8 in. heads.

d. Tanks over one hundred twenty inches in diameter-shall be of at least 3/8 in. steel and shall be stiffened by angle rings or equivalent members so as to retain their cylindrical form.

(2) Dished heads for such tanks shall have a curvature the radius of which is not greater than the diameter of the tank. Dished heads shall be formed with an adequate cylindrical extension rim to provide a welding or riveting surface. If flat heads are used, they shall be braced in the same manner as described for the bracing of flat sides of rectangular tanks.

(3) Riveting in single lap seams shall not exceed a pitch as follows:

a. Shell 1/4 in. thick-5/8 in. diameter rivets, 2 1/4 in. pitch.

b. Shell 5/16 in. thick-5/8 in. diameter rivets, 2 3/8 in. pitch.

c. Shell 3/8 in. thick-3/4 in. in diameter rivets, 2 1/2 in. pitch.

(c) Rectangular tanks, of more than two hundred seventy-five gallon capacity. -

(1) Plates for rectangular tanks of more than two hundred seventy-five gallon capacity shall be at least 5/16 in. thick.

(2) Corners may be made up by bending the plates or by using angles.

(3) Minimum rivet diameter in seams shall be 5/8 in., and rivets shall be spaced not more than 2 1/4 in. center-to-center.

(4) All flat surfaces of rectangular tanks shall be braced by structural members or rods.

(5) When structural members are used, the rivet pitch shall not exceed six inches.

(6) All structural members shall be designed in accordance with the requirements of subchapter ten of this chapter.

(7) Connections between bracing members and the sides of the tank shall be designed so that the connection will not fail before the member will fail.

(d) All tanks except vertical tanks above ground, two hundred seventy-five gallon or less capacity. -

(1) All oil storage tanks of two hundred seventy-five gallon capacity or less that are not buried shall have a minimum thickness of shell and head plates of no. 10 manufacturer's standard gage [sic] steel plate. Storage tanks of sixty gallon capacity or less shall be similarly constructed but need not be thicker than No. 14 manufacturer's standard gage [sic].

(e) Vertical storage tanks over one thousand gallon capacity located outside of building above ground.-

(1) Vertical storage tanks located outside of buildings above ground shall be built of steel plates of the quality required for cylindrical tanks.

(2) The minimum thickness of shell or bottom plates shall be one-quarter of an inch, and the minimum

thickness of roof plates one-eighth of an inch. The thickness of shell plates shall be determined in accordance with the following formula:

$$t = \frac{P \times R \times F}{T \times E}$$

where: t = thickness of shell plate in inches.

P = head pressure at bottom of ring under consideration in psi.

R = radius of shell, in inches.

F = factor of safety (taken as five).

T = tensile strength of plate, in psi as verified by mill test certificate.

E = efficiency of vertical joint in ring under consideration. E shall in no case be taken greater than one.

(3) Roof plates shall have single lap-riveted or welded watertight seams, and the roof shall be built to shed water. Bottom plates shall have single lap riveted or welded seams. Shell plate seams shall be designed to develop the full strength of the plate.

(f) Storage containers of six gallons or less. -

(1) Oil storage containers used with burners or oil burning heaters and having a capacity of six gallons or less used in connection with burners or oil-burning heaters shall be designed so as to withstand a hydrostatic pressure test of at least five psi without permanent deformation, rupture, or leakage, and shall be approved.

(2) All storage containers used with burners or oil burning heaters shall be installed with rigid metal fasteners for wall, floor, or stand type installations, and shall be protected against mechanical damage.

(3) Portable containers may be filled by a pump mounted on a storage tank, provided that the pump is approved.

§[C26-1416.3] 27-829 Location of tanks. -

(a) Inside of buildings, above ground on the lowest floor.-

(1) TANK CAPACITY OF FIVE HUNDRED FIFTY GALLONS OR LESS.- Storage tanks having a capacity of five hundred fifty gallons or less may be installed above ground on the lowest floor of a building, provided that such tanks are mounted on adequate noncombustible supports, with the tank anchored thereto. No more than five hundred fifty gallons of total storage capacity may be connected to one burner or may be installed without the protection provided in paragraph two or three of this subdivision.

(2) TANK CAPACITY MORE THAN FIVE HUNDRED FIFTY GALLONS BUT LESS THAN ELEVEN HUNDRED GALLONS.- Storage tanks having a capacity of more than five hundred fifty gallons but less than eleven hundred gallons may be installed above ground on the lowest floor of a building, provided that all portions of such tanks above the floor are completely enclosed with noncombustible construction having at least a two hour

fire resistance rating. Weep holes one inch in diameter shall be provided at least every three feet along the bottom of the enclosure unless at least fifteen inches of clearance, together with access door, is provided between the tank and the enclosure.

(3) TANK CAPACITY ELEVEN HUNDRED GALLONS OR MORE.- Storage tanks having a capacity of eleven hundred gallons or more may be installed above ground on the lowest floor of a building, provided that all portions of such tanks above the floor are completely enclosed with noncombustible construction having at least a three hour resistance rating. At least fifteen inches clearance shall be provided over the tanks and on all sides between the tanks and the enclosure. A noncombustible access door, constructed so as to preserve the integrity of the fire resistive enclosure, shall be installed in the enclosure above the point where the capacity of the enclosure below the door sill would be equal to the capacity of the largest tank installed. When the longest inside dimension of the enclosure exceeds thirty-five feet, access doors shall be installed at intervals not exceeding twelve feet. Columns, pipes, or similar obstructions may project into the required fifteen inches of space within the enclosure, provided that access door or doors are so arranged that all portions of the enclosure are accessible for servicing.

(4) MAXIMUM TANK SIZE.- The capacity of individual storage tanks in no case shall exceed twenty thousand gallons.

(b) Inside of building above the lowest floor. -

(1) Fuel oil storage tanks having a capacity of two hundred seventy-five gallons or less may be installed inside of buildings above the lowest story when provided with a four inch thick concrete or masonry curb, or with a metal pan of gage [sic] equal to the gage [sic] of the tank, completely surrounding the tank and of sufficient height to contain two times the capacity of the tank. The number of such oil storage tanks shall be limited to one per story.

(2) Storage tanks having a capacity of two hundred seventy-five gallons or less, installed above the lowest floor inside a building shall be filled by means of a transfer pump supplied from a primary storage tank located and installed as otherwise required by this subchapter. A separate transfer pump and piping circuit shall be provided for each storage tank installed above the lowest floor. No intermediate pumping stations shall be provided between the storage tank and the transfer pump. Appropriate devices shall be provided for the automatic and manual starting and stopping of the transfer pumps so as to prevent the overflow of oil from these storage tanks.

(3) A float switch shall be provided with the curb or pan around the storage tank and shall be arranged so as to sound an alarm and stop the transfer pump in case of failure of the tank or the control in the tank. The operation of the float switch shall be tested at least once each week. An alarm bell shall be located in the same

(6) The piping shall be located and secured from movement so as to prevent undue stress on the piping and to isolate the piping from vibrations from any equipment.

(7) Pipe connections to the main header (supply or return) shall be made from the top of the header, except for systems described in paragraph (11) of this subdivision.

(8) Required air vents and vacuum breakers shall be designed for their required use.

(9) All air vents and vacuum breakers shall be hard piped to a curb or pan as provided for in subdivision (b) of section 27-829.

(10) In systems with equipment above the lowest floor where such equipment is designed to operate utilizing fuel stored above the lowest floor, piping diameters shall not exceed four inches. However, where an applicant demonstrates by the inclusion of calculations on the plans that a greater diameter is necessary to ensure the proper flow for the functioning of the system, such greater diameter may be permitted. All oil stored above the lowest floor shall be in tanks complying with subdivision (b) of section 27-829 of this code; piping shall not be used for fuel storage purposes.

(11) In systems with equipment above the lowest floor where such equipment is designed to operate utilizing fuel pumped as needed from the lowest floor and without utilizing fuel oil stored above the lowest floor, piping diameters throughout such systems shall not exceed the design flow (three times the maximum firing rate as calculated by the engineer or architect). However, piping diameters within rooms containing such equipment may exceed the calculated design flow pipe size to provide limited reservoir storage to prime equipment, provided such reservoir storage is counted toward the maximum two hundred seventy-five gallons of oil storage per story as provided for in subdivision b of section 27-829 of this code.

(g) Heating coils in storage tanks. -The heating of oil in storage tanks shall be by means of coils using low pressure hot water or steam, or by means of electric heaters approved for use in oil storage tanks.

(h) Valves and devices to control the flow of oil. -

(1) Where more than one storage tank is connected to a common supply line, a shut-off valve shall be provided in the supply line at each tank. Where more than one burner is connected to a supply line a shut-off valve shall be provided at each burner. Where a single tank and a single burner are installed, a shut-off valve shall be required in the supply line at the tank and another at the burner. Valves shall be brass or equivalent in corrosion and fire resistance, shall provide tight shut-off, and shall be rated at one hundred twenty-five psi or greater as required by the pressure in the system.

(2) Where a storage tank is located so that the top of the tank is above the oil inlet to the burner or to the fuel pump, and the storage tank capacity is greater than two hundred seventy-five gallons, the supply line to the burner shall be provided with an approved anti-syphon device. The device shall be located at the highest point in the supply line. Where an approved foot valve is used in the tank and the tank is constructed with a manhole, an anti-syphon device shall not be required. No anti-syphon device shall be required where no. 6 fuel oil is used.

(3) The pressure in oil lines to burners located above the lowest floor of a building shall not be more than is required to circulate oil to and from the burners, and all parts of the oil system shall be capable of withstanding the maximum working pressure in that part of the system.

(4) A remote control shall be provided to stop the flow of oil to any burner. Such control shall be located outside the entrance to the room in which the burner is located and as close to such entrance as practicable, except that when an outside location is impracticable, such control may be located immediately inside the room in which the burner is located, provided such location is accessible at all times. All such controls shall be permanently labeled "remote control for oil burner." On storage tanks of sixty gallon or less capacity used with manually operated burners, such remote control may be installed in the supply lines between tank and burner.

(5) Pressure in a storage tank for the purpose of discharging oil shall be prohibited.

(6) In systems where either steam or air is used for atomizing the oil, the oil and the atomizing supply shall be interlocked so that where the supply of either is interrupted, the supply of the other will be immediately cut off.

(i) Oil level indicating devices and test wells. -

(1) All tanks located inside buildings shall be provided with an oil level indicating device. Test wells shall be prohibited in tanks located inside of buildings. Unused tank openings shall be permanently sealed to prevent the removal of plugs or cover.

(2) Oil level indicating devices shall be designed and constructed of substantial materials so that there can be no leakage of oil or oil vapor.

(3) Test wells in storage tanks located outside of buildings shall be capped oil tight and kept closed when not in use.

****Local Law 26-2004.**

§[C26-1416.5] 27-831 Controls.- With each automatic burner a set of safety controls of the electric, pneumatic, hydraulic, or mechanical type shall be installed and maintained in good working order. The proper controls for each burner shall be those that have been tested and accepted in accordance with the requirements of article five of this subchapter. The controls shall provide the following functions:

- (a) Oil temperature control (no. 5 and no. 6 oil).
- (b) Ignition.
- (c) Stack or combustion control.
- (d) High temperature or pressure control.

§[C26-1416.6] 27-832 Chimneys.- No oil burner shall be installed in any boiler, heater, range, or stove unless each boiler, heater, range, or stove is connected to a chimney complying with subchapter ten of this chapter, except for portable burners as prescribed in section 27-827 of this article.

ARTICLE 18 REFUSE DISPOSAL SYSTEMS

§[C26-1417.1] 27-833 General. -All incinerators and other refuse disposal systems in buildings shall be constructed, installed and altered in accordance with the

requirements of this subchapter.

§[C26-1417.2] 27-834 Compliance.- All new and existing refuse disposal systems shall be installed, altered and maintained in buildings in conformity with the applicable provisions of the administrative code, the air pollution control code and as follows:

(a) Charging chutes for refuse disposal system shall comply with applicable provisions of subchapter fifteen of this chapter.

§[C26-1417.3] 27-835 Permitted types of incinerators.- When permitted by sections 24-118 and 24-119 of title twenty-four of the administrative code, incinerators shall conform to the following:

(a) Semiautomatic incinerators.- Semiautomatic incinerators shall be limited to capacities not exceeding one million seven hundred thousand Btu/hr. in other buildings. Semiautomatic incinerators may have manually operated grates, but shall have automatically operated flue gates, gas or oil burners with temperature controls, overfire air fans and nozzle system[s]*, emission control devices, and clock controlled cycles.

(b) Automatic incinerators.- Automatic incinerators shall be required for capacities exceeding one million seven hundred thousand Btu/hr. They are optional for smaller capacities. Automatic incinerators shall have power operated grates, and automatically operated flue gates, gas or oil burners with temperature controls, overfire and underfire air fans and nozzle system, emission control devices and clock controlled cycles.

**Copy in brackets not enacted but probably intended.*

§[C26-1417.4] 27-836 Refuse collection rooms.-

A refuse collection room shall be provided for refuse reduction systems which utilize methods other than burning. Such rooms shall comply with the requirements of section 27-837 of this article.

a. Existing refuse rooms and incinerators rooms which have been approved for such use, may be retained as approved.

b. Existing incinerator combustion chambers may be used in whole or in part as refuse collection rooms provided the grates are removed and provided they comply with the provisions of section 27-837 of this article.

c. Floors of refuse collection rooms shall be constructed of concrete and shall be sloped to a floor drain within the room, connected to the house drain. A hose connection shall be provided within the room.

d. A hopper and cut-off door shall be provided at the bottom of the refuse chute. Where compacting equipment is used, it shall be located entirely within the enclosure of the refuse collection room except that motors, pumps, and controls may be installed in adjacent rooms.

e. Compacting equipment shall meet the criteria of the department of environmental protection and be approved. Where such equipment is installed so that the refuse flows directly into it, the compacting equipment may be used in place of the hopper and cut-off door. Compacting equipment shall be arranged to operate automatically when the level of refuse is not more than three feet below the lowest hopper door.

§[C26-1417.5] 27-837 Incinerator rooms.-

Incinerators and refuse collecting bins and spaces shall be located in rooms or compartments used for no other purpose. Such rooms or compartments shall be separated from all other occupancies by noncombustible construction having a fire resistance of at least two hours with self-closing opening protectives. Refuse collection bins and spaces shall be sprinklered in accordance with the construction provisions of subchapter seventeen of this chapter.

§[C26-1417.6] 27-838 Ventilation.-Fixed ventilation for combustion air to the incinerator room shall be provided by a louvered opening in a wall to outdoor air. When ducts are used, they shall be sized and installed so as to provide the amount of air required for combustion, taking into consideration head loss. Fans may be installed to deliver air to the incinerator room, provided they are in operation whenever the incinerator is in use. Louvers, ducts, and fans shall be sized to deliver at least two and one-half cfm of air for each pound per hour of refuse while burning is taking place. All duct work shall be installed in accordance with the requirements of subchapter thirteen of this chapter.

§[C26-1417.7] 27-839 Draft control.-If a manual damper or automatic draft controller, is provided in the incinerator flue, it shall be capable of closing off not more than ninety-five percent of the flue area, and the damper or controller shall be made of such materials and in such a manner so as to prevent warping, binding, cracking, corrosion, and distortion when exposed to operating temperatures. If an automatic draft controller is used, means shall be provided for temporary manual operation.

§[C26-1417.8] 27-840 Charging chutes and exhaust flues.-

All incinerators shall be constructed with a flue within a chimney to exhaust the products of combustion and a refuse charging chute which shall be separate from the flue. Refuse charging chutes shall not discharge directly into incinerators, except in buildings classified in residential occupancy group J and in accordance with the requirements of this subchapter and subchapter fifteen of this chapter.

(a) Flues for existing incinerators and existing refuse chutes may be used as refuse charging chutes provided they are in good condition and comply with the requirements of subchapter fifteen of this chapter.

§[C26-1417.9] 27-841 Charging gates.-Charging gates, when provided, shall be power operated. Gates and guide rails shall be of such materials and construction so as to withstand a temperature of two thousand degrees Fahrenheit, without distortion, warping, binding, cracking, or corrosion, and also to withstand impact by heavy falling objects.

§[C26-1417.10] 27-842 Auxiliary heat.-Burners or other sources of heat shall be provided for all incinerators. Such heat sources shall be capable of maintaining a temperature of at least fifteen hundred degrees ****Farenheit** at the discharge from the combustion chamber, and shall be equipped with safety devices to shut off the fuel in cases of ignition failure, flame failure, or insufficient draft.

***As enacted but "Fahrenheit" probably intended.*

**SUBCHAPTER 15
CHIMNEYS AND GAS VENTS**

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ARTICLE 1 GENERAL

§[1500.1] 27-849 Scope. -This subchapter shall establish the minimum safety requirements for, and control the design, construction, installation, alteration, and use of chimneys and gas vents.

§[1500.2] 27-850 Standards. - The provisions of reference standard RS-15 shall be a part of this subchapter.

§[1500.3] 27-851 Definitions. -For definitions to be used in the interpretation of this subchapter, see subchapter two of this chapter.

§[1500.4] 27-852 Plans. -For the requirements governing the filing of plans and the work to be shown on plans, see subchapter one of this chapter.

§[1500.5] 27-853 Permits. -For the requirements governing equipment work permits and equipment use permits, see subchapter one of this chapter.

§[1500.6] 27-854 General requirements.—Chimneys or gas vents shall be designed and constructed so as to provide the necessary draft and capacity to completely exhaust the products of combustion to the outside air, and to satisfy the following conditions:

(a) Temperature. -The temperature on adjacent combustible surfaces shall not be raised above one hundred sixty degrees Fahrenheit.

(b) Condensation. -The condensation shall not be developed to an extent that can cause rapid deterioration of chimney or vent.

***§[1500.7] 27-855 Factory-built chimneys and gas vents.**—

(a) Factory-built chimneys. -Factory-built chimneys and chimney units shall be listed and accepted in accordance with the applicable reference standard and shall be installed in accordance with the temperature conditions and height limitations of the listing and acceptance, the manufacturer's instructions or this article, whichever is the most restrictive. Flue gas temperatures in the chimney shall not exceed the limits and durations employed during listing tests and as required by this code.

(b) Gas vents. -Type B and Type BW gas vents shall be listed and accepted in accordance with the conditions of the acceptance and applicable provisions of this code.

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ARTICLE 2 CHIMNEYS

§[1501.1] 27-856 General requirements. -

(a) Equipment requiring chimneys. - All gas-burning equipment that produces flue gas temperatures in excess of five hundred fifty degrees Fahrenheit or four hundred eighty degrees Fahrenheit above room temperature, and all solid and liquid fuel-burning equipment, shall be connected to chimneys that conform to the requirements of this subchapter.

***(b) Chimney construction.** -Unlisted chimneys shall be constructed of steel, brick, masonry units, concrete, concrete units, or equivalent materials. Chimneys shall be

of adequate structural strength, with resistance suitable for the temperatures to which they may be subjected and resistive to the corrosive action of gases. For structural requirements, see subchapters ten and eleven of this chapter.

(c) Separation of flues. -Whenever more than one flue is installed within a chimney, the lining of each flue shall be separated, one from the other, as follows:

(1) In low temperature chimneys with fire clay flue linings: by a wythe of cement grout at least one inch thick or other equivalent method.

(2) In medium temperature and high temperature chimneys: by a division wall of brick or concrete at least three and three-quarters inches thick or other equivalent method.

The separation between flue linings thus established shall in all cases be adequate to give stability for the chimney construction as required by subchapter ten of this article.

(d) Test run. -All new chimneys shall be test run by the applicant under operating conditions to demonstrate fire safety and the complete exhausting of smoke and the products of combustion to the outer air. The results of such test run shall be certified as correct by the applicant and shall be submitted in writing to the department.

(e) Requirement of a smoke test. -Whenever required by the commissioner after an inspection has been made of the chimney, a smoke test shall be made as outlined in section 27-868 of this article. Any faults or leaks found shall be corrected. Such smoke test shall be witnessed by a representative of the commissioner. In lieu thereof, the commissioner may accept the test report of an architect or engineer in which case the test shall be subject to the provisions for **controller inspection except that the architect or engineer may be retained by the contractor.

**Local Law 80-1989.*

***As enacted but "controlled" probably intended .*

§[1501.2] 27-857 Classification of chimneys.—

Chimneys shall be classified as follows:

(a) Low temperature chimneys. -Chimneys designed and constructed to exhaust the products of combustion from low temperature equipment as defined in subchapter fourteen of this chapter.

(b) Medium temperature chimneys. - Chimneys designed and constructed to exhaust the products of combustion from medium temperature equipment as defined in subchapter fourteen of this chapter.

(c) High temperature chimneys. -Chimneys designed and constructed to exhaust the products of combustion from high temperature equipment as defined in subchapter fourteen of this chapter.

§[1501.3] 27-858 Cleanouts and maintenance.—

Whenever a new chimney is completed or an existing chimney is altered, it shall be cleaned and left smooth on the inside. Cleanouts with a gas tight door shall be provided at the base of all chimneys.

§[1501.4] 27-859 Chimney heights and locations. -

(a) Low temperature chimneys. -Low temperature chimneys shall extend at least three feet above the highest construction, such as a roof ridge, parapet wall, or penthouse, within ten feet of the chimney outlet, whether the construction

is on the same building as the chimney or on another building. However, such constructions do not include other chimneys, vents, or open structural framing. Any chimney located beyond ten feet from such construction, but not more than the distance determined in subdivision (d) of this section, shall be at least as high as the construction.

(b) Medium temperature chimneys. -Medium temperature chimneys shall extend at least ten feet above the highest construction, such as a roof ridge, or parapet wall or penthouse within twenty feet of the chimney outlet, whether the construction is on the same building as the chimney or on another building. However, such constructions do not include other chimneys, and vents. Any chimney located beyond twenty feet from such constructions but not more than the distance determined in subdivision (d) of this section, shall be at least as high as the construction.

(c) High temperature chimneys. -High temperature chimneys shall extend at least twenty feet above the highest construction, such as roof ridge, parapet wall, penthouse, or other obstruction within fifty feet of the chimney outlet, whether the construction is on the same building as the chimney or in another building. However, such constructions do not include other chimneys, vents, or open structural framing. Any chimney located beyond fifty feet from such construction but not more than the distance determined in subdivision (d) of this section, shall be at least as high as the construction.

(d) Formula. -The following formula shall be used for determining the distances referred to in subdivisions (a), (b) and (c) of this section:

$$D = F \sqrt{A}$$

where:

D = Distance, in ft., measured from the center of the chimney outlet to the nearest edge of the construction.

F = Value determined from table 15-1.

A = Free area, in sq. in., of chimney flue space.

TABLE 15-1 "F" FACTOR FOR DETERMINING CHIMNEY DISTANCES

Type of Fuel	"F" Factor		
	Low Temp. Chimney	Medium Temp. Chimney	High Temp. Chimney
Gas.....	2	2	3
No. 2 Fuel Oils.....	2.5	2.5	3
No. 3, No. 6 Fuel Oils, Solid Fuels and Incinerators.....	3	3	3

§[1501.5] 27-860 Adjoining Chimneys. -

(a) Responsibility of owner of taller building. - Whenever a building is erected, enlarged, or increased in height so that any portion of such building, except chimneys or vents, extends higher than the top of any previously constructed chimneys within one hundred feet, the owner of such new or altered building shall have the responsibility of altering such chimneys to make them

conform with the requirements of section 27-859 of this article. A chimney that is no longer connected with a fireplace or combustion or other equipment for which a chimney was required, shall be exempt from this requirement. Such alterations shall be accomplished by one of the following means or a combination thereof:

(1) Carry up the previously constructed chimneys to the height required in section 27-859 of this article.

(2) Offset such chimneys to a distance beyond that required in section 27-859 of this article from the new or altered building, provided that the new location of the outlet of the offset chimney shall otherwise comply with the requirements of this subchapter.

(b) Protection of draft. -After the alteration of a chimney as required by subdivision (a) of this section, it shall be the responsibility of the owner of the new or altered building to provide any mechanical equipment or devices necessary to maintain the proper draft in the equipment.

(c) Written notification. -The owner of the new or altered building shall notify the owner of the building affected in writing at least forty-five days before starting the work required and request written consent to do such work. Such notice shall be accompanied by plans indicating the manner in which the proposed alterations are to be made.

(d) Approval. -The plans and method of alteration shall be subject to the approval of the commissioner.

(e) Refusal of consent. -If consent is not granted by the owner of the previously constructed building to do the alteration work required by subdivisions (a) and (b) of this section, such owner shall signify his or her refusal in writing to the owner of the new or altered building and to the commissioner; and the owner of the new or altered building has submitted plans that conform to the requirements of this section, he or she shall thereupon be released from any responsibility for the proper operation of the equipment due to loss of draft and for any health hazard or nuisance that may occur as a result of the new or altered building. Such responsibilities shall then be assumed by the owner of the previously constructed building. Likewise, should such owner neglect to grant consent within forty-five days from the date of written request or fail to signify his or her refusal, he or she shall then assume all responsibilities as prescribed above.

(f) Procedure. -It shall be the obligation of the owner of the new or altered building to:

(1) Schedule this work so as to create a minimum of disturbance to the occupants of the affected building.

(2) Provide such essential services as are normally supplied by the equipment while it is out of service.

(3) Where necessary, support such extended chimneys and equipment from this building or to carry up such chimneys within his or her building.

(4) Provide for the maintenance, repair, and/or replacement of such extensions and added equipment.

(5) Make such alterations of the same material as the original chimney so as to maintain the same quality and appearance, except where the owner of the chimney affected shall give his or her consent to do otherwise. All work shall be done in such fashion as to maintain the architectural esthetics of the existing building.

(g) Existing violations. -Any existing violations on the previously constructed equipment shall be corrected by the owner of the equipment before any equipment is added or alterations made at the expense of the owner of the new or altered building.

(h) The commissioner may grant a variance in accordance with the provisions of section 27-107 of article one of subchapter one of this chapter.

§[1501.6] 27-861 Metal chimneys. -

(a) Exterior metal chimneys. - Exterior metal chimneys constructed of steel shall be of adequate thickness to resist all applied loads specified in subchapter nine of this chapter, but shall not be less than the thickness required in table 15-4.

(b) Clearances for exterior metal chimneys. -Metal chimneys erected on the exterior of a building shall have sufficient clearance from a wall or frame of combustible construction to satisfy the requirements of table 15-2 and to permit inspection and maintenance operations on the chimney, and shall comply with the following minimum requirements:

(1) Exterior metal chimneys over eighteen inches in diameter, for equipment of any operating temperature, shall have a clearance of at least four inches, and those eighteen inches or less in diameter shall have a clearance of at least two inches from a building wall of any combustible construction.

(2) No portion of an exterior metal chimney shall be nearer than twenty-four inches to any door or window or to any exit, or located where it would be readily accessible to the public, unless it is insulated or shielded to avoid injury to any person in contact with the chimney.

**TABLE 15-2 MINIMUM CLEARANCES
REQUIRED FROM ANY
COMBUSTIBLE MATERIALS**

Classification of Equipment		
Low Temperature	Medium Temperature	High Temperature
6"	24"	24"

**Bracket not enacted but probably intended.*

(c) Enclosure of interior metal chimneys. -

(1) Every interior metal chimney or part thereof erected within buildings shall be enclosed with non-combustible construction having a fire resistance rating of not less than that prescribed in table 15-3 in all stories above the one in which the equipment served thereby is located. Where the metal chimney passes through a combustible roof, it shall be guarded by a non-combustible ventilating thimble of galvanized metal or equivalent non-combustible material

that extends at least nine inches below and above the roof construction. The thimbles shall be of a size to provide clearances on all sides of the metal chimney of at least six inches for low temperature equipment and at least eighteen inches for medium and high temperature equipment as defined in subchapter fourteen of this chapter. However, if the metal chimney is insulated and protected to prevent a temperature of more than two hundred fifty degrees Fahrenheit on its exterior surface the thimble clearance may be reduced by fifty percent.

(2) The enclosure around a metal chimney shall provide a space on all sides of the chimney to permit inspection and repair for the entire chimney height. When metal chimneys have a minimum dimension of twenty-four inches in diameter and are completely jacketed with noncombustible insulating material within the required enclosure, access to permit inspection and repair shall not be required.

(3) The enclosing construction shall be of non-combustible materials and shall have a fire resistance rating as required in table 15-3 and shall be without openings, except access openings equipped with opening protectives constructed in accordance with the requirements of subchapter five of this chapter, at floor levels where necessary for complete inspection purposes.

(4) The required fire resistance ratings of table 15-3 for the enclosure of a medium or high temperature metal chimney may be reduced by one hour if the chimney is insulated with an insulation adequate for the temperature of the chimney and having at least a one hour fire resistance rating at all sections of the insulation.

**** TABLE 15-3 REQUIRED FIRE RESISTANCE
RATINGS OF ENCLOSURES FOR METAL
CHIMNEYS**

Chimney Classification	Required Fire Resistance Rating of Enclosure
Low Temperature	1 Hr. for buildings under 5 stories 2 Hr. for buildings 5 stories or more
Medium Temperature	2 Hr.
High Temperature	3 Hr.

Note for Table 15-3:

Table 3-4 of section 27-271 shall also be complied with in the construction of enclosures for metal chimneys.

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(d) Prohibited location. -No interior metal chimney shall be carried up inside a ventilating duct unless such duct is constructed as required by this subchapter for metal chimneys, and only when such duct is used solely for exhaust venting the room or space in which the equipment served by the metal chimney is located. Metal chimneys shall not be installed in air supply ducts.

**** (e)** Unlisted metal chimneys serving residential type or low heat appliances and producing flue gas having a temperature below 350°F at the entrance to the chimney at

full load or partial load shall be lined with acid and condensate resistant refractory material, or constructed of suitable stainless steel, or otherwise protected so as to minimize or prevent condensation or corrosion damage as required in reference standard RS 15-14.

****^(f)** Steel chimneys for exterior use shall be insulated and weather sheathed to maintain flue surface temperatures above the acid dew point in all parts of the system in accordance with subdivision (b) of section 27-854.

****^(g)** Steel chimneys for interior use shall be insulated to ensure enclosure temperatures not in excess of 160°F on combustible materials in accordance with subdivision (a) of section 27-854.

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§[1501.7] 27-862 Materials other than metal for construction of chimneys. -Materials other than metal for the construction of chimneys shall include the following:

- (a) Clay, concrete, or shale bricks, laid in a full bed of mortar.
- (b) One hundred percent solid masonry units, or hollow masonry units having the cores filled with mortar or grout, laid in spread mortar covering the entire cross-sectional area of the unit.
- (c) Concrete cast in place and adequately reinforced where required.
- (d) Natural stones that have been sawed, dressed, or have a tooled finish, laid in spread mortar.
- (e) Perforated radial brick. Such brick shall be laid in spread mortar equal to type M, of reference standard RS 15-3, and shall be shaped to the circular and radial lines of the various sections so as to form even joints.
- (f) Other equivalent materials or combination of materials.

TABLE 15-4 LOW TEMPERATURE CHIMNEY CONSTRUCTIONS

Material	Thickness	Lining Required	Type of Lining	Thickness	Air Space
Steel ^a (for exterior chimneys) ^b	1/8 in. for areas up to 7 sq. ft., 3/16 in. for areas up to 12.5 sq. ft., 1/4 in. for larger.	Not required	....	....	....
Steel ^a (for interior chimneys)	No. 16 U.S. gage for areas up to 155 sq. in., No. 14 U.S. gage up to 200 sq. in., No. 12 U.S. gage up to 255 sq. in., No. 10 U.S. gage for greater areas.	Not required	....	....	....
Brick, masonry units, or stone	8 inches ^c	Full height from chimney base to 4 in. above chimney walls.	Clay flue lining meeting requirements of Reference Standard RS 15-4, with fire clay mortar or cement mortar equal to that of Type M of Ref. Std. RS 15-3, or a heat-proof and acid-proof flue lining joint cement.	Not less than 5/8 in.	Not less than 1/4 in. nor more than 3/4 in. between chimney walls and flue lining.
Concrete	6 inches ^c	ditto	ditto	ditto	ditto
Radial brick	7 1/2 inches	Full height from chimney base to 4 in. above chimney wall.	Firebrick Type G, RS 15-6, laid in medium refractory mortar, RS 15-7, or acid resistant brick Type H or L, Ref. Std. RS 15-8.	4 1/2 inches	....
Brick type H or L, RS 15-7	8 inches	Not required	....	....	....

Notes for Table 15-4:

^aMetal chimneys shall be of riveted, bolted or welded construction and made gas tight.

^bExterior metal chimneys shall be galvanized, or painted on the exterior surface with a heat resisting paint or be constructed of equal corrosion resistive alloys.

^cIn buildings in residential occupancy group J3, of four stories or less, and in other buildings not over two stories high and not in high hazard occupancy group A, providing the flue areas are not more than 200 sq. in. the walls of masonry or concrete chimneys may be reduced to 4 in. with fire clay flue lining. Flue linings shall be set ahead of chimney walls, and carefully bedded in fire clay mortar or in cement mortar. Chimney walls shall be provided with mortar spacer ties every 10 ft, of height. Mortar ties shall not be continuous around the flue linings.

***TABLE 15-5 MEDIUM TEMPERATURE CHIMNEY CONSTRUCTIONS**

Material	Thickness	Lining Required	Type of Lining	Thickness	Air Space
Steel	Same as for low temp. chimney	Lining is required for full height of chimney.	Incinerators only- Castable refractory CI A, RS 15-5 Medium-duty fireclay refractory brick (ASTM C64) or the equivalent laid in medium-duty refractory mortar (ASTM C105) or the equivalent, RS 15-6.	2 inches The lining shall be at least 2 ½ in. thick for chimneys having a diameter or greatest cross-section dimension of 18 in. or less. The lining shall have a thickness of not less than 4 ½ in. laid on a full bed for chimneys having a diameter or greatest cross-section dimension greater than 18 in.	None required
Brick or masonry units	8 inches	Full height from chimney base to 4 in. above chimney wall.	Firebrick Type G, RS 15-6 laid in medium refractory mortar, RS 15-7, or acid resistant brick Type H or L, Ref. Std. RS 15-8.	4 ½ inches	None required
Concrete	6 inches	ditto	ditto	ditto	ditto
Stone	12 inches	ditto	ditto	ditto	ditto
Radial brick	7 ½ inches	Full height from chimney base to 4 in. above chimney wall.	ditto	ditto	ditto
Brick masonry units, stone, or concrete	Double wall construction, each wall 8 inches thick	From 2 feet below to a height of 25 feet above the point of entry if connector, the inner wall shall be lined.	Fire clay flue lining, as required for low temperature masonry chimneys.	5/8 inch	2 in. air space between each 8 in. wall, fire-stopped at each floor with non-combustible material.

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***§[1501.8] 27-863 Chimney construction for low, medium, and high temperature equipment.-**

- (a) Unlisted chimneys for low temperature equipment shall be constructed in accordance with table 15-4.
- (b) Unlisted chimneys for medium temperature equipment shall be constructed in accordance with table 15-5.
- (c) Unlisted chimneys for high temperature equipment shall be constructed in accordance with table 15-6.

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***§27-863.01 Chimney limitations and tests.-**

No solid fuel fireplace, fireplace stove or room heater shall be installed or altered unless connected to a chimney which complies with the limitations and testing requirements set forth in table 15-6.1.

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§[1501.9] 27-864 Chimney supports.-

- (a) Chimneys shall not be supported by the equipment they serve unless such equipment has been specifically designed for such loads.
- (b) An exterior metal chimney shall be supported on an independent substantial masonry or concrete foundation designed in accordance with the provisions of subchapters ten and eleven of this chapter. Interior metal chimneys may be supported on noncombustible construction at intermediate levels.
- (c) Masonry and concrete chimneys may be designed and constructed as free standing, or as constituting an integral part of a wall, or may be enclosed within a structure without constituting a component part thereof.

***TABLE 15-6 HIGH TEMPERATURE CHIMNEY CONSTRUCTIONS**

Material	Thickness	Lining Required	Type of Lining	Thickness	Air Space
Steel	Same as for low temp. chimney	For full height of chimney	High-duty fireclay refractory brick (ASTM C64) or the equivalent not less than 4 ½ in. thick laid on a full width bed in high- duty refractory mortar (ASTM C105) or the equivalent, RS 15-6.	4 ½ inches	None required
Brick masonry or concrete	Double wall construction with each wall 8 inches thick and an intervening air space	Inner course of inner wall shall be a firebrick, form 2 feet below connector to full height of chimney	Firebrick same as above for steel chimneys, except no castable refractory permitted.	4 ½ inches	2 in. air space required between the two 8 in. walls, fire-stopped as for medium temperature chimneys.
Steel and masonry, or concrete single wall. (Steel on inside of chimney)	Steel as above, with a single 8 in. masonry or 6 in. concrete wall and an intervening air space.	For full height of chimney	Firebrick and castable refractory, same as above for steel chimneys.	4 ½ inches	2 in. air space required between the steel and the masonry or concrete wall, fire-stopped as per medium temperature chimneys.
				2 inches	
Radial Brick	7 ½ inches	For full height from chimney base to 4 in. above chimney wall.	Firebrick as above for steel chimneys except no castable refractory permitted	4 ½ inches	None required

***TABLE 15-6.1 CHIMNEY LIMITATIONS AND TESTS FOR SOLID FUEL FIREPLACES, FIREPLACE STOVES AND ROOM HEATERS**

Occupancy	Reference Standard	Test Standard	Temperature	Number of Tests
J-2 & J-3 limited to 40 feet and three stories	RS 15-15	UL 127, as Modified	1700°F	1 test
J-2 & J-3 limited to 75 feet	RS 15-9	UL 103HT	2100 °F —10 min.	3 tests
	RS 15-12	ULC 629M	2100 °F —30 min.	3 tests
All other occupancies and all buildings greater than 75 feet in height	RS 15-10	UL 959	2100 °F to Equilibrium and 2300 °F —30 min.	1 test 3 tests
	Table 15-6 of subdivision (c) of section 27-863 and Section 27-861	No Standard	Unlisted High Temp. Chimney with Required Thickness listed in Table 15-6	No test

Notes for Table 15-6.1:

Chimneys accepted pursuant to reference standard RS 14-10 or Table 15-6 may be used in lieu of chimneys accepted pursuant to reference standards RS 15-9, RS 15-12, and RS 15-15.

Chimneys accepted pursuant to reference standards RS 15-9 or RS 15-12 may be used in lieu of chimneys accepted pursuant to reference standard RS 15-15.

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(d) Masonry and concrete chimneys shall be wholly supported on noncombustible construction that shall conform to the requirements of subchapters ten and eleven of this chapter, and shall not be required to support any direct load other than the weight of the chimney. No supports shall project into the chimney flue or flue lining.

*(e) Supports for listed chimneys shall be listed and installed in accordance with the listing and acceptance.

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§[1501.10] 27-865 Chimney caps.- All masonry chimneys shall be capped with concrete, cement wash, terra cotta tile, or other equivalent material.

§[1501.11] 27-866 Corbelling of chimneys. -Walls less than twelve inches thick shall not be corbelled. The maximum horizontal projection in any corbel shall be one inch for each two inches of vertical projection and in all cases the total projection shall not be greater than one-third of the minimum thickness of the wall to be corbelled. In no case shall the total projection be more than six inches. No masonry chimney shall be corbelled from hollow or cavity wall masonry units.

***§[1501.12] 27-867 Clearances from masonry and concrete chimneys.** -

(a) All wood beams, joists, and studs shall be framed away from chimneys. Headers, beams, joists, and studs shall be at least two inches from the outside face of a chimney or from masonry enclosing a flue. Trimmers shall be not less than five inches from the inside face of the concrete or masonry chimney wall. Finished flooring shall have at least one-half inch clearance from chimney walls.

(b) A clearance of at least four inches shall be provided between the exterior surfaces of masonry or concrete chimneys for commercial and industrial type incinerators and combustible material.

(c) A clearance of at least two inches shall be provided between the exterior surfaces of interior masonry or concrete chimneys for all wood burning appliances.

(d) No combustible lathing, furring, or plaster grounds shall be placed against a chimney at any point more than one and one-half inches from the corner of the chimney; but this shall not prevent plastering directly on masonry or on metal lath and metal furring nor shall it prevent placing chimneys for low temperature equipment entirely on the exterior of a building against the sheathing.

(e) All spaces between chimneys and wood joists, beams, or headers shall be firestopped in accordance with the provisions of subchapter five of this chapter.

(f) No change in the size or shape of a chimney shall be made within six inches of the roof framing through which it passes.

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§[1501.13] 27-868 Smoke test. -

(a) General. -When required by the commissioner to determine the tightness of chimney constructions, a smoke test shall be made in accordance with the following conditions and requirements:

(1) The equipment, materials, power and labor necessary for such test shall be furnished by, and at the expense of, the owner or holder of the work permit.

(2) If the test shows any evidence of leakage or other defects, such defects shall be corrected in accordance with the requirement of this subchapter and the test shall be repeated until the results are satisfactory.

(b) Method of test. -The chimney shall be filled with a thick penetrating smoke produced by one or more smoke machines, or smoke bombs, or other equivalent method. As the smoke appears at the stack opening on the roof, such opening shall be tightly closed and a pressure equivalent to a one-half inch column of water measured at the base of the stack, shall be applied. The test shall be applied for a length of time sufficient to permit the inspection of the chimney.

§[1501.14] 27-869 Exhaust gases from internal combustion engines. -

(a) Exhaust pipe construction. -The exhaust pipe from internal combustion engines shall be constructed in accordance with the requirements for metal chimneys based on the temperature of the gases entering the exhaust pipe, and in accordance with the following:

(1) The requirements for at least a medium temperature chimney shall apply.

(2) The exhaust pipe shall be constructed of at least three-sixteenths inch steel, or of other equivalent metal of similar strength and resistance to the temperature and corrosive action of the exhaust gases.

(3) No lining shall be required.

(4) Where the exhaust pipe runs inside a building, it shall be insulated with an insulation adequate for the temperature of the pipe, so that the surface temperature shall be not more than two hundred degrees Fahrenheit.

(5) All joints shall be constructed so as to be gastight under all operating conditions. No threaded joints shall be permitted in pipe sizes over four inches or in pipe of a thickness less than that of schedule 40 steel pipe.

(b) Location of discharge opening. -The location of the discharge opening of the exhaust pipe shall comply with the requirements of subdivision (d) of section 27-776 of article one of subchapter thirteen of this chapter, and, in addition, the opening shall be located or arranged so that it cannot cause condensate leaving the outlet to come in contact with people. The exhaust pipe may be connected to a chimney used for other equipment, provided that the operation of the engine does not adversely affect the operation of the other equipment so as to cause a fire or health hazard, or to cause the emissions from the chimney to be in violation of the air pollution control code.

§27-869.01 Factory-built chimneys. -

(a) Residential occupancy. In residential occupancy groups J-2 and J-3:

(1) Factory-built chimneys servicing liquid or gas fueled appliances shall be listed and accepted in accordance with reference standard RS 15-8[A].*

***Copy in brackets not enacted but probably intended.*

**SUBCHAPTER 16
PLUMBING AND GAS PIPING**

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ARTICLE 1 GENERAL

§[1600.1] 27-896 Scope.-The provisions of this subchapter shall establish and control the minimum requirements for the design, installation, alteration, repair, and maintenance of plumbing systems, including gas piping, sanitary and storm drainage, industrial and special wastes, sanitary facilities, water supplies and storm water and sewage disposal, except where specific exemptions are made in the code. All installation, alteration, repair, and maintenance work shall be performed by or under the direct supervision of a licensed master plumber, except as follows:

(a) Minor alterations and ordinary repairs as defined and delimited in article five of subchapter one of this chapter.

(b) Installation of gas service piping and gas meter piping may be performed by a utility corporation that is subject to the jurisdiction of the public service commission, provided that the corporation maintains and services such piping.

(c) Emergency repairs to alleviate hazardous conditions in gas distribution piping may be performed by a utility corporation which is subject to the jurisdiction of the Public Service Commission, subject to the requirements of section 27-176 of article fifteen of subchapter one of this chapter.

§[1600.2] 27-897 Standard.-The provisions of reference standard RS-16 shall be a part of this subchapter.

§[1600.3] 27-898 Definitions.- For definitions to be used in the interpretation of this subchapter, see subchapter two of this chapter.

§[1600.4] 27-899 Plans.- For the requirements governing the filing of plans and the work to be shown on plans, see subchapter one of this chapter.

§[1600.5] 27-900 Permits.-For the requirements governing application for building permits and plumbing permits, see subchapter one of this chapter.

§[1600.6] 27-901 General requirements.-Plumbing and gas piping shall be designed and installed so as to satisfy the following conditions and the requirements of reference standard RS-16:

(a) All occupied premises shall have potable water.- Every building intended for human habitation, occupancy, or use shall be provided with a supply of potable water.

(b) Sufficient water required.-Plumbing fixtures, devices, and appurtenances shall be supplied with water in sufficient volume and at pressures adequate to enable them to function properly. The pipes conveying the water shall be of sufficient size to provide the water required without undue pressure reduction and without undue noise under all normal conditions of use.

(c) Water conservation.-Plumbing shall be designed and adjusted to use the minimum quantity of water

consistent with proper performance and cleansing of the fixture or plumbing appurtenance.

(d) Safeguarding against explosion.—Devices for heating and storing water shall be designed, installed, and maintained to guard against rupture of the containing vessel through overheating.

***(e) Connection to public water supply systems and to sanitary or combined sewer systems.**

**Local Law 65-1996; For Excerpts from Local Law 7 of 1974, see end of Subchapter 1.*

(1) GENERAL.—

a. The water distribution system and system for conveying sewage from any building in which plumbing fixtures are installed shall be connected, respectively, to a public water main and a sanitary or combined sewer if either or both are available and, regarding the sewer, if the department determines that connection thereto is feasible. The department shall determine that connection is feasible if :

1. the sewer is of adequate capacity to receive all sewage flowing from the building;

2. the sewer is in adequate physical condition to receive such sewage;

3. no physical obstacles exist between the boundaries of the lot or tract of land on which the building is located and the sewer, which would make connection to the sewer impracticable;

4. the elevation of the sewer in relation to the lot or tract of land on which the building is located is such that conveyance of the sewage from the building to the sewer is not impracticable;

5. the sewer is located in the same drainage area as all or most of the lot or tract of land on which the building is located; and

6. no other factor reasonably related to the conveyance of sewage from the building to the sewer would make such connection impracticable or undesirable as a proper means of sewage disposal.

b. Where a public water main is not available, an individual potable water supply shall be provided, and where neither a sanitary nor a combined sewer is available to which the department determines that connection is feasible, a private sewer or private sewage disposal system shall be provided. All such private systems shall be provided subject to the approval of the commissioner and of any other agency or agencies having jurisdiction, and constructed in accordance with the requirements of reference standard RS-16 and, with respect to the construction of individual on site private sewage disposal systems, in accordance with the specifications and standards prescribed by the commissioner, in consultation with the commissioner of environmental protection, pursuant to section six hundred forty three of the charter.

c. Extensions of public sewers and water mains shall

be made in accordance with the regulations of the department of environmental protection.

(2) SYSTEMS AVAILABLE.—

a. A public water main, and a sanitary or combined sewer for the purpose of conveying sewage, shall be deemed available to a building in which plumbing fixtures are installed, except to a one- or two-family dwelling, if a property line of such building is within five hundred feet (measured along a street, alley, or right-of-way) of the public water supply system or the sewer. The connection shall be made in accordance with the applicable standards of the department of environmental protection.

b. A public water supply system, and a sanitary or combined sewer for the purpose of conveying sewage, shall be deemed available to a one- and two-family dwelling if a property line of such dwelling is within one hundred feet (measured along a street, alley, or right-of-way) of the public water supply system or the sewer. The connection shall be made in accordance with the applicable standards of the department of environmental protection.

c. Where two or more one- or two-family dwellings are to be constructed on a tract of land, or where a substantial improvement of any other type of building or buildings is contemplated on a tract of land, the public water supply system and/or the sanitary or combined sewer may be declared available thereto by the agencies having jurisdiction thereon even though the distances specified in subparagraphs (a) and (b) of this paragraph are exceeded.

(f) Well water systems.—No well or individual water supply may be installed for any purpose without the approval of the commissioner and of the department of health and the department of environmental protection.

(g) Design and maintenance of system for conveying sewage from building.—The system for conveying sewage from the building shall be designed, constructed and maintained to guard against fouling, deposit of solids, and clogging, and shall be provided with adequate cleanouts so arranged that the pipes may be readily cleaned.

(h) Exclusion of certain substances from the plumbing system.—

(1) DETRIMENTAL OR DANGEROUS MATERIAL.—No person shall deposit, by any means, any of the following into the building drainage system or sewer: ashes, cinders, rags, flammable, poisonous, or explosive liquids, gases, oils, grease, or any other material that could obstruct, damage, or overload such system, or that could interfere with the normal operation of the sewage treatment processes.

(2) INDUSTRIAL WASTES.—Wastes from hospitals, chemical plants, laundries, abattoirs, or any other industrial wastes that could be detrimental to the public

sewer or public health, shall be treated before such wastes are discharged into the public sewer. At the time of the filing of plumbing plans for any hospital, chemical plant, laundry, abattoir, or any other industrial structure, a statement shall be filed with the commissioner indicating the substances, ingredients, or matter, that will be discharged into the sewer, together with written approval of the department of environmental protection for the method of treatment of said substance, ingredient or matter, before it is discharged into the public sewer.

(i) Prevention of Contamination.-Plumbing fixtures, devices, and appliances shall be provided with adequate protection to prevent contamination of food, water, sterile goods, and similar materials by backflow of sewage. The fixture, device, or appliance shall be connected indirectly with the building drainage system when necessary.

(j) Drainage below street level.-The drainage of all sanitary and storm water below the crown level of the street sewer, or below a level where backflow from the street sewer is possible, shall be conveyed to a sewage ejector and/or sump through a system of sub-house drains, and lifted into the street sewer or disposal system.

**** (k) Disposal of storm water.**-Storm water falling or coming to rest on property on which new buildings or substantial horizontal enlargements are to be constructed, and on all streets and other paved areas constructed or altered in connection with the construction of such new buildings or substantial horizontal enlargements, shall be disposed of in accordance with the requirements of reference standard RS-16 and the rules and regulations of the department of environmental protection. No person providing a system for disposing of storm water, as required by this subdivision, shall in any way alter, relocate or affect any existing drainage system on the property, except in accordance with the provisions of section 19-146 of title nineteen of the administrative code. Except as otherwise permitted by this code, no person shall perform land contour work, as defined in section 19-146 of this code, which work causes storm water to flow across sidewalks or onto an adjacent property. For purposes of this subdivision, the term "substantial horizontal enlargement" shall have the meaning given such term in subdivision (a) of section P110.2 of reference standard RS-16.

****Local Law 103-1989.**

***** (l) Required plumbing fixtures.** Every dwelling unit in buildings classified in occupancy groups J-2 and J-3 shall have at least one water closet, one lavatory, one kitchen-type sink, and one bathtub or shower. All other buildings shall be equipped with the number and types of plumbing fixtures required by reference standard RS-16; provided, however, that the minimum required number of water closets in any arena, bar, concert hall, convention hall, motion picture theatre, public dance hall, stadium, or theatre shall be in accordance with article eight of this subchapter.

*****Local Law 57-2005.**

(m) Smooth surfaces required.-Plumbing fixtures shall be made of smooth, nonabsorbent material and shall be free from fouling surfaces.

(n) Location of fixtures.-

(1) **LIGHT AND VENTILATION.**-For light and ventilation requirements of rooms or spaces containing plumbing fixtures, see subchapter twelve of this chapter.

(2) **LOCATION.**-Piping, fixtures, or equipment shall be located so as not to interfere with the normal operation of windows, or doors and other exit openings.

(3) **ACCESSIBILITY.**-Plumbing fixtures shall be located so that they are readily accessible to the users.

(o) Liquid-seal traps required.-Each fixture directly connected to the drainage system shall be equipped with a liquid-seal trap, except as otherwise provided in this subchapter. The drainage system shall be designed to provide adequate air circulation in all pipes with no danger of siphonage, aspiration, or forcing of trap seals under conditions of ordinary use.

(p) Exhausting of foul air to outside.-Each vent terminal shall extend to the outdoor air and be located and installed so as to minimize the possibility of clogging and the return of foul air to the building.

(q) Materials and workmanship.-All materials and equipment used in the plumbing and gas systems shall be free from defects, and shall be designed, constructed, and installed so as to give satisfactory service for their expected life.

(r) Condemned equipment.-Any plumbing materials or equipment condemned by the commissioner because of wear, damage, defects, or sanitary hazards shall not be used or re-used for plumbing purposes.

(s) Prevention of sewer flooding.-Where a plumbing drainage system is subject to backflow of sewage from the public sewer, suitable provision shall be made to prevent its overflow in the building.

(t) Test of plumbing system.-The plumbing system shall be subjected to such tests as will readily disclose all leaks and defects in the work or in the material used.

(u) Proper maintenance.-Plumbing systems shall be maintained in a safe and serviceable condition from the standpoint of both operation and health.

(v) Protection of ground and surface water.-Sewage or other waste shall not be discharged into surface or subsurface water unless it has been discharged by a method subject to the approval of the commissioner and of the department of health and the department of environmental protection.

(w) Weather protection.-Water service piping shall be installed at least four feet below exterior grade, and building house sewers shall be installed at least three feet below exterior grade. Plumbing piping in exterior building walls shall be adequately protected against freezing by insulation or heat, or by both.

(x) Structural safety.-The structural safety of a

building shall not be affected or impaired in any way as a result of the installation, alteration, renovation, or replacement of a plumbing system or any part thereof. See subchapters nine, ten, eleven and nineteen of this chapter.

(y) Strains and stresses in pipes.-Piping shall be installed so as to prevent strains and stresses that would exceed the structural limitations of the pipe and so as to prevent deflection or deformation that would cause the system to malfunction. Provision shall be made for expansion and contraction and for structural settlement that might affect the piping.

(z) Installation limitations.-

(1) **ELEVATOR SHAFTS.**-No piping shall be installed in any elevator or counterweight hoistway.

(2) **FIRE RATED CONSTRUCTION.**-No plumbing or gas piping shall be installed in any construction required to have a fire resistance rating except in accordance with the provisions of subchapter five of this chapter.

(3) **STAIR ENCLOSURES.**-No piping of any kind, with the exception of piping required or permitted under subchapter seventeen of this chapter, shall be permitted within a stair enclosure.

(aa) Special flood hazard restrictions.-Within special flood areas and below the regulatory flood datum as described in article ten of subchapter four of this chapter, plumbing installations shall comply with the applicable provisions of reference standard RS 4-5.

***§[1600.7] 27-902 Use of nonconforming material or equipment.-**

(a) No person shall use or install any new or used plumbing material or equipment, unless it complies with the requirements set forth in this subchapter and reference standard RS-16.

(b) No person shall use any portable equipment that utilizes mercury to test the pressure of gas piping, drainage or vent systems.

**Local Law 17-2001.*

§[1600.8] 27-903 Fire protection.-Where pipes pass through construction required to have a fire-resistance rating, they shall comply with the requirement of section 27-343 of article five of subchapter five of this chapter.

§[1600.9] 27-904 Establishing gas supply.-It shall be unlawful for any utility company to supply gas to a building, place or premises in which new meters other than replacement are required until a certificate of approval of gas installation from the department of buildings is filed with such utility company. When new gas service piping has been installed it shall be locked-off by the utility either by locking the gas service line

valve or by installing a locking device on the outside gas service line valve. The lock shall not be removed until the gas meter piping (other than utility owned) and gas distribution piping has been inspected and certified as required by the department of buildings as being ready for service.

§[1600.10] 27-905 Alterations to gas piping systems.-

When alterations, extensions or repairs to existing gas meter piping or gas distribution piping requires the shut-off of gas flow to a building, the utility shall be notified by the owner or his or her authorized representative.

ARTICLE 2 WATER SUPPLY SYSTEMS

§[1601.1] 27-906 Public water supply.-

(a) Required capacity.-Where the required capacity of potable water supply is available from street water mains at the site, every building shall be supplied from such mains.

(b) Power pumps.-When power pumps are required in the water supply system of a building, they shall take their supply from the street water mains in the manner prescribed in reference standard RS-16.

§[1601.2] 27-907 Private water supply.-Every private source of potable water supply, other than a water supply company franchised by the city of New York, shall be subject to the approval of the commissioner; and every private source of non potable water supply shall be submitted to the commissioner for approval and recording.

§[1601.3] 27-908 Cross-connection of supplies and identification.-

(a) Cross-connection.-No person shall connect water piping supplied directly from street water mains to other sources; and no cross-connection shall be made between the potable water distribution system and any portion of waste or soil systems, or between the potable water distribution system and fixtures or devices that may contaminate, pollute, or otherwise render the water nonpotable.

(b) Identification.-Water supply systems not approved as potable shall be identified at each outlet with a warning sign stating that the water is unfit, and its use prohibited, for drinking purposes. Piping carrying potable water shall be identified and distinguished from water piping carrying nonpotable water by distinctive painting or markings as prescribed in reference standard RS-16.

(c) Construction.-The construction of water supply systems shall be in accordance with the requirements of reference standard RS-16.

ARTICLE 3 DRAINAGE SYSTEMS

***§[1602.1] 27-909 Permits.**-In addition to the permits required under provisions of subchapter one of this chapter, the following permits shall also be required.

(a) Permits for the installation of the building house sewer from the street line to, and including, the spur connection at the street sewer shall be obtained from the department of environmental protection, except that, in conjunction with the issuance of a permit for the construction or alteration of a structure within the curblin, the commissioner may issue a permit for connection with a sewer or drain.

(b) Permits for sidewalk and street openings shall be obtained from the department of transportation.

**Local Law 65-1996.*

***§[1602.2] 27-910 **[Individual sewage systems. -]**

(a) Where public sewers are deemed not available according to subdivision (e) of section 27-901 of article one of this subchapter, an individual on site private sewage disposal system shall be installed in accordance with the requirements of this subchapter. When public sewers are made available, the individual on site private sewage disposal system shall be abandoned in a manner prescribed by the commissioner, and the building house sewer shall be connected to the available public sewer within six months of the date of notification that the sewer has been accepted to receive flow by the agency or agencies having jurisdiction.

**Local Law 65-1996.*

***Copy in brackets not enacted but probably intended.*

§[1602.3] 27-911 Construction.-The construction of drainage systems shall be in accordance with the requirements of reference standard RS-16.

ARTICLE 4 HOSPITAL AND INSTITUTIONAL PLUMBING

§[1603.1] 27-912 Requirements.- Hospital and institutional plumbing shall be installed in accordance with all of the applicable requirements for plumbing and gas piping of this subchapter and in accordance with the specific modifications of reference standard RS-16.

ARTICLE 5 SWIMMING POOLS

§[1604.1] 27-913 Requirements.-All plumbing for swimming pools, including display pools and fountains, shall be installed in accordance with the requirements of this subchapter, the requirements of reference standard RS-16, and the requirements of the New York City health code.

§[1604.2] 27-914 Construction.- For requirements covering the general construction of swimming pools, the provisions of article *sixteen of subchapter seven of this chapter shall apply.

**As enacted; "fifteen" probably intended.*

§[1604.3] 27-915 Operation.- No swimming pool regulated by the provisions of this code shall be operated without a permit from the department of health.

ARTICLE 6 EXISTING BUILDINGS AND INSTALLATIONS

§[1605.1] 27-916 General.-When alterations are made requiring the addition of two or more plumbing fixtures in an existing building, or when a building is remodeled for an extension in size or change in use in which plumbing, drainage, or gas piping work is involved, all the new work shall be made to conform to all the applicable sanitary requirements of this code and the affected portions of the system made adequate for the added load.

§[1605.2] 27-917 Existing soil and vent stacks.-

(a) When a new building is erected higher than an existing building, no operable windows or other wall openings shall be located closer than ten feet to an existing stack vent or vent stack on the lower building. Wherever necessary, the owner of the new building shall at his or her own expense and with the approval of the adjoining owner, offset the stack vent or vent stack to a distance ten feet or more from such windows or wall opening, or shall extend such stack vents or vent stacks to a height of at least three feet above the topmost opening.

(b) When the existing adjoining building is higher than the new building, all new soil, waste, or vent stacks of the new building shall be located at least ten feet from the common lot line, or shall be carried to a level above the higher existing roof, adequately supported and with the consent of the owners of both the new and existing structures.

§[1605.3] 27-918 Existing gas meter rooms.-Existing gas meter rooms shall comply with the provisions of section P 115.5(c) of the reference standard RS-16 no later than December first, nineteen hundred seventy-two.

ARTICLE 7 INSPECTION AND TESTS

***§[1606.1] 27-919 Inspection.**-Every new plumbing and gas piping system and every part of an existing system that has been altered, except for ordinary repairs, shall be inspected and tested to determine compliance with code requirements except that the

commissioner may promulgate rules authorizing a certification from a master plumber for minor work that was performed in accordance with applicable codes in lieu of the two day inspection notification requirement of section 27-920 of this article and the inspection reporting requirements of subdivision a of section 27-922 of this article. In no event shall such certification be allowed for any new installation, or any alteration to an existing gas piping system.

**Local Law 51-2001.*

§[1606.2] 27-920 Notification.- The holder of the plumbing permit shall give at least two days prior written notice to the commissioner that the plumbing work covered by the permit is ready for inspections and test.

§[1606.3] 27-921 Testing of plumbing and gas piping systems.-

(a) New, altered, extended, or repaired systems.-

Every new plumbing and gas piping system and every part of an existing system that has been altered or repaired except for minor alterations and ordinary repairs, shall be tested as hereinafter prescribed to disclose leaks and defects. However, testing may be waived in the following cases:

(1) In any case that does not involve replacement, alteration, or relocation of any water supply, drainage, or vent piping.

(2) In any case where plumbing equipment may be set up temporarily for exhibition purposes.

(b) Representation at test.-

(1) Tests required by section 27-922 of this article shall be conducted in the presence of the commissioner or an authorized plumbing inspector of the department.

(2) The commissioner may also authorize such test to be witnessed by architects, engineers, master plumbers or representatives of utility companies, each of whom must be acceptable to the commissioner. Persons performing this function shall have had at least five (5) years experience in inspection and testing of gas piping systems, or hold a current master plumber's license. Such tests may be conducted without any verifying inspection or tests by members of the department, provided that verified statements and supporting inspectional and test reports are filed with the department within one working day of such tests.

(c) Exposure of work.-If any plumbing system or part thereof is enclosed before it has been inspected, tested, and accepted as prescribed in this subchapter, such system or part thereof shall be uncovered upon the direction of the commissioner.

(d) Retesting.-If, upon inspection and tests, any of the work fails to meet the test requirements, the necessary corrections shall be made before any reinspections or retests are conducted.

§[1606.4] 27-922 Requirements.-

(a) Drainage and vent systems.-

(1) ROUGH PLUMBING.-Except for outside leaders and perforated or open jointed drain tile (subsoil drains), the piping of plumbing drainage and venting systems shall be verified as to materials and shall be tested upon completion of the rough piping installation and proven to be watertight. The commissioner may require the removal of any cleanout plugs to ascertain that the prescribed pressure has been reached in all parts of the system.

a. Water Test.-A water test shall be applied to the drainage system either in its entirety or in sections after rough piping has been installed. If applied to the entire system, all openings in the piping, except the highest opening, shall be tightly closed and the system filled with water to the point of overflow. If the system is tested in sections, each opening, except the highest opening of the section under test, shall be tightly plugged and each section filled with water. No section shall be tested with less than a ten foot head of water. In testing successive sections, at least the upper ten feet of the following section shall be tested, so that no joint or pipe in the building (except the uppermost ten feet of the system) shall have been submitted to a test of less than ten foot head of water. The water shall be kept in the system or in the portion under test for a least fifteen minutes before inspection starts; the system shall then be tight at all points.

b. Air test.-An air test may be used only when permission for this type of test is obtained from the commissioner. The air test shall be made by attaching an air compressor testing apparatus to any suitable opening and, after closing all other inlets and outlets of the system, forcing air into the system until there is a uniform gauge pressure of * five psi. This pressure shall be held, without introducing additional air, for a period of at least fifteen minutes.

**Corrected by Local Law 17-2001.*

(2) FINISHED PLUMBING.-After the plumbing fixtures have been set and their traps filled with water, the entire drainage system shall be verified as to materials and shall be tested and proven gastight by either a smoke test or a peppermint test.

a. Smoke test.-The smoke test shall be made by filling all traps with water and then introducing into the entire system a pungent, thick smoke produced by one or more smoke machines. When the smoke appears at stack openings on the roof, these openings shall be closed and a pressure equivalent to a one inch water column shall be maintained for the period of the inspection.

b. Peppermint test.-The peppermint test shall be made by introducing two ounces of oil of peppermint into the roof vent terminal of every line or stack to be tested. The oil of peppermint shall be followed at once

by ten quarts of hot water (one hundred sixty degrees Fahrenheit or higher), whereupon all roof vent terminals shall be sealed. The detection of the odor of peppermint at any trap or other point in the system shall determine the location of any leaks. Persons who have come in contact with oil of peppermint shall be excluded from the test area.

(b) Building house sewer.-The building house sewer shall be tested by inserting a test plug at the point of connection with the street sewer before such connection is made. The building house sewer shall then be filled with water under a head of at least ten feet. The water level at the top of the test head of water shall not drop for at least fifteen minutes.

(c) Water systems.-Upon completion of a section of a water system or of the entire water system, the completed section or system shall be verified as to materials, and shall be tested and proven tight under a water pressure of at least twenty-five percent greater than the working pressure under which it is to be used. The water used for tests shall be obtained from a potable source of supply.

***(d) Gas piping systems.**- Upon completion of the installation of a section of a gas system or of the entire gas system, and before appliances are connected thereto, the completed section or system shall be verified as to materials, and tested and proven tight as follows:

(1) Gas distribution piping:-

****a.** Distribution pressures up to one-half psig. The completed piping is to be tested with a non-mercury gauge at a pressure of three pounds per square inch gauge (psig) for a minimum of thirty minutes.

b. Distribution pressures over one-half psig through three psig. The completed piping is to be tested at fifty psig for a minimum of thirty minutes.

c. Distribution pressures over three psig through fifteen psig. The completed piping is to be tested at one hundred psig for a minimum of one hour.

d. Distribution pressures above fifteen psig. The completed piping is to be tested to twice the maximum allowable operating pressure, but not less than one hundred psig, for a minimum of one hour.

(2) Meter piping shall be pressure tested in accordance with the requirements of the serving utility. These requirements shall be either the same as those for testing distribution piping in paragraph one of this subdivision, or if different, the piping shall be certified by the local utility as being tested in compliance with their requirements.

(3) Notwithstanding the above, all coated or wrapped pipe shall be pressure tested at a minimum of ninety psig.

For testing, the piping shall be filled with air or an inert gas, and the source of pressure shall be isolated before the pressure readings are made. All test duration time periods are to be measured after stabilization of

testing medium. Fresh water may be used as the test medium only where the required test pressure exceeds one hundred psig.

**** (4)** The commissioner shall publish a list of non-mercury gauges certified by a nationally recognized testing lab or promulgate rules with standards for non-mercury gauges within one hundred and twenty days of the effective date of this paragraph.

***Local Law 18-1992.**

****Local Law 17-2001 .**

(e) Other piping systems.-All other piping systems shall be tested in accordance with the requirements prescribed in reference standard RS-16.

***ARTICLE 8

MINIMUM WATER CLOSETS IN PLACES OF PUBLIC ASSEMBLY

§ 27-922.1 Definitions. - For the purposes of this article only, the following definitions shall apply in conjunction with the definitions found in sections 27-232:

a. "Convention hall" shall mean any building or space utilized, during the major period of occupancy, for the holding of exhibitions or conventions.

†b. "Specified place of public assembly" shall mean any arena, bar, as such term is defined in section 17-502 of this code, concert hall, convention hall, motion picture theatre, public dance hall, stadium, or theatre open to the general public.

†Editor's Note: The following definition is taken from §17-502:

"Bar" means a business establishment or any portion of a non-profit entity, which is devoted to the selling and serving of alcoholic beverages for consumption by the public, guests, patrons, or members on the premises and in which the serving of food, if served at all, is only incidental to the sale or consumption of such beverages. For the purposes of this chapter, the term "bar": (i) shall include a restaurant bar; (ii) shall include any area located in a hotel or motel, which is devoted to the selling and serving of alcoholic beverages for consumption by the public, guests, patrons, or members on the premises and in which the serving of food, if at all, is only incidental to the sale or consumption of alcoholic beverages; and (iii) shall include a cabaret as defined in section 20-359 of the code which is required to be licensed by the department of consumer affairs pursuant to section 20-360 of the code and in which the serving of food, if at all, is only incidental to the sale or consumption of alcoholic beverages. For the purposes of this subdivision, (i) service of food shall be considered incidental to the sale or consumption of alcoholic beverages if the food service generates less than forty percent of total annual gross sales and (ii) any business establishment or any portion of a non-profit entity which is devoted to the selling and serving of alcoholic beverages for consumption by the public, guests, patrons, or members on the premises that generates forty percent or more of total annual gross sales from the sale of food for on-premises consumption shall be a restaurant.

c. "Public dance hall" shall mean any building or space utilized, during the major period of occupancy, for dancing, and where alcoholic beverages are permitted to be served.

§ 27-922.2 Applicability.- a. Notwithstanding any other provision of this code, the provisions of this article shall apply to any bathroom open to the general public in the following:

(1) Any specified place of public assembly in a new building or space;

(2) Any specified place of public assembly in an existing building or space that has been altered where the alteration of the building or space results in a change in the occupancy group classification of the building or space under the provisions of subchapter three of this chapter;

(3) Any specified place of public assembly that is altered where the cost of making alterations in any twelve-month period shall exceed thirty percent of the value of such building or space, provided such bathroom is part of the work area of such alterations; and

(4) Any specified place of public assembly that is altered where the cost of making alterations in any twelve-month period shall exceed fifty percent of the value of such building or space.

b. The cost of making alterations and the value of the building or space shall be determined in accordance with section 27-119 of this chapter.

c. This article shall not apply to any building or space classified in occupancy group G or H, or any space within any building classified in occupancy group G or H, or any building or space owned by any school or hospital and used for any educational or health purpose.

§ 27-922.3 Minimum requirements. - a. The number of water closets required for any specified place of public assembly shall be as listed in Table 16-1.

TABLE 16-1 *[MINIMUM NUMBER OF WATER CLOSETS FOR SPECIFIED PLACES OF ASSEMBLY]

Number of Persons	Number of Water Closets for Men	Number of Water Closets for Women
1-150 ^a	1	2
151-300	2	4
301-450	3	6

**Copy in brackets not enacted but probably intended .*

Note for Table 16-1:

a. The requirements for the number of water closets for occupancy by 150 persons or less shall not apply to bars except that there shall be at least one water closet for men and at least one water closet for women or an equivalent number of unisex bathrooms.

For occupancy by more than 450 persons, there shall be one water closet for men and two water closets for women for each additional 300 persons. The population used to determine the number of water closets required shall be based on the number of people to occupy the space; provided, however, that in no case shall the population be deemed less than that determined by allowing one hundred and twenty-five square feet of floor area per person.

b. Urinals may be provided in bathrooms in lieu of water closets but the number shall not exceed fifty percent of the required number of water closets.

c. Unisex bathrooms may be provided in lieu of separate bathrooms for men and women.

d. This section is only intended to change the ratio of men's and women's water closets required under title 27 of this code as provided herein, and is not intended to require more than one water closet per fifty persons for occupancy by 450 persons or less, or more than one water closet per one hundred persons for occupancy by more than 450 persons.

§ 27-922.4 Waivers. a. The commissioner may waive the requirements of this article for the alteration of existing buildings; provided, however, that such waiver is based upon a specific finding that strict compliance with these requirements:

(1) would create an undue economic burden; or

(2) would not achieve its intended objective; or

(3) would be physically or legally impossible; or

(4) would be unnecessary in light of alternatives which insure the achievement of the intended objective or which achieve the intended objective more efficiently, effectively or economically; or

(5) would entail a change so slight as to produce a negligible additional benefit consonant with the purposes of this article.

b. Each application for a waiver under subdivision a of this section shall be made to the commissioner in writing, setting forth each requirement sought to be waived and the specific reason or reasons therefor. The commissioner shall determine, under all of the circumstances presented by such application, which of such requirements may appropriately be waived. The commissioner shall render such determination in a writing which shall set forth in detail the commissioner's findings and conclusions with respect to each requirement sought to be waived. A copy of such written determination shall be forwarded to the applicant. Such written determination shall be filed with the department and shall be available for public inspection.

***Local Law 57-2005 .

SUBCHAPTER 17 FIRE ALARM, DETECTION AND EXTINGUISHING EQUIPMENT			[1703.0]	Art. 4	Automatic Sprinkler Requirements
			[1703.1]	954	Required Sprinkler
			[1703.2]	955	Smoke Detector Alternate
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ARTICLE 1 GENERAL

§[1700.1] 27-923 Scope.-The provisions of this subchapter shall establish and control the minimum requirements for the design and installation of standpipe, sprinkler, fire alarm, and fire detection systems except for fire alarm systems in factory and mercantile buildings and where specific exemption is made in this code. Alterations or additions to existing systems shall comply with the requirements of this subchapter regardless of magnitude or cost.

§[1700.2] 27-924 Standards.-The provisions of reference standard RS-17 shall be part of this subchapter.

§[1700.3] 27-925 Definitions.-For definitions to be used in the interpretation of this subchapter, see subchapter two of this chapter.

§[1700.4] 27-926 Plans.-For the requirements governing the filing of plans and the work to be shown on plans, see subchapter one of this chapter.

§[1700.5] 27-927 Permits.- For the requirements governing equipment work permits, equipment use permits, see subchapter one of this chapter.

§[1700.6] 27-928 General requirements.-All systems of standpipes, sprinklers, fire alarms, and fire detectors and all component devices thereof, as required by this subchapter specifically and by subchapters four, five, seven and eight of this chapter shall be installed in accordance with the provisions of this subchapter.

§[1700.7] *27-929 Retroactive requirements.-The provisions of this subchapter shall apply retroactively for the specific occupancies indicated in subdivisions (j) and (s) of section 27-954 and paragraph ten of subdivision (a) of section 27-968 of this subchapter. An application noting compliance shall be required to be filed on or before April thirteenth, nineteen hundred seventy-nine; and installation shall be required on or before January thirteenth, nineteen hundred eighty, except as otherwise provided in this code.

**Local Law 16-1987.*

(a) The provisions of this article shall apply retroactively for the specific occupancies and spaces indicated in subdivisions (v), (w), and (y) of section 27-954 and subdivision (j) of section 27-972. Installation of all systems required by these sections shall be completed on or before April first, nineteen hundred eighty-seven.

*(b) Notwithstanding the provisions in subdivision a of this section, an application for a permit and approval of plans for the installation of fire alarm and signal systems as required under the provisions of article five of this subchapter in buildings classified in occupancy group J-1 shall be filed with the department on or before June thirtieth, nineteen hundred eighty-seven and such installation shall be completed on or before December thirty-first, nineteen hundred eighty-seven.

** (c) Notwithstanding any other provision of this subchapter, the requirement to install a system of automatic sprinklers shall apply retroactively to any space in a basement, cellar or other location below grade subject to the provisions of subdivision aa of section 27-954 of this code. Installation of such system of automatic sprinklers shall be completed on or before April thirtieth, two thousand four.

**Local Law 16-1987.*

***Local Law 26-2002.*

****§27-929.1 Retroactive requirements for office buildings one hundred feet or more in height.**- (a) **General requirements.**- (1) **Notwithstanding any other provision of this subchapter,** all office buildings one hundred feet or more in height and buildings classified in occupancy group E one hundred feet or more in height in existence on the effective date of this subdivision shall have a full system of automatic sprinklers installed in accordance with this subchapter. Reports relating to the installation of such sprinkler systems shall be filed in accordance with subdivision (b) of section 27-228.5 of this code and installation of such sprinkler systems shall be completed on or before July 1, 2019 or, if applicable, on or before a date specified by the commissioner pursuant to paragraph (2) of subdivision (b) of section 27-228.5 of this code.

(2) **Exception.**- Where an owner of a building or portion thereof subject to such retroactive requirement demonstrates to the satisfaction of the commissioner that the installation of sprinklers in a particular, limited portion of such building is not practicable, either due to structural conditions or because of designation as an interior landmark by the New York city landmarks preservation commission, the commissioner may waive such limited portions from the requirements of this section but may require additional fire safety measures to protect the health, safety and welfare of the public.

(3) **Application to buildings with a full system of automatic sprinklers.**- The provisions of this subdivision shall not apply to buildings in existence on the October 22, 2004 in which a full system of automatic sprinklers was installed or required to be installed pursuant to any other provision of law. Nothing in this subdivision shall be construed to limit the applicability of any other provision of this code requiring sprinklers in the buildings referred to herein.

(b) **Converted buildings.**- Notwithstanding the foregoing provisions, on and after October 22, 2004, no building

of the standpipe system that are exposed to freezing shall be protected in accordance with the requirements of subdivision (a) of section 27-949 of article three of this subchapter.

(7) **PRESSURE REDUCING VALVES.**-Pressure reducing valves shall be provided as required by section 27-944 of article three of this subchapter.

(8) **DRIP VALVES.**-Drip valves shall be provided between the siamese connection and the check valve.

(b) When the building requires additional standpipe protection because of extension in height or in area, or the occupancy is changed to a use requiring additional protection, the new or altered part of the system shall comply with this subchapter.

§[1701.2] 27-931 Existing Sprinklers.-

(a) **Required sprinklers.**-Sprinkler systems and devices existing on December sixth, nineteen hundred sixty-eight shall not be required to be altered to conform to the provisions of this subchapter, except that when additional protection is required for a change in occupancy or for a building addition, the new or altered part of the system shall comply with this subchapter. Sprinklers in any extension or alteration shall be connected to, or extended from, the existing system or a separate water supply as provided in section 27-962 of article four of this subchapter. Additional heads shall not be connected to existing undersized piping.

(b) **Voluntary sprinklers.**-Sprinkler systems and devices existing on December sixth, nineteen hundred sixty-eight, but which are not required by this code, need not conform to the provisions of this subchapter, except that when a siamese hose connection is installed in the system, the siamese connection shall be installed and the entire system pressure tested as required by this subchapter.

ARTICLE 3 STANDPIPE REQUIREMENTS

§[1702.1] 27-932 When required.-

(a) Wet standpipe systems shall be installed:

(1) In all buildings or portions thereof exceeding six stories or seventy-five feet in height, except that open parking structures shall not require installation of a wet standpipe system unless they exceed ten parking levels or seventy-five feet in height.

(2) In all portions of buildings two or more stories in height that have a floor area of ten thousand square feet or more on any floor.

(b) Where standpipes are required by the height and area limitations of (a) of this section, a non-automatic or automatic dry standpipe system may be installed in lieu of the wet standpipe in all buildings classified in occupancy group G not over six stories or seventy-five feet in height. A dry standpipe system shall be installed in all open parking structures which

exceed three parking levels and contain not more than ten parking levels.

(c) A standpipe system shall be installed in all buildings exceeding three stories in height that have an area exceeding seven thousand five hundred square feet on any floor and where a standpipe system is not otherwise required by the provisions of this subchapter. A non-automatic or automatic dry system may be used in lieu of the wet standpipe.

(d) The following buildings shall be exempt from the provisions of subdivisions (a), (b) and (c) of this section:

(1) Buildings classified in occupancy groups F, G, H, and J that do not exceed two stories or thirty feet in height and an area of twenty thousand square feet on any floor and are provided with hand or portable fire extinguishers as required by the fire department.

(2) Buildings classified in occupancy groups E, F, G, H, and J that require a wet standpipe as provided in paragraph two of subdivision (a) and subdivision (c) of this section but not exceeding six stories or seventy-five feet in height and that are equipped throughout with an automatic wet or dry sprinkler system connected to a central supervisory station, and such system complies with the provision of this subchapter.

§[1702.2] 27-933 Yard hydrant systems required.-

Outdoor amusement and exhibition places, oil storage plants, lumber yards, trailer camps, industrial parks, and similar occupancies shall have yard hydrants installed so that the entire area may be reached by two hundred fifty feet of hose from a yard hydrant or a street hydrant. Single hydrant connection shall be at least in six inch I.P.S. Such hydrants shall be directly connected with city water main or private water main, or supplied from gravity tanks or pressure tanks, as provided in this subchapter.

(a) Where the area of such enclosure is more than forty thousand square feet and where the available city water service is less than that specified in paragraph one of subdivision (b) of section 27-945 of this article, the yard hydrant system shall be supplied as follows:

(1) A gravity tank of at least fifty thousand gallon capacity shall be provided and elevated so that the bottom of the tank is at least seventy-five feet above the highest grade elevation and at least twenty-five feet above the highest building in the area supplied by this tank.

(2) In lieu of paragraph one of this subdivision, there shall be provided a manual fire pump with a capacity of at least one thousand gpm, and a suction tank of at least fifty thousand gallon capacity. The suction tank shall be supplied through a six inch connection to the city water main controlled by an automatic ball float valve in the suction tank. A bypass shall be provided so that the pump may be fed directly from the city water main.

(3) The pump shall be located in a pump house at the street main side of the area or enclosure.

(4) Suction from a river or well may be permitted by the commissioner if the required quantity of reasonably clean fresh water may be obtained thereby, subject to the approvals of such other authorities as may have jurisdiction over the primary source of supply.

(b) The maximum distance between hydrants shall be two hundred fifty feet. At each yard hydrant, two hundred fifty feet of rubber lined hose, with a smooth bore of one and one-eighth inch approved play-pipe, shall be placed in a hose house painted red, and the words "Fire Hose" in six inch white letters shall be painted on the door.

(c) The approval of the fire department shall be obtained for location of any monitor nozzles that may be required in addition to yard hydrants. Not more than one monitor nozzle with remote control will be required for each forty thousand square feet of area or fraction thereof unless, in the fire department's opinion, an unusual hazard exists.

(d) Standpipes and sprinkler systems may be connected to a yard hydrant system in accordance with the requirements of this subchapter.

(e) Yard hydrant systems connected to city water mains shall be provided with post indicator valves located in an accessible position. Post indicator valves shall be locked open and be painted red.

(f) Fire extinguishing equipment, in addition to that prescribed by this section, shall be provided in accordance with requirements of chapter four of this title for oil storage plants, oil refineries, and other plants deemed by the fire commissioner to present unusual fire hazards, and also in rooms or spaces housing electrical equipment when such fire extinguishing equipment is deemed necessary.

§[1702.3] 27-934 Standpipe systems in structures being erected or demolished.-

(a) During construction or demolition of any structure for which a standpipe system is required, provision shall be made for the use of such standpipe by the fire department in accordance with the provisions of section 27-1014 of article one of subchapter nineteen and this subchapter.

(b) Temporary risers shall be at least four inches in diameter for structures less than four hundred fifty feet high and at least six inches in diameter for structures four hundred fifty feet high or more. There shall be as many risers as will be, or were, required for the permanent system. Each such riser shall be connected to a cross connection that is supplied through siamese hose connections at the street level, and shall be equipped on each floor with a two and one-half inch hose outlet valve. The installations shall be made so that each riser, cross-connection, and branch line can be plugged or capped when work is not being done on the system. The location of the siamese hose connection shall be placarded, kept free from obstruction, and identified by a red light.

§[1702.4] 27-935 Number of standpipe risers required.-

The number of standpipe risers shall be such that every point of every floor can be reached by a twenty foot stream from a nozzle attached to not more than one hundred twenty-five feet of hose connected to a riser outlet valve.

§[1702.5] 27-936 Location of standpipe risers.-

(a) Standpipe risers and two and one-half inch angle hose valves shall be located within stairway enclosures. For additional requirements see section 27-343 of article five of subchapter five and subdivision (j) of section 27-375 of article five of subchapter six of this chapter. When stairway enclosures are not available within the distance limitations of section 27-935 of this article, the standpipe risers and two and one-half inch angle hose valves shall be located as near to the enclosure as practicable, subject to the approval of the commissioner. A metal sign with one inch lettering indicating the location of the outlet shall be provided in the stair enclosure on each floor where the riser is not located in the enclosure.

(b) No standpipe riser shall be placed in any shaft containing a gas or fuel pipeline.

§[1702.6] 27-937 Omission of standpipe service.-

(a) Standpipe outlets may be omitted in portions of first floors or basements that are completely separated from the entrance hall or enclosed stairways leading to the upper floors, provided portable fire extinguishers are installed, subject to the approval of the commissioner.

(b) Standpipe protection shall be omitted from transformer vaults, high-tension switchboard rooms, and other locations where the use of hose streams would be hazardous. Any space or room that houses equipment of such nature that the use of water would be ineffective in fighting the fire, or would be hazardous, shall have a conspicuous metal sign on each door opening on such space or room stating the nature of the use and the warning: "Use No Water."

§[1702.7] 27-938 Size of standpipe risers.-The size of standpipe risers shall be in accordance with Table 17-1.

TABLE 17-1 SIZE OF STANDPIPE RISERS

Height ¹	Minimum Riser Size Required (I.P.S.)
150 ft. or less.....	4 in.
Greater than 150 ft.....	6 in.

Note for Table 17-1:

¹ The height shall be that of the individual riser to the highest hose outlet (not including manifold outlets) from the level of the entrance floor at street level at which the riser begins.

(e) Buildings and spaces classified in storage occupancy group B-2 exceeding five thousand square feet in floor area, or seventy-five feet or more in height, except as modified under subdivisions a, b, and c of section 27-455 of article ten of subchapter seven of this code.

(f) Spaces in high rise buildings classified in mercantile occupancy group C, spaces classified in mercantile occupancy group C exceeding seventy-five hundred square feet in floor area or with an unenclosed stair or escalator between any two or more floors.

(g) Buildings classified in industrial occupancy group D when required by section two hundred eighty of the labor law or when seventy-five feet or more in height.

(h) Spaces classified in industrial occupancy group D-1 exceeding seventy-five hundred square feet, in floor area excluding heliports.

(i) Buildings classified in occupancy group E, one hundred feet or more in height having air-conditioning and/or mechanical ventilation systems that serve more than the floor in which the equipment is located, and on or before January eighteenth, nineteen hundred seventy-six, in existing office buildings one hundred feet or more in height having such systems, showroom spaces exceeding seventy-five hundred square feet in area located more than forty feet above curb level. The sprinkler system may be connected to the domestic water supply and/or the standpipe risers. Where connected to a standpipe riser, provision shall be made to prevent excessive pressure on the sprinkler heads. If such work is not completed within on or before July eighteenth, nineteen hundred seventy-four, the owner shall submit a statement to the commissioner, with a copy to the fire commissioner, setting forth a plan and time schedule for the performance of the work and completion within the prescribed time. Such plan and schedule shall be subject to the approval of the commissioner. Failure to comply with the provisions of this subdivision, or to perform the work in accordance with the time schedule, as approved by the commissioner, shall constitute a violation.

(j) Dressing rooms and property rooms used in conjunction with all places of assembly, except for F-1B places of assembly not providing live entertainment.

(k) Corridors and exit passageways of buildings classified in institutional occupancy group H where the building or building section is not otherwise required to be fully sprinklered as provided in subchapter four. Patient rooms in H-2 occupancies shall be protected with smoke detectors complying with provisions of section 27-955 of this article when not required to be sprinklered by the provisions of subchapters four through seven.

(l) Regardless of occupancy group classification, any story above grade that cannot be ventilated by at least twenty square feet of free openable area and the

first story below grade when it cannot be ventilated by at least thirty-five square feet of openable area per ten thousand cubic feet of volume. Such ventilation shall be provided by operable* windows or other natural ventilation sources complying with section 27-749 of article six of subchapter twelve of this chapter. All other stories below grade shall be sprinklered. Sprinklers may be omitted in toilets, shower rooms, stairs, and mechanical and electrical equipment rooms.

**As enacted but "openable" probably intended.*

For purposes of this subdivision fixed windows may be considered as "openable" (may be broken inward) if they are not more than one hundred feet above grade, or fifteen feet below grade; or if they are located within six feet of an accessible roof or setback; or if they are located within six feet of an operable window having at least three foot by three foot openings.

(1) Buildings classified in occupancy group J-2 with not more than three dwelling units and buildings classified in occupancy group J-3 shall be exempt from this provision provided all spaces classified in storage occupancy group B-2 exceeding one thousand square feet have been sprinklered in accordance with the requirements of this subchapter.

*(m) Rubbish chutes, laundry chutes, and chutes for similar uses. Sprinklers, protected from damage, shall be provided in accordance with reference standard RS 17-2, RS 17-2A, or RS 17-2B, as applicable.

**Local Law 10-1999.*

(n) Soiled linen collection and sorting areas.

(o) Workshops exceeding one hundred square feet except in one-and two-family dwellings.

(p) Refuse collection and disposal areas.

(q) Drying area of laundries or similar spaces in which two or more clothes drying machines are installed. Sprinklers to be spaced to cover area five feet in front, rear, and sides of machines.

(r) Sprinklers for cooling towers, where required by subchapter five of this chapter, shall be either a dry pipe or deluge system designed in accordance with the provisions of reference standard RS 17-4.

(s) (1) F-4 places of assembly used as cabarets.

(2) Stages within F-1a, F-1b, F-3 or F-4 occupancies providing live entertainment at anytime as set forth in subchapter eight of this chapter.

*(t) Buildings classified in occupancy group J-1, buildings classified in occupancy group J-2 with four or more dwelling units, spaces classified in occupancy group J-1, and spaces classified in occupancy group J-2 with four or more dwelling units.

(u) Places of assembly located within a building classified in occupancy group J-1.

* TABLE 17-2 SUMMARY OF SPRINKLER REQUIREMENTS

	Automatic Sources Required	Partial System Permitted	Connection to Domestic Permitted	Alternate Permitted (§27-955)	Siamese Required (§27-959)	Central ^a Station Required (§27-955) (§27-967)	Water ^b Flow Alarm Required (§27-957)	Automatic Dry Sprinkler Permitted (§5212 of RS-17)	Dry Non-automatic Sprinkler Permitted ^c
High Hazard Bldg. — Group A (§27-954(a))	2	No	No §27-961(c)	No	Yes	None ^a	Yes	Yes	No
High Hazard Spaces — Group A (§27-954(b)) ^b	1	Yes	No §27-961(c)	No	§27-959 (a)(3) If over 36 heads in a fire section	None ^a	Yes If over 36 heads in a fire section	Yes	No
Storage Occupancy Bldg. — Group B1 (§27-954(c))	1	No	No §27-961(c)	No	Yes	None ^a	Yes	Yes	No
**Storage Occupancy Spaces — Group B1 (§27-954(d)) And Permitted Below Grade Flammable/Combustible Storage Spaces in Mercantile Establishments (§27-954(aa))	1	Yes	Yes §27-962(c)	No	§27-959 (a)(3) If over 36 heads in a fire section	None ^a	Yes ^b If over 36 heads in a fire section	Yes	No
Storage Occupancy Spaces — Group B2 (§27-954(e))	1	Yes	No	No	§27-959 (a)(3) If over 36 heads in a fire section	None ^a	Yes ^b If over 36 heads in a fire section	Yes	No
Mercantile Occupancy Spaces — Groups C Exceeding 7,500 sq. ft. (§27-954(f))	2 sources if exceeding 20,000 sq. ft. 1 source if not more than 20,000 sq. ft.	No	No	No	Yes	None ^a	Yes	Yes	No
Industrial Occupancy Bldg.— Group D-1, When required by Labor Law (§27-954(g))	1 source if not hazardous occupancy	No	No	No	Yes	None ^a	Yes	Yes	No
Industrial Occupancy Spaces—Group D-1, exceeding 7,500 sq. ft. (§27-954(h))	1	No	No	No	Yes	None ^a	Yes	Yes	No
Business Occupancy Spaces— Group E Showrooms when Required by (§27-954(i))	1	Yes	Yes and/or Stand-pipe Riser	No	Yes	None ^a	Yes	Yes	No
Assembly Occupancy Spaces— Group F-1 ^a (§27-954(j))	1	Yes	Yes	No	§27-959 (a)(3) If over 36 heads in a fire section	None ^a	Yes ^b	No	No

Table 17-2 SUMMARY OF SPRINKLER REQUIREMENTS (continued)

Institutional Occupancy Group H — Corridors and Exit Passageway (§27-954(k))	1	Yes	Yes	No	§27-959 (a)(3) If over 36 heads in a fire section	None ^a	Yes	No	No
Unventilated Areas Above or Below Grade (§27-954(l)) ^d	1	Yes	Yes	No	§27-959 (a)(3) If over 36 heads in a fire section	None ^a	§27-962(e)(8)	Yes	No
Rubbish—Laundry and Similar Chutes (§27-954(m)) ^{d,e}	1	Yes	Yes	No	No	Yes ^a	None	Yes	No
Soiled Linen—Collection and Sorting Area (§27-954(n))	1	Yes	Yes	No	§27-959 (a)(3) If over 36 heads in a fire section	None ^a	Yes §27-962(e)(8)	Yes	No
Workshops (§27-954(o)) ^d	1	Yes	Yes	Yes	§27-959 (a)(3) If over 36 heads in a fire section	Yes If smoke detector is used in lieu of sprinkler	Yes §27-962(e)(8)	Yes	No
Refuse Collection and Disposal Areas (§27-954(p))	1	Yes	Yes in Occupancy Groups E, G, J	No	§27-959 (a)(3) If over 36 heads in a fire section	None ^a	Yes §27-962(e)(8)	Yes	No
Drying Areas—Laundries or Similar Spaces (§27-954(q)) ^d	1	Yes	Yes in Occupancy Groups E,G, J	Yes	§27-959 (a)(3) If over 36 heads in a fire section	Yes If smoke detector is used in lieu of sprinkler	Yes §27-962(e)(8)	No	No
Cooling Towers (§27-954(r))	1	No	Yes	No	No	None ^a	Yes	Yes	No
Building and Spaces in Residential Occupancy Group J-1 (§27-954(t))	1	No	No ^f	No	Yes, except as provided in §27-959(a)(3)	No	Yes	No	No
Buildings and Spaces in Residential Occupancy Group J-2 with 4 or more Dwelling Units and not exceeding Six Stories or 75 Feet in Height (§27-954(t))	1	No	Yes ^g	No	Yes, except as provided in §27-959(a)(1) and §27-959(a)(5)	No	Yes	No	No
Buildings and Spaces in Residential Occupancy Group J-2 with 4 or more Dwelling Units and Exceeding Six Stories or 75 Feet in Height (§27-954(t))	1	No	No ^h	No	Yes, except as provided in §27-959(a)(3)	No	Yes if over 36 heads	No	No

Notes for Table 17-2:

- a. Central Station supervision required only when booster pump is provided under §27-964 or when non-automatic sprinkler is permitted by the commissioner.
- b. Water flow alarms required when more than 36 heads are installed in a fire section or fire area.
- c. Only when permitted by the commissioner (§27-967(c)).
- d. See §27-954(w) for requirements pertaining to these spaces located in a building classified in occupancy group J-1.
- e. See section 4-4.8 of reference standard RS 17-2.
- f. Except as provided in reference standard RS 17-2A.
- g. Notwithstanding section 27-962(i) of this chapter.
- h. Except as provided in section 27-962(i) of this chapter.

***Amended by Local Law 10-1999.**

****Amended by Local Law 26-2002**

(v) Catering establishments and banquet halls with an occupant load of three hundred or more persons.

*(w) In all existing buildings classified in occupancy group J-1 (except for "residential hotels," as such term is defined by the commissioner pursuant to rules,) all spaces listed in subdivisions (c), (d), (l), (m), (n), (o), (p) and (q) of this section, except that an approved smoke detection alarm system may be installed in those locations described under subdivisions (o) and (q) in lieu of sprinklers other than in those locations where sprinklers are required pursuant to section 27-123.2 of this chapter. Such smoke detection system shall be of the supervisory type connected to an approved central station.

(x) High rise buildings classified in occupancy group F-1, F-3, F-4, or G, or any spaces classified in such occupancy groups located within a high rise building or building section more than seventy-five feet above curb level.

(y) Spaces in existing high rise buildings classified in occupancy group C and any space in an existing building classified in occupancy group C with an unenclosed stair or escalator between any two or more floors.

(z) Notwithstanding the provisions of subdivision i of this section, high rise buildings classified in occupancy group E and low rise buildings classified in occupancy group E with a total gross floor area of one hundred thousand square feet or more.

**(aa) Regardless of occupancy group classification, in each basement, cellar or other location below grade, regardless of the floor area of such space, in any mercantile establishment in which the fire commissioner permits the storage of flammable or combustible mixtures pursuant to sections 27-4066, 27-4070 or 27-4094 of this code, except that, where such flammable or combustible mixtures are stored in such basement, cellar or other location below grade, in a room or other area that is segregated, vertically and horizontally, from surrounding spaces by a fire separation of not less than a two-hour fire-resistance rating, such system of automatic sprinklers shall be required only within such room or other area. Such system of automatic sprinklers shall conform to the requirements for automatic sprinklers for spaces classified in storage occupancy group B-1 pursuant to subdivision d of this section.

***Local Law 10-1999.**

****Local Law 26-2002 .**

§[1703.2] *27-955 Smoke detector alternate.-An approved smoke detection alarm system may be used in lieu of sprinklers in those locations described under in subdivisions (o) and (q) of section 27-954 of this article, except in buildings or spaces classified in occupancy group J-1 or J-2. Such smoke detection system shall be of the supervisory type connected to an approved central station.

***Local Law 10-1999.**

§[1703.3] *27-956 Standard for installation of sprinklers. (a) Except as herein provided in subdivision (b) of this section, the installation, components, sizing, spacing, location, clearances, position, and type of systems shall be in accordance with reference standard RS 17-2, except that sprinkler systems in one and two family dwellings may in the alternative be in accordance with reference standard RS 17-2B, and sprinkler systems in other residential buildings not exceeding six stories or seventy-five feet in height and in other residential spaces in buildings not exceeding six stories or seventy-five feet in height may in the alternative be in accordance with reference standard RS 17-2A.

(b) Notwithstanding any provision to the contrary contained in reference standards RS 17-2, RS 17-2A or RS 17-2B sprinklers may be omitted from clothes closets, linen closets, pantries, water closets, water closet compartments, bathrooms, general toilet rooms and shower rooms in buildings and spaces classified in occupancy group J-2 and J-3.

***Local Law 10-1999.**

§[1703. 4] 27-957 Sprinkler alarm system.-

*(a) A sprinkler alarm system shall be provided in accordance with the applicable provisions of reference standards RS 17-2, RS 17-2A, RS 17-2B and RS 17-3. Where the building is provided with a class E or modified class E fire alarm signal system, compliance with the applicable provisions of reference standard RS 17-3A or RS 17-3B shall be acceptable in lieu of compliance with the provisions of reference standard RS 17-3.

(b) A sprinkler alarm system shall be required when more than thirty-six heads are installed in any fire area or section. See table 17-2 for general requirements.

***Local Law 10-1999.**

§[1703.5] 27-958 Approved devices.-

No device, valve, pipe, or fitting may be used in a sprinkler system unless such device, valve, pipe, or fitting is of a type approved for such use.

§[1703.6] 27-959 Siamese connections required.-

(a) Where required.-

(1) Siamese connections shall be provided in accordance with section 27-940 of article three of this subchapter, except as modified hereinafter.

(2) In below grade sprinkler systems for garage occupancies involving the storage or repair of motor vehicles, a siamese connection shall be provided within fifty feet of every exit or entrance used by motor vehicles.

(3) Where partial sprinkler protection is required for storage spaces, one siamese connection shall be provided when more than thirty-six heads are installed in one fire section. Areas subdivided, when the subdivisions are totally enclosed by noncombustible construction having at least a two hour fire-resistance rating, shall be considered separate fire sections and the number of heads in the largest section shall determine the necessity for siamese connections.

When partial sprinkler systems are installed to protect entire floor areas, siamese connections shall be provided in accordance with section 27-940 of article three of this subchapter.

In all cases where partial sprinkler protection is provided and siamese connections installed, metal signs shall be securely fastened to, or above, the siamese connection indicating the area protected. Where the building has two or more frontages, additional metal signs shall be installed indicating the location of the siamese connection.

(4) When a sprinkler system supplies a group of buildings, siamese connections shall be provided for each building as required by paragraphs one, two and three of this subdivision.

(5) A single three-inch (seventy-six millimeter) inlet fire department connection acceptable to the fire commissioner may be provided for the sprinkler system in lieu of each required siamese connection in buildings classified in occupancy group J-2 not exceeding six stories or seventy-five feet in height and in spaces classified in occupancy group J-2 in buildings not exceeding six stories or seventy-five feet in height.

(b) Installation and construction.-The installation and construction of siamese connections shall be the same as required for fire standpipe systems, except that the caps of each automatic sprinkler siamese connection shall be painted green and the entire siamese connection of a nonautomatic sprinkler system shall be painted with aluminum paint, and except that caps of each siamese connection used for combination standpipe and sprinkler systems shall be painted yellow and signs provided as required in subdivision (b) of section two of reference standard RS 17-1.

***(c)** A siamese connection need not be provided for a sprinkler system in one and two family dwellings.

**Local Law 10-1999.*

§[1703.7] 27-960 Piping from siamese connection.-

Piping from the siamese connection shall be the same size as the riser or trunk main to which it is connected, except that it need not be more than five inches in diameter when supplying larger riser or feed mains. When more than one siamese connection is required, the piping from each siamese connection need not exceed four inches in diameter.

§[1703.8] 27-961 Classification of water supplies.-

(a) Automatic sources of water supply for sprinkler systems.-Automatic sources of water supply for sprinkler systems shall include a gravity tank, pressure tank, automatic fire pump, or direct connection to the public water systems. Automatic fire pumps where used for sprinkler supply shall comply with the applicable provisions of sections 27-946 and 27-947 except that no enclosures shall be required, and provided that when an emergency power system is provided, the electric power to the motor shall be connected to the emergency power source.

(b) Auxiliary sources of water supply for sprinkler systems.-Auxiliary sources of water supply for sprinkler systems shall include a manually actuated fire pump or siamese connection.

(c) Combination sprinkler and standpipe tank sources of water supply.-Tanks used to provide the required primary water supply to a standpipe system may also be used as a supply for an automatic sprinkler system.

(d) Nonautomatic sources of water supply for sprinkler systems.-Nonautomatic sources of supply for sprinkler systems shall include siamese connections.

§[1703.9] 27-962 Sources of water supply for sprinkler systems.-Sprinkler systems shall be provided with water from the following sources:

(a) Two automatic sources of water supply shall be provided for sprinklers in:

- (1) Buildings classified in occupancy group A.
- (2) Buildings classified in occupancy group C when the area on one floor exceeds twenty thousand square feet.
- (3) Buildings classified in occupancy group F-1a when open heads are required for stages of unlimited size.

(b) At least one automatic source of water supply shall be provided for sprinklers installed in all occupancy groups, except those listed in subdivision (a) and except as provided in subdivision (c) of this section.

******(c) The domestic water supply may be used to supply any sprinklers required under section 27-954 of this article when installed in buildings classified in occupancy groups E, G, H and J, or to supply any sprinklers required under subdivision (aa) of said section, regardless of occupancy group classification, provided that all the requirements stated in subdivision e of section 27-962 of this article are met.

(d) The domestic water supply may be used to supply water to sprinklers in cooling towers if provision is made to automatically stop the use of water through the domestic supply lines and provided that all of the requirements stated in subdivision (e) of this section are met.

(e) When the domestic water is used to supply sprinklers as permitted in subdivisions (c) and (d) of this section, all of the following conditions shall be met:

(1) The domestic water supply line from the tank or street supply is at least the size of the sprinkler line and that the capacity available is at least equal to the capacity required for the sprinklers.

(2) The domestic water supply line from the tank or street has the required pressure as provided in section 27-963 of this article.

(3) The domestic water supply line is of nonferrous material except when the domestic water supply is four inches or over.

*(4) An o.s. and y. valve or an approved valve having visual indication, sealed open, is installed in the sprinkler supply branch, or such other valve arrangement as may be provided for in reference standard RS 17-2A or RS 17-2B, as applicable.

(5) The pipe connecting the domestic water supply and the sprinkler control valve is of nonferrous material and not less than twelve inches long.

*(6) The number of heads in each fire section does not exceed twenty, except that the number of heads in each fire section may exceed twenty in buildings classified in occupancy group J-2 or J-3 not exceeding six stories or seventy-five feet in height and in spaces classified in occupancy group J-2 or J-3 in buildings not exceeding six stories or seventy-five feet in height, and no more than ten heads are supplied from any one domestic water riser.

(7) The connection is made at the supply or riser side of any domestic branch control valves.

*(8) In connection with the above conditions, the number of fire sections having twenty or less heads may be unlimited; and the installation of alarms in branches supplying fire sections shall be at the option of the owner, except that such alarms shall be provided where required by reference standard RS 17-2A or RS 17-2B.

*(9) A check valve is installed on the sprinkler supply branch.

(f) Nonautomatic sprinkler systems shall be provided with:

(1) Siamese connections in accordance with section 27-940 of article three of this subchapter.

(2) Malleable iron fittings approved for sprinkler installations.

(3) An approved automatic fire alarm with direct connection to a central station of an approved operating fire alarm company shall be installed in the area protected by the sprinkler system.

*(g) There shall be no more than ten sprinkler heads

connected to a plumbing riser supplying anything other than sprinkler heads, and no more than twenty sprinkler heads connected to a riser supplying only sprinkler heads in any fire section separated by two hour enclosures from adjoining fire sections. The number of sprinkler heads connected to a riser supplying only sprinkler heads may exceed twenty in buildings classified in occupancy group J-2 or J-3 that do not exceed six stories or seventy-five feet in height and in residential spaces classified in occupancy group J-2 or J-3 in buildings not exceeding six stories or seventy-five feet in height.

(h) Standpipe risers may be used to supply water to sprinklers in high rise buildings classified in occupancy groups E, G, H and J and in existing office buildings one hundred feet or more in height, in accordance with applicable provisions of this subchapter and reference standards RS 17-1 and RS 17-2.

(i) The domestic water supply in buildings classified in occupancy group J-1 or J-2 may be used for sprinklers in corridors, in refuse chutes and in other similar areas, as approved by the commissioner. The domestic water may be supplied by direct public water connection or equipment and pumps approved for water supply in accordance with reference standard RS-16.

*Local Law 10-1999.

**Local Law 26-2002

§[1703.10] * 27-963 Direct connection of sprinklers to the public water system.-Direct connection of sprinklers to a city water main shall be acceptable as an automatic water supply, provided the main is capable of maintaining a pressure of at least fifteen psig at the top of the highest sprinkler riser, with five hundred gpm of water flowing from a two and one-half inch hydrant outlet located at the street level within two hundred fifty feet of the building. The hydrant test shall be made between the hours of eight a.m. and five p.m. on a working day. If the pressure found in this test is insufficient to comply with the above requirement, a minimum of twelve psig at the top of the highest sprinkler riser shall be acceptable, provided that all piping in the affected area and supply piping thereto that is four inches and under is increased one pipe size above those sizes required by reference standard RS 17-2, RS 17-2A or RS 17-2B, as applicable. In addition to the fifteen psig or twelve psig requirements, the following requirements shall be met:

(a) The size of each connection shall be as large as that of the main riser and, except in sprinkler systems in multiple dwellings, shall be at least three inches and shall be controlled by an accessible shutoff valve.

(b) The service pipe shall be flushed out thoroughly before connecting to the sprinkler system. A flow sufficient to produce a water velocity of at least five fps shall be used.

(c) Each service shall be equipped, under the sidewalk, with a control valve in a flush sidewalk box located within two feet of the front wall of the building

systems.

(2) Adjacent to each telephone station and near the main standpipe riser, there shall be provided an approved closed circuit strap key enclosed in a sheet metal box equipped with a paracentric fire department lock and approved hinges. The strap key shall be connected in series with the box circuit of the signal sending station.

(3) A card of instructions shall be placed in the pump room giving code numbers of signaling stations, the pressure obtainable at various speeds of the fire pumping motor, and such other information as the commissioner may direct.

(g) Where the building is subject to the provisions of subdivision (f) or (g) of section 27-972 of this article with respect to the requirement for a modified class E fire alarm signal system, the standpipe fireline telephone and signaling system may be combined with such fire alarm system provided:

(1) the alarms and two-way voice communication with the fire command station include the pump room and gravity tank or pressure tank room, and

(2) a designated floor station of the modified class E fire alarm signal system is located at or near the main standpipe riser on every floor.

§[1704.8] 27-975 Communication system and fire command station.-Buildings classified in occupancy group E, seventy-five feet or more in height, or, if less than seventy-five feet in height, with a total gross area of two hundred thousand square feet or more and existing office buildings one hundred feet or more in height, shall be provided with the following:

(a) a communication system acceptable to the commissioner consisting of:

(1) loud speakers on each floor of the building, in each elevator and each stair enclosure, which shall be capable of being operated from the fire command station.

(2) a two-way voice communication capability between the fire command station and the following locations:

- a. a designated floor warden station on each floor
- b. mechanical control center
- c. elevators
- d. air-handling control rooms
- e. elevator machine rooms

(b) The fire command station shall be located in the lobby of the building on the entrance floor as part of the elevator control panel or immediately adjacent thereto. Such command station shall be adequately illuminated and shall contain the following:

(1) the loud speaker and communication capability described in subdivision (a) of this section.

(2) the audible alarm signal required in subdivision (f) and (g) of section 27-972 of this article.

(3) manually reset information display system to indicate the floor where the alarm was activated.

(4) means to control the sounding devices on any floor or throughout the building.

(5) means to manually transmit a fire alarm signal to the fire department via a central station of a franchised operating company.

(6) means for silencing the audible alarm signals when the loud speakers are in use and for activating the audible alarm systems automatically when use of the loud speakers are terminated. Switches used for this purpose shall be of the self-restoring type.

(7) display lamps to include on/off condition of air-handling systems unless such lamps are provided in the mechanical control center.

(8) means for testing the display lamps, local alarms and the connection to the central station of franchised operating company.

(c) Existing office buildings one hundred feet or more in height shall comply with the requirements of this section on or before September thirteenth, nineteen hundred eighty-one. Complete plans of the installation shall be filed with the commissioner on or before June thirteenth, nineteen hundred eighty. A permit shall be secured from the commissioner on or before September thirteenth, nineteen hundred eighty. Where compliance with the time requirements of this subdivision would cause undue hardship, the commissioner, with the approval of the fire commissioner, may extend the time for compliance, in accordance with rules and regulations to be promulgated. Before such application for a time extension shall be considered all required applications and plans must be filed and approved, permits obtained and a good faith effort towards completion of the work shall have been made.

§[1704.9] 27-976 Installation.-Installation, source of energy, wiring, and other requirements shall comply with reference standard RS 17-3, RS 17-3A or RS 17-3B as applicable.

§[1704.10] 27-977 Fire systems electrical tests.-Upon completion of a fire alarm system, and other electrical systems, the installation shall be subject to a test to demonstrate the efficiency of operation of all the components in the system and to an acceptance test by the fire department.

ARTICLE 6 SMOKE DETECTING DEVICES

***§[1705.1] 27-978 Definitions.**-For the purposes of this article:

a. an existing building is one which is within occupancy group J-1, occupancy group J-2 or occupancy group J-3 and for which plans have been approved by the department on or prior to December thirty-first, nineteen hundred eighty-one.

b. an improvement or alteration is a physical change in an existing structure other than painting, repairs and normal replacement of maintenance items.

c. a building shall be deemed to have been substantially improved or altered if:

1. the cost of improvement or alteration exceeds the sum of one hundred fifty thousand dollars, or
2. in either occupancy group J-1 or occupancy group J-2, fifty percent or more of the dwelling units or square feet of the structure are improved or altered and the cost of such improvement or alteration exceeds the sum of fifteen thousand dollars per dwelling unit, or
3. there has been a change in the occupancy or use of the structure.

**Local Law 81-1989.*

***§[1705.2] 27-979 Smoke detecting devices; where required.-**

(a) On and after January first, nineteen hundred eighty-two, all dwelling units within occupancy group J-1 and occupancy group J-2, except such units which contain operational automatic wet sprinkler systems pursuant to article four of this subchapter, and dwelling units in buildings within occupancy group J-3 shall be equipped with approved and operational smoke detecting devices as hereinafter provided. Buildings within occupancy group J-1 may, in the alternative, be equipped with a line-operated zoned smoke detecting system with central annunciation and central office tie-in for all public corridors and public spaces, pursuant to rules and regulations promulgated by the commissioner. The commissioner may, upon good cause shown, extend the period of compliance for occupancy groups J-1 and J-2 to June thirtieth, nineteen hundred eighty-two.

(b) Approved and operational smoke detecting devices shall be installed in mechanical rooms, electrical switch gear rooms and electric and telephone closets over seventy-five square feet in gross floor area in all buildings in all occupancy groups.

**Local Law 81-1989.*

§[1705.3] 27-980 Power sources of smoke detecting devices.-Dwelling units shall be equipped with smoke detecting devices receiving their primary power from the building wiring and there shall be no switches in the circuit other than the over-current device protecting the branch circuit; provided, however, that dwelling units in existing buildings may, in the alternative, be equipped with battery-operated smoke detecting devices except where such buildings are substantially improved or altered on or after January first, nineteen hundred eighty-two.

****§[1705.4] 27-981 General requirements for smoke detecting devices.-**

a. All smoke detecting devices required to be provided and installed pursuant to this article shall either be accepted pursuant to rules and regulations promulgated by the commissioner or be listed by a nationally recognized independent laboratory that maintains periodic inspections of production of listed equipment and whose listing states that the equipment meets nationally recognized standards. To meet the requirements of this article, such laboratory shall be one which maintains a periodic follow-up service of the devices to ensure compliance with the original listing.

b. No device shall be deemed to be in compliance with the provisions of this article unless it is of either the

ionization chamber or photo-electric type. Such devices shall be in compliance with the requirements of reference standard RS 17-11 and shall be installed in a manner consistent with the requirements of reference standard RS 17-12 except that device within occupancy group J-1 shall be installed pursuant to rules and regulations promulgated by the commissioner.

***Local Law 49-1991.*

*****ARTICLE 7**

CARBON MONOXIDE DETECTING DEVICES

*****§27-981.1 Definitions.-** For the purpose of this article: a. "Fossil fuel" shall mean coal, kerosene, oil, wood, fuel gases and other petroleum products.

b. "Fuel gases" shall include, but not be limited to, methane, natural gas, liquefied natural gas and manufactured fuel gases.

*****§27-981.2 Carbon monoxide detecting devices; where required.-** a. Every dwelling unit in a building within occupancy groups J-1, J-2 or J-3 where a fossil fuel-burning furnace or boiler is located, and every dwelling unit in a building that is in close proximity to a source of carbon monoxide, as such proximity is established by the rules promulgated by the commissioner in consultation with the fire department and the department of health and mental hygiene, shall be equipped with an operational carbon monoxide detecting device approved in accordance with the rules promulgated by the commissioner in consultation with the fire department and the department of health and mental hygiene, provided that there shall be installed at least one approved and operational carbon monoxide detecting device within fifteen feet of each room lawfully used for sleeping purposes. Such carbon monoxide detecting device may be combined with a smoke detecting device that complies with the provisions of this title and any applicable rules promulgated thereunder.

b. In every building classified in occupancy group G or occupancy group H-2, at least one approved and operational carbon monoxide detecting device shall be installed in accordance with rules promulgated by the commissioner in consultation with the fire department and the department of health and mental hygiene.

c. The provisions of this article shall apply retroactively to every building, in accordance with the provisions of subdivision a or subdivision b of this section, irrespective of when such building was constructed or a certificate of occupancy for such building was issued.

d. The provisions of this article may be enforced by the department, the fire department, the department of health and mental hygiene and the department of housing preservation and development.

*****§27-981.3 General requirements for carbon monoxide detecting devices.-** All carbon monoxide detecting devices required to be provided and installed pursuant to this article shall be of a type authorized by rules promulgated by the commissioner.

****Local Law 7-2004.*

§[C26-1800.10] 27-991 Construction.-The construction, installation and alteration of all elevator and conveyor equipment and devices, shall be subject to the provisions of this subchapter and applicable reference standards as follows:

- (a) Elevators, dumbwaiters, escalators and moving walks.**-reference standard RS 18-1.
- (b) Mechanized parking garage equipment.**-reference standard RS 18-2.
- (c) Automotive lifts.**-reference standard RS 18-3.
- (d) Industrial lifts and hinged loading ramps.**-reference standard RS 18-4.
- (e) Conveyors.**-reference standard RS 18-5.
- (f) Console or stage lifts.**-reference standard RS 18-6.
- (g) Workers' hoists.**-reference standard RS 18-7.
- (h) Power operated scaffolds.**-reference standard RS 18-8.

§[C26-1800.11] 27-992 Alterations.-Alterations to elevators, escalators, dumbwaiters and other equipment provided for in this subchapter shall comply with the requirements of article four of subchapter one of this chapter. Minor alterations and ordinary repairs shall comply with the requirements of article five of subchapter one of this chapter except that elevator work shall not constitute a minor alteration or an ordinary repair when it is classified as alteration by the provisions of reference standard RS 18-1.

§[C26-1800.12] 27-993 Prohibited devices.-The installation of sidewalk elevators located outside the street line is prohibited.

ARTICLE 2 EXISTING INSTALLATIONS

§[C26-1801.1] 27-994 Retroactive provisions.-The provisions of this subchapter are not retroactive except that the provisions of this section are retroactive. Existing elevators moved to new hoistways shall conform with all the requirements for new installations. All alteration work on existing installations required by this section must be completed no later than December sixth, nineteen hundred seventy.

(a) Emergency interlock release switch.-Emergency interlock release switches in elevator cars, where provided, shall be of the key-operated, continuous-pressure type and all other types now in use shall be removed or replaced with approved key-operated, continuous-pressure type switches.

(b) Machines-belt and chain-driven.-Single-belted and chain-driven machines shall be permitted only on freight elevators and only when equipped with electrically released, spring applied brakes and with terminal stopping devices and electrical safety devices as required in reference standard RS 18-1.

(c) Machines-drum winding.-Drum winding machines shall be equipped with electrical machine limits as set forth in reference standard RS 18-1.

(d) Car gate switches-additions, replacement, or relocation of.-Car gate electric contacts where such devices are not provided or are found to be tied or blocked so as to render them inoperative shall be added, replaced or relocated as required by the commissioner. Installation or replacement of car gate electric contacts shall conform to the requirements of reference standard RS 18-1.

(e) Elevator hoistway-door interlocks.- All existing elevators not presently equipped with hoistway doors having door interlocks shall be provided with hoistway landing doors equipped with approved type hoistway-door interlocks conforming to the requirements of reference standard RS 18-1. Approved-type interlock switches may be installed in connection with existing hoistway door closers, provided the combination door closers and interlocks conform to all the requirements for approved hoistway-door interlocks. The use of elevator parking devices and hoistway door unlocking devices for opening hoistway doors from the landing side shall conform to the requirements of reference standard RS 18-1. Exceptions:

Interlocks or electric contacts shall not be used on hydraulic elevator landing doors or gates except where such elevators are provided with electric control and operating devices.

(f) Emergency signal or telephone.-Automatic operation elevators or any elevator operated at any time without a designated operator shall be provided with an audible emergency signal, and except in buildings classified in occupancy groups J-1, and J-2, the cars shall be provided with a telephone, in accordance with the requirements of reference standard RS 18-1.

(1) Elevators with car switch operation shall be provided with a signal system by means of which signals can be given from any landing whenever the elevator is desired at the landing.

§[C26-1801.2] 27-995 Existing sidewalk elevators.-Existing sidewalk elevators shall not be subject to the provisions of this section.

§[C26-1801.3] 27-996 Existing hand powered freight elevators.-Existing hand powered freight elevators shall not be subject to the provisions of this article. However, adequate protection of landing openings shall be provided by hinged or sliding doors which shall remain locked at all times except when the freight elevator is in use. Auxiliary gates not less than thirty-six inches in height, substantially constructed and secured in place, of wood or metal, or equivalent metal chains shall be installed. Such gates or chains may be arranged to lift vertically, to slide horizontally, or to swing. No part of any gate or chain may project into the freight elevator shaft. Gates may be operated automatically or manually.

§[C26-1801.4] 27-996.1 Locks on elevators and elevator hoistway doors.-Notwithstanding the retroactive provisions of section 27-994 of this article, in high rise buildings and existing high rise buildings, no switch, lock or device of any kind shall be installed on any floor on or above the street floor on any elevator car or elevator hoistway door, except elevators used exclusively for freight, that shall prevent opening of such doors by anyone not having a key, unless fire department access to cars and hoistways is provided for by a city-wide standard key as described in reference standard RS 18-1.

Existing high rise buildings shall comply with the requirements of this section on or before April first, nineteen hundred eighty-seven.

§[C26-1801.5] 27-996.2 Firemen service operation in existing elevators.-

(a) Notwithstanding the retroactive provisions of section 27-994 of this article, where required by reference standard RS 18-1, firemen service operation shall be installed in all existing elevators serving any of the following:

(1) High rise buildings or building sections classified in occupancy group C.

(2) All buildings or building sections classified in occupancy group F, G, H or J-1 (except for "residential hotels," as such term is defined by the commissioner pursuant to rules and regulations).

(b) All work necessary to meet the requirements of this section shall be completed on or before April first, nineteen hundred eighty-seven.

ARTICLE 3 TESTS AND TEST INTERVAL

§[C26-1802.1] 27-997 Acceptance tests.-No new, relocated or altered equipment shall be placed in operation until it has been tested and an equipment use permit has been issued by the commissioner. Such tests shall be made as required in section 27-999 of this article and shall be conducted by the person or firm installing, relocating or altering the equipment and shall be witnessed by a representative of the commissioner.

***§[C26-1802.2] 27-998 Periodic inspection and test intervals.**-Every new and existing device listed in article one of this subchapter except elevators located, (i) in owner occupied one-family or two-family dwellings provided that the elevator services only the owner occupied dwelling unit and that such dwelling unit is not occupied by boarders, roomers or lodgers, or (ii) within convents or rectories which are not accessible to non-occupants on a regular basis, or (iii) within an owner occupied dwelling unit which is not occupied by boarders, roomers or lodgers shall be inspected and tested at least

at the following intervals:

(a) Elevators-five times every two years, or as otherwise provided by the commissioner and except:

(1) Car safeties and counterweight safeties, where provided, shall be inspected at intervals not exceeding one year and shall be tested at intervals not exceeding two years.

(2) Oil buffers and governors shall be periodically inspected and shall be tested at intervals not exceeding one year.

(3) Hydraulic elevator pressure tanks and the piston rods of roped hydraulic elevators every three years.

(b) Escalators-five times every two years.

(c) Amusement devices-every six months except that the commissioner may extend the periodic inspection and test for an additional two months for amusement devices located in premises which are seasonally operated.

(d) Workers' hoists-every three months and immediately following each increase in travel.

(e) All other devices-at such intervals as the commissioner may require.

(f) Additional inspections- in addition to the inspections required by subdivisions (a) through (e) of this section, the commissioner may make such additional inspections as required to enforce the provisions of this code. No fee shall be charged for such additional inspections.

(g) Fees-every owner of elevators and other devices shall pay to the department an inspection fee for each elevator or device in the amount prescribed by subdivision c of section 26-213 of title twenty-six of the administrative code.

**Local Law 48-1991; Local Law 96-1985, language juxtaposed per Ch. 907-1985.*

§[C26-1802.3] 27-999 Inspection and test requirements.-Every new and existing device listed in article one of this subchapter shall be subjected to inspections and test requirements as follows:

(a) Elevators, dumbwaiters and escalators to the requirements specified in the reference standard RS 18-1 except that:

(1) Governor operated elevator car safeties shall be tested with no load in the car at the lowest operating speed.

(2) Instantaneous type car safeties, without governors, operated only as a result of the breaking or slackening of the hoist ropes shall be tested with no load in the car.

(b) Moving walks to the requirements specified in the reference standard RS 18-1.

(c) Lifts, conveyors, and amusement devices shall be inspected and subjected to the test requirements of the applicable reference standards and shall be tested to confirm the load capacity and safety of operation of the equipment, including tests of all operating protective safety devices,

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SAFETY OF PUBLIC AND PROPERTY DURING
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ARTICLE 1 GENERAL

~~§[C26-1900.1] 27-1007 Scope.~~ The provisions of this subchapter shall govern the conduct of all construction operations with regard to the safety of the public and property. For the purposes of this subchapter, construction operations shall include excavation, erection, alteration, repair, removal and demolition as related to buildings. For regulations relating to the safety of persons employed in such construction operations, the provisions of subchapter ten of the labor law as implemented by the industrial code of the state of New York, rule no. 23, shall apply.

~~§[C26-1900.2] 27-1008 Definitions.~~ For definitions to be used in the interpretation of this subchapter, see subchapter two of this chapter.

~~§[C26-1900.3] 27-1009 General requirements.~~ (a)

~~A contractor engaged in building work shall institute and maintain safety measures and provide all equipment or temporary construction necessary to safeguard all persons and property affected by such contractor's operations.~~

~~(b) No structure, device, or construction equipment, whether permanent or temporary, including all partly or fully completed elements or sections of the building, shall be loaded in excess of its design capacity.~~

~~(c) At a height of no more than twelve feet above ground and on each perimeter of a construction site fronting on a public thoroughfare, a sign shall be erected no more than twenty five square feet in size which shall bear in letters no less than six inches high, the name, address and telephone number of the owner of the property, and the name, address and telephone number of the general contractor.~~

~~(d) A construction site safety coordinator must be designated and present on a construction site in accordance with department rules and regulations.~~

~~§[C26-1900.4] 27-1010 Inspection.~~ Except for the installation of underpinning and the construction of temporary retaining structures (see section 27-724 of article thirteen of subchapter eleven of this chapter) and for other operations specifically required by the provisions of this subchapter to be inspected by an engineer or an architect, inspection of operations for compliance with the provisions of this subchapter may be performed by, or under, the authority of the person superintending the work. Unless required by the provisions of this subchapter, inspection and test reports relating to operations within the scope of this subchapter need not be filed.

~~§[C26-1900.5] 27-1011 Sizes and stresses of materials.~~

~~(a) Sizes.~~ All sizes and dimensions prescribed in this subchapter are minimum requirements. Lumber sizes are nominal or commercial except where stated otherwise.~~(b) Stresses.~~ Except where sizes are specifically prescribed in this subchapter, temporary equipment and constructions shall be designed so that the allowable stress values prescribed in subchapter ten of this subchapter are not exceeded.

~~§[C26-1900.6] 27-1012 Inspection.~~ Any construction equipment or device, except hand tools, that would affect the public safety when operated shall be inspected by the person superintending the work or by his or her designated representative before using the equipment or device on a specific job. Such inspection shall be carefully made, and every defect or unsafe condition shall be corrected before use is permitted. Any unsafe equipment or device shall be made safe immediately or removed from the site. Periodic inspection procedures

shall be instituted during construction operations, and a record of inspections shall be kept at the site for the duration of the work.

~~§[C26-1900.7] 27-1013 Utilities.~~

~~(a) Existing services.~~ The location of all existing utilities and service lines shall be determined and adequate measures taken, or devices provided, to safeguard the public and property before such utilities are disturbed. If any utility is to be removed, relocated, or have its service interrupted, the utility company or city agency affected shall be notified at least seventy-two hours in advance.

~~(b) Maintaining essential services.~~ Fire preventive, sanitary, or other facilities that have been provided for the protection of life, health, and property shall be continuously maintained and protected unless authorization is obtained from the agency having jurisdiction to temporarily or permanently disconnect such facility.

~~(c) Electrical work.~~ All temporary electrical equipment and wiring shall meet the requirements of the electrical code of the city of New York, and shall be maintained to meet such requirements. Portions of permanent electrical installations may be used for temporary operations provided the requirements of the electrical code are met. At least seventy-two hours before work is begun that may affect a power line, above or below ground, the person superintending the work shall notify the utility company affected.

~~§[C26-1900.8] 27-1014 Fire protection.~~ Fire fighting equipment at the construction site and the conduct of all construction operations affecting fire prevention and fire fighting shall meet the requirements of the fire department.

~~(a) Temporary elevator.~~ Whenever in the course of building construction the work is at a height greater than seventy-five feet, at least one elevator meeting the requirements of subchapter eighteen of this chapter shall be kept in readiness at all times for fire department use.

~~(b) Standpipe systems.~~ Standpipe systems during construction operations shall comply with the following:

(1) If in the course of erection or alteration for which a standpipe system will be required the work reaches a height greater than seventy-five feet a permanent or temporary standpipe meeting the requirements of subchapter seventeen of this chapter shall be kept in readiness at all times for fire department use. The system shall be a dry system when freezing conditions may be encountered.

(2) In structures undergoing demolition which have existing standpipe systems, such systems shall be maintained as dry standpipes. When demolition is started, the standpipe risers shall be capped above the outlet on the floor immediately below the floor being demolished so as to maintain the standpipe system on

all lower floors for fire department use. Standpipe hose, nozzles and spanners are not required to be maintained and may be removed at any time. Siamese hose connections shall be kept free from obstruction and shall be marked by a metal sign reading, "Standpipe Siamese Connection" and by a red light at night.

(3) The standpipe system may be used for water supply necessary to demolition operations. In freezing weather such standpipe system shall be completely drained after use to prevent freezing. Existing standpipe systems shall not be utilized to convey compressed air unless the standpipe consists of two or more risers in which event one of the risers may be used to convey compressed air to any floor or portion of the premises upon application to and permission from the fire department.

(4) In structures undergoing demolition which have existing sprinkler systems with siamese hose connections, such system shall be maintained as a non-automatic sprinkler system. When demolition starts, the sprinkler risers shall be capped immediately below the floor being demolished so as to maintain the sprinkler system on all lower floors for fire department use. Siamese hose connections shall be kept free from obstruction and shall be marked by a metal sign reading "Sprinkler Siamese Connection" and by a red light at night.

~~§[C26-1900.9] 27-1015 Design.~~ Whenever design is required by the provisions of this subchapter, such design shall be executed by, or under, the supervision of an engineer or an architect who shall cause his or her seal and signature to be affixed to any drawings or specifications that may be required for the work. All such documents shall be kept at the site for inspection by the commissioner for the duration of the job.

~~§[C26-1900.10] 27-1016 Alternate details and procedures.~~ Whenever "alternate" or "equivalent" details, materials or procedures are specified in this subchapter, they shall be permitted as provided in section 27-133 of article seven of subchapter one of this chapter. In the absence of specific criteria, the degree of structural safety shall be deemed to require a factor of safety against structural failure consistent with the requirements of subchapter ten of this chapter.

ARTICLE 2 - MAINTENANCE OF SITE AND ADJACENT AREAS

~~§[C26-1901.1] 27-1017 Construction equipment.~~

~~(a) Machinery.~~ All exposed, electrically charged, moving or otherwise dangerous parts of machines and construction equipment shall be located, guarded, shielded, or barricaded so as to prevent contact by the public.

~~(b) Services* lines and conduits.~~ Hose lines, wires, ropes, pipes, chains, etc., shall be located so that they

~~will not constitute a tripping hazard. Where it is necessary to carry such lines across sidewalks, or any public way, either they shall be suspended at least eight feet above the walks or suitable chamfered planks or a pedestrian bridge shall be provided.~~

~~(c) **Contractors sheds.** Contractors sheds and offices located within thirty feet of new construction or existing buildings shall be made of metal or other noncombustible material. Fire retardant treated wood may be used when protected from the weather.~~

~~** As enacted but "Service" probably intended.*~~

~~**** §[C26-1901.2] 27-1018 Housekeeping-**~~

~~(a) All areas used by the public shall be maintained free from ice, snow, grease, debris, equipment, materials, projections, tools, or other item, substance, or condition that may constitute a slipping, tripping, or other hazard.~~

~~***Local Law 61 1987.*~~

~~(b) When not being used, materials, equipment, and tools that might fall from levels above areas used by the public shall be kept away from edges or openings. When exterior walls are not in place, material piles shall be kept at least ten feet back from the perimeter of the building.~~

~~(c) Material may be stored within two feet of the edge of a building provided however that such material is stored not more than two stories below the stripping operation on concrete structures or the uppermost concrete floor on steel frame structures. Such material shall be secured against accidental movement. Storage of material on all other floors shall conform to paragraph (b) of this section and shall be secured when not being used.~~

~~(d) Waste dumpsters, debris boxes and skip boxes shall be secured and those containing material or debris shall be covered at the end of each work day. Such waste dumpsters, debris, ***** boxes and skip boxes shall not be placed at the edge of the building at any time except when being moved from the floor or building.~~

~~(e) Sufficient containers of metal or other material acceptable to the commissioner shall be available for the storage of all garbage and debris. The containers shall be of three-quarter cubic yard minimum capacity.~~

~~**** As enacted but comma probably intended to be omitted.*~~

~~**§[C26-1901.3] 27-1019 Removal and storage of material-**~~

~~(a) **Removal of waste material.** Combustible waste material or combustible debris shall not be permitted to accumulate, and shall be removed from the site at reasonable intervals, in accordance with the requirements of the fire department. No material shall be dropped or thrown outside the exterior walls of a building. Precautions shall be taken to prevent concrete or mortar washings, sand, grit, or any other material that would cause clogging from entering a sewer or drain.~~

~~Provisions of the air pollution control code concerning precautions to prevent particulate matter from becoming airborne shall apply.~~

~~(b) **Chutes.** When chutes are used for removal of material, they shall meet the following requirements:~~

~~(1) **ENCLOSURE-**~~

~~a. Material chutes that are at an angle of more than forty five degrees with the horizontal shall be entirely enclosed on all sides, except for openings at the floor levels for the receiving of materials. Such openings shall not exceed forty eight inches in height, measured along the wall of the chute, and all openings, except the top opening, shall be closed and secured when not in use.~~

~~b. Chutes at an angle of less than forty five degrees with the horizontal may be open on the upper side.~~

~~(2) **CONSTRUCTION-**~~

~~a. Every chute used to convey waste material from a building shall be rigidly supported and braced throughout its height. Chutes less than twenty four inches in maximum dimension shall be constructed of not less than one inch (nominal) wood or one eighth inch thick steel. Chutes more than twenty four inches in maximum dimensions shall be constructed of not less than two inch (nominal) wood or three sixteenths inch thick steel.~~

~~b. Chutes shall be provided with a metal impact plate where material is forced to change direction while falling.~~

~~c. A gate shall be provided at the lower end of every chute to control the loading of material into trucks and to close the chute at all other times. Splashboards or baffles shall be erected to prevent materials from rebounding into the street or under the sidewalk shed.~~

~~d. A bumper or curb at least four inches by four inches in section shall be provided at each chute opening where such opening is level with, or below, the floor or platform. Every space between the chute and the edge of the opening in the floor or platform shall be solidly planked.~~

~~(3) **FIRE RETARDANT CONSTRUCTION.** All chutes, constructed of combustible material shall be covered on the exterior with corrugated steel sheeting having a minimum thickness of 24 gage [sic] through their entire height or shall be constructed of non-combustible material when used in the following applications:~~

~~a. Chutes exceeding seventy five feet in height.~~

~~b. Alteration, repair or partial demolition of buildings classified in occupancy groups H1 and H2.~~

~~(4) **SUPPORTS.** All structural supports of material chutes shall be of noncombustible material.~~

~~(c) **Storage of combustible material and equipment-** Storage of combustible material and other material and equipment that present a fire hazard shall meet the requirements of the fire department.~~

~~§[C26-1901.4] 27-1020 Obstruction of sidewalks and streets.~~ The requirements of the department of transportation shall apply with regard to the closing of streets or to the obstruction of any part thereof, except as hereinafter provided. Building department personnel are authorized to consider failure to display a current department of transportation permit for any street or sidewalk closing or obstruction not authorized by this code as a violation of this section; and to direct removal thereof.

~~§[C26-1901.5] 27-1021 Protection of sidewalks.~~ Unless the street is officially closed to the public during construction operations, the following minimum safeguards shall be provided for the protection of the public:

~~(a) Types of safeguards and when required.~~

~~* (1) a. A sidewalk shed shall be erected when a structure higher than forty feet is to be constructed or a structure higher than twenty five feet is to be demolished and the horizontal distance from the structure being built or demolished to the inside edge of the permanent or temporary walkway is equal to one half or less of the height of the structure. No sidewalk shed shall be erected unless and until a special permit therefor has been issued by the department. Each applicant for a sidewalk shed permit shall state the reason the sidewalk shed is needed. The term of the sidewalk shed permit shall be one year, or upon the expiration of the contractor's insurance, if such time period is less than one year. No renewals of shed permits, except for new buildings under construction, will be given unless an architect or engineer conducts a thorough examination of that part of the premises on which work is being conducted and submits a report acceptable to the commissioner, which clearly documents the condition of the applicable part of the premises and the scope of work that has been performed thereon, and estimates the time needed to complete the work. To renew a shed permit for a new building under construction, each applicant shall file an application with the commissioner. All renewal applications shall include the name and address of the owner of the premises.~~

~~*Local Law 93-1996; Local Law 33-1991.~~

~~b. Following the receipt of a permit to erect a sidewalk shed, the permit holder shall post a sign on the sidewalk shed. Such sign shall include the name, address, telephone number, and permit number of the permit holder. The sign shall also include the date that the permit expires. The sign shall measure twenty five square feet.~~

~~(2) A sidewalk shed shall be erected regardless of the height of the structure or the horizontal distance between the structure and the sidewalk when material or debris is to be moved by a hoist, crane, derrick, or chute over a sidewalk or temporary sidewalk that is not closed to the public.~~

~~(3) A fence, in lieu of a sidewalk shed, may be constructed along the inside edge of the walkway or temporary walkway when a structure higher than forty feet is to be constructed or a structure higher than twenty five feet is to be demolished and the horizontal distance from the structure being built or demolished to the inside edge of the permanent or temporary walkway is between one half and three quarters of the height of the structure. If permission to close the sidewalk has been obtained from the department of transportation, such fence may be erected along the curb or outside of the curb to such extent as may be approved by the department of transportation. The fence shall be returned at its ends to the extent necessary to effectively close off the site.~~

~~(4) For cases that do not fall within the circumstances described in paragraphs one through three of this subdivision, a standard guard rail (section 27-1050 of article eight of subchapter nineteen of this chapter), in lieu of a sidewalk shed or fence, may be constructed along the inside edge of such walkway or temporary walkway. If permission to close the sidewalk has been obtained from the department of transportation, the railing may be constructed along the curb or outside of the curb to such extent as may be approved by the department of transportation. The railing shall be returned at its ends to the extent necessary to effectively close off the site.~~

~~**As enacted but "department" probably intended.~~

~~*(5) A sidewalk shed shall be erected when a portion of a facade over forty feet above curb level is being altered or repaired and the horizontal distance from the portion of the structure being altered or repaired to the inside edge of the temporary or permanent walkway is less than one half the height of the structure being altered or repaired. Applications for sidewalk shed permits shall meet the requirements listed in paragraph one of this subdivision. Where a sidewalk shed is erected in conjunction with the repair of an unsafe condition of a facade, or for the repair of any other violation issued by the department, and such repairs have not been made, and the sidewalk shed has not been removed within two years from the date of issuance of the original sidewalk shed permit, in addition to any of the penalties provided for in section 27-129 of this code, the owner of the building shall be liable for a civil penalty in the amount of two hundred fifty dollars per month for every month or part thereof during which such sidewalk shed is not removed, unless such owner has submitted a report in compliance with section 26-252 of this code and the commissioner determines that the unsafe condition could not be repaired within such two-year period. Provided, however, that nothing in this paragraph shall be construed to prevent the commissioner, prior to the end of such two-year period, from taking action against the owner of a building for failure to repair an unsafe~~

condition pursuant to section 27-129 of this code or any rules and regulations promulgated thereunder.

~~***Local Law 33-1991.**~~

~~***(6)** Horizontal safety netting shall be provided on the sides of a structure more than six stories or seventy-five feet in height above the adjoining ground or adjoining roof level, whichever is applicable, when, while under construction, the facade of such structure is not enclosed and there is exposure to the public or adjacent property as determined in rules and regulations promulgated by the Commissioner. Vertical safety netting or screening shall be provided at the sides of a structure more than six stories or seventy-five feet in height above the adjoining ground or adjoining roof level, whichever is applicable, when, while under construction, the facade of such structure is not enclosed and is exposed to the public or adjacent property as determined by rules and regulations promulgated by the commissioner. In addition, safety netting shall be provided as required by section 27-1022.~~

~~****Local Law 61-1987.**~~

~~**(b) Sidewalk sheds.**~~

~~(1) Every sidewalk shed deck shall be designed and constructed to carry a live load of at least three hundred psf. However, a live load of one hundred fifty psf may be permitted for buildings less than one hundred feet in height provided there is no storage thereon. The members of the sidewalk shed shall be adequately braced and connected to prevent displacement or distortion of the framework. Where posts supporting the shed deck are placed beyond the curb, such posts shall be protected against displacement by vehicles.~~

~~(2) The deck of the sidewalk shed shall consist of planking closely laid, and made tight.~~

~~(3) Steel, or other materials having equivalent strength and suitability may be used in lieu of wood to construct sidewalk sheds.~~

~~(4) Where deemed necessary by the commissioner, the deck shall cover the entire width of the sidewalk, except for reasonably small clearances at the building line and the curb.~~

~~(5) Except as authorized by paragraph seven, sidewalk sheds shall extend at least the entire length of the property line of the structure unless constructed solely to comply with paragraph two of subdivision (a) of this section, and may extend beyond the curb to such extent as may be approved by the department of transportation.~~

~~(6) The outer side and ends of the deck of the shed shall be provided with a substantial enclosure at least three feet six inches high. Such enclosure may be vertical or inclined outward at approximately forty-five degrees, and shall consist of boards laid close together and secured to braced uprights, of galvanized wire screen not less than no. 16 steel wire gage with a one-half inch mesh, of corrugated metal, or of solid~~

~~plywood. Temporary removal of portions of the enclosure shall be permitted for handling material.~~

~~(7) a. For all buildings one hundred feet or more in height, the deck and protective guards of the sidewalk shed shall be extended parallel with the curb at least twenty feet beyond the ends of all faces of the structure [regardless of whether such extensions are in front of the property being developed or in front of adjacent]*** property. Extensions of sidewalk sheds complying with the foregoing shall be constructed so as not to unreasonably obstruct, either visually or physically, entrances, egress, driveways and show windows of adjacent properties.~~

~~*****Copy in brackets not enacted but probably intended.**~~

~~b. All sidewalk sheds shall provide a protection for the full width of the shed extending upward at an angle of forty-five degrees from the ends of the deck and outward a horizontal distance of at least five feet beyond the ends of the shed. Such sloping end protection shall be constructed to meet the requirements of paragraph one of this subdivision with substantial outriggers bearing on and securely attached to, the deck.~~

~~(8) The passageway shall be wide enough to accommodate pedestrian traffic normal for that location without causing congestion; but in no case shall the width be less than four feet. The passageway shall have a minimum clear ceiling height of eight feet.~~

~~(9) Unless the top deck of the sidewalk shed is built solidly against the face of the structure in such a manner that no material can fall onto the sidewalk, the side of the shed toward the structure shall be solidly sealed with wood or other suitable material for the full height of the shed. Solid sliding or inswinging gates may be provided as necessary for the proper prosecution of the work.~~

~~*(10) The underside of the sidewalk sheds shall be lighted at all times either by natural or artificial light. The level of illumination shall be the equivalent of that produced by two hundred watt, thirty-four hundred lumen minimum, standard incandescent lamps enclosed in vandal proof fixtures and spaced fifteen feet apart and eight feet above the floor level. Artificial lighting units shall be inspected nightly; and burned out or inoperative units shall be replaced or repaired immediately.~~

~~***Local Law 33-1991.**~~

~~(11) When a sidewalk shed is required for the erection of a structure, construction of the structure shall stop at a height of forty feet unless, and until, the sidewalk shed has been completed. Such shed shall remain in place until the structure is enclosed, all exterior work completed and the sash is glazed above the second story, exterior of the facade is cleaned down, and all outside handling of material, equipment and machinery, and all dismantling of a material hoist, or climber or tower crane or the use of a derrick in their removal,~~

above the second story is completed.

~~(12) When a sidewalk shed is required for the demolition of a structure, the sidewalk shed shall be completed before any demolition work is performed. Such shed shall remain in place until the structure has been razed to the height of the shed and as long as necessary to meet the requirements of paragraph two of subdivision (a) of this section.~~

~~(c) Fences.~~ Fences shall be at least eight feet high, and constructed of wood or other suitable material. They shall be built solid for their entire length, except for openings with solid sliding or in swinging sic] gates as are required for the proper prosecution of the work, and for viewing panels, which shall be blocked with plexiglass or equivalent nonfrangible material.

~~(d) Openings in sidewalk sheds, fences, and railings.~~ Openings in sidewalk sheds, fences, and railings for loading purposes shall be kept closed at all times except during actual loading operations.

~~(e) Temporary walkways.~~ Where permission has been granted by the department of transportation to locate a temporary walkway beyond the curb line, such temporary walkway shall be provided with a standard guard rail (section 27-1050 of article eight of subchapter nineteen of this chapter) on the traffic side. All temporary walkways shall be illuminated at all times as required in paragraph ten of subdivision (b) of this section.

~~(f) Foot bridges.~~

~~(1) When a temporary foot bridge is used as a sidewalk in front of a structure during construction work, the bridge shall be wide enough to accommodate normal traffic without congestion; but in no case shall it be less than four feet. The bridge, and steps or ramps, shall be designed and constructed to carry a live load of one hundred fifty psf. The walkway on such bridge shall be provided with standard guard rails for its entire length and shall be provided with steps at both ends or with inclined ramps at a maximum slope of one in four. Ramps shall have cleats to prevent slipping.~~

~~(2) Where planks are used to pave the walkway, they shall be laid close and securely fastened to prevent displacement. Planks shall be of uniform thickness, and all exposed ends on ramps shall be provided with beveled fillers to eliminate tripping hazards.~~

~~(3) Foot bridges shall be illuminated at all times as required in paragraph ten of subdivision (b) of this section.~~

~~(g) Safety netting.~~**

~~(1) When required to be installed horizontally, safety netting shall include a structural mesh lined with a fine mesh of a size and strength sufficient to catch falling tools and materials.~~

~~(2) When required to be installed vertically, safety netting or its equivalent shall include a fine mesh of a size and strength sufficient to contain falling tools and~~

materials. Such netting shall be secured and kept closed at all times except during actual loading operations or perimeter construction operations.

~~(3) In addition to the requirements set forth in paragraphs one and two of this subdivision, required safety netting and its supports shall comply with reference standard RS 19-4 and all applicable rules and regulations promulgated by the commissioner. Scaffolding, screening or its equivalent shall comply with rules and regulations promulgated by the commissioner.~~

~~** Local Law 61-1987.~~

~~ §[C26-1901.6] 27-1022 Safety netting and scaffolding.~~**

~~(a) When required.~~

~~(1) When demolishing the exterior walls or the roof of a structure more than six stories or seventy five feet above the adjoining ground or adjoining roof level, whichever is applicable, horizontal safety netting shall be provided on the sides of a structure where there is exposure to the public or adjacent property as determined by rules and regulations promulgated by the Commissioner unless an exterior built-up scaffold providing equivalent protection has been erected. The horizontal safety netting or scaffolding shall be required in addition to the sidewalk sheds, fences, or railing required under section 27-1021 of this article, and shall be constructed and maintained not more than two stories or thirty feet below the story from which the exterior walls and roof are being removed until such demolition has progressed to within six stories or seventy-five feet of the ground level.~~

~~(2) When exterior walls are being constructed more than six stories or seventy five feet above the adjoining ground or adjoining roof level, whichever is applicable horizontal safety netting shall be provided on the sides of the structure where the facade of such structure is not enclosed and is exposed to the public or adjacent property as determined by rules and regulations promulgated by the commissioner. Such safety netting shall be maintained at a level not more than two stories or thirty feet below the stripping operation on concrete structures or the uppermost concrete floor on steel frame structures and in addition, on such lower stories as required pursuant to rules and regulations promulgated by the commissioner.~~

~~(b) Debris shall be removed at least daily from safety netting provided in accordance with the requirements of this section.~~

~~(c) Storage of material.~~ Safety netting shall not be used for storing materials.

~~** Local Law 61-1987.~~

~~§[C26-1901.7] 27-1023 Warning signs and lights.-~~

~~(a) Obstructions and openings.~~ Where a material pile or other obstruction, or an excavation, opening, or other hazard is located in, or adjacent to, a way open for use by persons other than workmen, such hazard shall be indicated by red flags or signs during daylight hours, and by red lanterns, red lights, oil flares, flashing beacons, lighted signs, or equivalent devices from sunset to sunrise. Such warning devices shall be located no more than thirty feet apart.

~~(b) Dangerous areas.~~ In areas where special danger to the public exists, such as at vehicle entrances and exits, hoisting areas, points of storage of explosives or highly flammable material, or discharge ends of chutes, descriptive warning signs shall be provided. Such warning signs shall contain the word "danger" in prominent letters and, where in, or adjacent to, a public way, shall be illuminated from sunset to sunrise. Barricades and/or designated personnel shall be provided to the extent necessary to keep the public away from such areas or to guide them around the areas.

~~(c) Vehicular traffic.~~ Whenever any work is being performed over, on, or in close proximity to a highway, street, or similar public way, control and protection of traffic shall be provided by barricades, signals, signs, flagmen, or other devices, equipment, and personnel in accordance with the requirements and standards of the department of transportation.

~~*§[C26-1901.8] 27-1024 Watchmen and flagmen.-~~

~~(a) Watchmen.~~ Where a building being constructed or demolished occupies a ground area of more than five thousand square feet, and up to forty thousand square feet, a competent watchman shall be on duty at the site during all hours when operations are not in progress. Where the construction or demolition area occupies a ground area of more than forty thousand square feet at least one additional watchman shall be on duty for each additional forty thousand square feet of construction or demolition area, or fraction thereof. Watchmen shall be familiar with the location of street fire alarm boxes and the location and use of fire fighting equipment required to be on the job site.

~~(b) Flagmen.~~ A flagman shall be provided whenever intermittent operations are conducted on, or across, areas open to use by persons other than workmen, or when dangerous operations, such as blasting, may affect such areas.

~~*
As enacted but nonsexist terms probably intended.~~

~~§[C26-1901.9] 27-1025 Escape hatches required.-~~

~~(a)~~ Where salamanders or other heating equipment are used to provide temporary heating during the placing of concrete for a floor, an escape hatch shall be provided from the floor where the concrete is being placed, which shall extend through at least one story immediately below

such floor. The escape hatch shall be located as near to the center of the building as shall be practical.

~~(b)~~ The escape hatch shall be constructed with at least two ladders enclosed in a metal shield. The ladders shall extend from a distance of three feet above the floor under construction to at least two stories below unless such floor is less than two stories above the lowest floor. The metal shield shall enclose the ladders on all sides from the top of the floor where the concrete is being placed to at least the top of the floor next below.

~~(c)~~ The inside dimensions between faces of the shield shall be not less than three feet eight inches.

~~(d)~~ The space between the shield and the perimeter of the opening in the floor under construction and also between the shield and the perimeter of the opening in the floor next below, shall be decked over with two inch or heavier planking covered with plywood or sheet metal so as to make the decking smoke tight. At the termination of the ladders the opening in the floor shall be covered completely with two inch planking or other material of equivalent strength.

ARTICLE 3 PROTECTION OF ADJOINING PROPERTY

~~§[C26-1902.1] 27-1026 General.-~~

~~(a) License to enter adjoining premises.~~ The provisions of chapter one of title twenty-six of the administrative code, as amended, shall apply.

~~(b) Physical examination.-~~

~~(1)~~ When permission to enter upon adjoining property has been obtained, a physical examination of such property shall be conducted by the person initiating the construction or demolition operations prior to the commencement of the operations and at reasonable periods during the progress of the work.

~~(2)~~ During demolition operations, the provisions of section 27-1037 of article six of this subchapter shall also apply.

~~(c) Adjoining walls.~~ When any construction operation exposes or breaches an adjoining wall, the contractor shall maintain the structural integrity of such wall and maintain all required fire exits and passageways or provide substitutions meeting the requirements of this code. Portions of the wall exposed by construction operations shall be protected against the elements, and shall be restored or left permanently protected after completion of operations.

~~(d) Weatherproof integrity of adjoining buildings.-~~ Where the weatherproof integrity of an adjoining building is impaired by construction operations, the flashing shall be restored, copings replaced, or other necessary measures taken to restore the weatherproof integrity of such adjoining buildings. See paragraph three of subdivision (a) of section 27-1037 of article six of this subchapter.

~~*(e) Insurance.~~ The person or entity who obtains a permit for construction or demolition operations shall, at his or her own expense, procure and maintain for the duration of the operations, insurance of a kind and in an amount specified by rule of the department, to insure any and all adjacent property owner or owners and their lawful occupant or occupants fully for all risks of loss, damage to property or injury to or death of persons, arising out of or in connection with the performance of all work described in this article or article four of this subchapter. Such person or entity shall submit proof of insurance to the department when applying for a permit for construction or demolition work.

~~*Chapter 664 of Laws of 2007.~~

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~~§[C26 1902.2] 27-1027 Abandoned and discontinued operations.~~

~~(a) Fencing.~~ If any construction operation is abandoned, discontinued or interrupted, a solid fence at least eight feet high shall be provided to protect the public from potential hazards on the site.

~~(b) Filing** and grading.~~ If an excavation has been completed or partly completed and discontinued or interrupted, and the required permit has expired under the provisions of section 27-196 of article nineteen of subchapter one of this chapter and a permit for a proposed building has not been issued within six months after the completion of such operations, the lot shall be filled and graded to eliminate all steep slopes, holes, obstructions, or similar sources of hazard. Fill shall consist of clean, noncombustible material. The final surface shall be graded in such a manner as to drain the lot, eliminate pockets in the fill, and prevent the accumulation of water, without damaging any foundations on the premises or on adjoining property.

~~**As enacted but "filling" probably intended.~~

~~§[C26 1902.3] 27-1028 Excavation or filling operations affecting adjoining property.~~ Whenever an excavation or fill is to be made that will affect safety, stability, or usability of adjoining properties or buildings, the adjoining properties or buildings shall be protected as required by the provisions of article four of this subchapter.

~~§[C26 1902.4] 27-1029 Foundation operations affecting adjacent properties.~~ Whenever subsurface operations are conducted that may impose loads or movements on adjoining property, such as driving of piles, compaction of soils, or soil solidification, the effects of such operations on adjoining property and structures shall be considered. The owner of the property that may be affected shall be given forty-eight hours written notice of the intention to perform such operations. Where construction operations will cause changes in the ground-water level under adjacent buildings, the effects of such changes on the stability and settlement of the adjacent foundations shall be investigated and provision made to prevent damage to such buildings. When in the opinion of the commissioner a potential hazard exists, elevations of the adjacent buildings shall be recorded by an architect or engineer at intervals of twenty-four hours or less as determined by the commissioner to ascertain if movement has occurred.

~~§[C26 1902.5] 27-1030 Protection of trees.~~ No trees outside the street line shall be disturbed or removed without the permission of the commissioner of parks and recreation. Protection meeting the requirements of the department of parks and recreation shall be provided around the trunks of all such trees, and written notification shall also be made to the department of

parks and recreation at least forty-eight hours prior to commencement of such work. No deleterious, caustic, or acid materials shall be dumped or mixed within ten feet of any such tree, nor shall salt for the removal of ice or snow be applied when runoff will drain to a tree.

ARTICLE 4 EXCAVATION OPERATIONS

~~§[C26 1903.1] 27-1031 General requirements.~~ The provisions of this section shall apply to all excavations, including those made for the purposes of taking earth, sand, gravel, or other material as well as for purposes of construction. The provisions of article three of this subchapter as applicable shall apply. The provisions of subchapter seven of chapter one of title twenty-six of the administrative code, as amended, shall also apply.

~~(a) Support of adjoining ground.~~

~~(1) RETAINING STRUCTURE REQUIRED.~~ When the regulation of a lot requires the ground on such lot to be raised or lowered and kept higher than the ground of an adjoining lot, provided the ground of such adjoining lot is not maintained at a grade lower than in conformity with the street or streets on which it is situated, or where an excavation has been made or a fill placed on any lot meeting the curb-level requirements, and the adjoining land is maintained at a grade in conformity with or lower than the street or streets on which it is situated, and is without permanent structures other than frame sheds or similar structures, a retaining structure shall be constructed as required for the safe support of the adjoining ground and unless the bank between the adjoining properties is maintained at a safe angle of repose. Any necessary retaining wall shall be built and maintained jointly by the owners on each side, unless otherwise agreed to by both owners.

~~(2) SURPLUS RETAINING STRUCTURE.~~ Where any owner shall insist on maintaining his or her ground either higher or lower than the legal regulation prescribed in the administrative code, the surplus retaining structure that may be necessary to support such height or provide for such excavation shall be made and maintained at the sole expense of such owner, and any additional thickness that may be required shall be built on the land of such owner.

~~(3) REMOVAL OF RETAINING STRUCTURES.~~

~~Any retaining structure erected as provided under paragraphs one and two of this subdivision, standing partly on the land of each owner, may be removed by either owner when the original reason for the erection of such retaining structure ceases to exist.~~

~~*(b) Support of adjoining structures.~~

~~The person who causes an excavation to be made shall, at all times and at his or her own expense, preserve and protect from injury any adjoining structures, the safety of which may be affected by such excavation, provided such person is afforded a license to enter and inspect the adjoining buildings and property, and to perform such work thereon as may be necessary for such~~

purpose; otherwise, such duty shall devolve upon the owner or owners of the adjoining building or buildings, who shall be afforded a similar license with respect to the property where the excavation is to be made.

(1) Such person shall support the vertical load of the adjoining structure by proper foundations, underpinning, or other equivalent means where the level of the foundations of the adjoining structure is at or above the level of the bottom of the new excavation.

(2) Where the existing adjoining structure is below the level of the new construction, provision shall be made to support any increased vertical or lateral load on the existing adjoining structure caused by the new construction.

(3) Where the new construction will result in a decrease in the frost protection for an existing foundation below the minimums established in subchapter eleven of this chapter, the existing foundation shall be modified as necessary to restore the required frost protection.

(c) Support of party walls. Where a party wall will be affected by excavation, regardless of the depth, the person who causes the excavation to be made shall preserve such party wall at his or her own expense so that it shall be, and shall remain, in a safe condition.

(d) Drainage. All excavations shall be drained and the drainage maintained as long as the excavation continues or remains. Where necessary, pumping shall be used. No condition shall be created as a result of construction operations that will interfere with natural surface drainage. Water courses, drainage ditches, etc., shall not be obstructed by refuse, waste building materials, earth, stones, tree stumps, branches, or other debris that may interfere with surface drainage or cause the impoundment of surface waters.

(e) Access. Every excavation shall be provided with safe means of ingress and egress kept available at all times.

**Chapter 664 of Laws of 2007.*

~~§[C26 1903.2] 27-1032 Protection of sides of excavations.~~

(a) Shoring and bracing and sheeting. With the exception of rock cuts, the sides of all excavations, including related or resulting embankments, five feet or greater in depth or height measured from the level of the adjacent ground surface to the deepest point of the excavation, shall be protected and maintained by shoring, bracing and sheeting, sheet piling, or by other retaining structures. Alternatively, excavated slopes may be inclined not steeper than forty five degrees or stepped so that the average slope is not steeper than forty five degrees with no step more than five feet high, provided such slope does not endanger any structure, including subsurface structures. All sides or slopes of excavations or embankments shall be inspected after rainstorms, or any other hazard increasing event, and safe conditions shall be restored. Sheet piling and bracing used in trench excavations shall be at least equivalent in strength to that specified in tables 19-1 and 19-2.

(b) Guard rail. In addition to the requirements of section 27-1021 of article two of this subchapter, a standard guard rail or a solid enclosure at least three feet six inches high shall be provided along the open sides of excavations, except that such guard rail or solid enclosure may be omitted from a side or sides when access to the adjoining area is precluded, or where side slopes are one vertical to three horizontal or flatter.

(c) Placing of construction material. Excavated material and superimposed loads such as equipment, trucks, etc., shall not be placed closer to the edge of the excavation than a distance equal to one and one half times the depth of such excavation, unless the excavation is in rock or unless the sides of the excavation have been sloped or sheet piled (or sheeted) and shored to withstand the lateral force imposed by such superimposed loads. When sheet piling is used, it shall extend at least six inches above the natural level of the ground. In the case of open excavations with side slopes, the edge of excavation shall be taken as the toe of the slope.

(d) Mechanical diggers. Where trenching more than five feet in depth is done by a mechanical digger, the required protection shall follow the boom as closely as practical.

ARTICLE 5 ERECTION OPERATIONS

~~§[C26 1904.1] 27-1033 Protection of sidewalks.~~ The provisions of section 27-1021 of article two of this subchapter as applicable shall apply.

~~§[C26 1904.2] 27-1034 Structural steel assembly.~~

(a) Placing of structural members.

(1) During the placing of a structural member, the load shall not be released from the hoisting rope until the member is securely supported.

(2) Open web steel joists that are hoisted singly shall be transferred from their place of storage directly to their permanent location and safely secured. No load shall be placed on open web steel joists until they are permanently fastened in place.

(b) Tag lines. While structural members or assemblies are being hoisted, tag lines shall be used to prevent uncontrolled movement.

(c) Erection of trusses. All trusses shall be laterally braced or guyed as necessary for the safety of the structure.

(d) Erection of frames. All structural frames shall be properly braced with shores or guyed cables and turnbuckles as necessary for the safety of the structure.

TABLE 19-1 MINIMUM SIZES OF TIMBER BRACING AND TIMBER SHEET PILING FOR TRENCHES FOUR FEET WIDE OR LESS^a

Depth of Trench, (ft.)	Sheet Piling		Stringers		Cross Bracing	
	Size (in.)	Horizontal Spacing (ft.)	Size (in.)	Vertical Spacing (ft.)	Size (in.)	Horizontal Spacing (ft.)
Hard and solid soil						
5-10.....	2 x 6	6	2 x 6	6	2 x 6	6
10-15.....	2 x 6	4	2 x 6	6	2 x 6	4
More than 15...	2 x 6	tight	4 x 8	4	4 x 8	6
Soil likely to crack or crumble						
5-10.....	2 x 6	3	2 x 6	5	2 x 6	5
10-15.....	2 x 6	2	2 x 6	4	2 x 6	4
More than 15...	2 x 6	tight	4 x 10	4	4 x 10	6
Soft, sandy filled in loose soil						
5-10.....	2 x 6	tight	4 x 6	6	4 x 6	6
10-15.....	2 x 6	tight	4 x 6	5	4 x 6	6
More than 15...	2 x 6	tight	4 x 12	4	4 x 12	6
Where hydrostatic pressure exists						
To 10.....	2 x 6	tight	6 x 8	4	6 x 8	6
More than 10...	3 x 6	tight	6 x 10	4	6 x 10	6

Note for Table 19-1:^a Steel sheet piling and bracing of equivalent strength may be substituted for wood sheet piling and timber bracing.**TABLE 19-2 MINIMUM SIZES OF TIMBER BRACING AND TIMBER SHEET PILING FOR TRENCHES FOUR TO EIGHT FEET WIDE^a**

Depth of trench, (ft.)	Sheet Piling		Stringers		Cross Bracing	
	Size (in.)	Horizontal Spacing (ft.)	Size (in.)	Vertical Spacing (ft.)	Size (in.)	Horizontal Spacing (ft.)
Hard and solid soil						
5-10.....	2 X 6	6	4 X 6	4	4 X 6	6
10-20.....	2 X 6	tight	6 X 6	4	6 X 6	6
More than 20...	2 X 6	tight	6 X 8	4	6 X 8	6
Soil likely to crack or crumble						
5-10.....	2 X 6	3	4 X 6	4	4 X 6	6
10-20.....	2 X 6	tight	6 X 6	4	6 X 6	6
More than 20...	2 X 6	tight	6 X 8	4	6 X 8	6
Soft, sandy filled in loose soil						
5-10.....	2 X 6	tight	4 X 6	4	4 X 6	6
10-20.....	2 X 6	tight	6 X 6	4	6 X 6	6
More than 20...	2 X 6	tight	6 X 8	4	6 X 8	6
Where hydrostatic pressure exists						
To 10.....	2 X 6	tight	6 X 8	4	6 X 8	6
More than 10...	3 X 6	tight	6 X 10	4	6 X 10	6

Note for Table 19-2:^a Steel sheet piling and bracing of equivalent strength may be substituted for wood sheet piling and timber bracing.**~~§[C26-1904.3] 27-1035 Concrete formwork.~~****~~(a) General requirements.~~**

~~(1) Formwork, including all related braces, shoring, framing, and auxiliary construction shall be proportioned, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that might be~~

~~applied until such loads can be supported by the permanent construction.~~

~~(2) Vertical and lateral loads shall be carried to the ground by the formwork system, by the new construction after it has attained adequate strength for that purpose, or by existing structures.~~

~~(3) Forms shall be properly braced or tied together so as to maintain position and shape, and shall conform to the sizes and shapes of members as shown on the design drawings.~~

~~(4) Ramps and runways shall meet the requirements of article nine of this subchapter.~~

~~(b) Inspection.~~

~~(1) Formwork, including shores, reshores, braces, and other supports, shall be inspected by an engineer or architect to verify the sizes of the concrete members being formed, as provided in article five of subchapter ten of this chapter. In addition, such forms shall be inspected for conformance with the form design drawings, when such drawings are required by the provisions of subdivision (c) of this section; and/or conformance with the provisions of this section. Such inspections may be made by the person superintending the work. Both such inspections shall be made prior to placement of reinforcing steel. Subsequently, inspections shall be made by the person superintending the work periodically during the placement of concrete to detect incipient problems.~~

~~(2) During and after concreting, the elevations, camber, and vertical alignment of formwork systems shall be checked using tell-tale devices.~~

~~(3) A record of all such inspections shall be kept at the site available to the commissioner, and the names of the~~

~~persons doing the inspecting and the name of the foreman in charge of formwork shall be posted in the field office.~~

~~(c) Design of concrete formwork.~~ ~~Wherever the shore height exceeds fourteen feet or the total load on the forms exceeds one hundred fifty psf, or wherever power buggies or two-stage shores are used, the forms, including shoring foundation, shall be designed as provided in section 27-1015 of article one of this subchapter, and shall be constructed in conformance with such design. Formwork drawings shall be prepared. The allowable stresses for design shall meet the requirements of subchapter ten of this chapter. A copy of the design drawings and any construction drawings and specifications shall be kept on the job available to the commissioner.~~

~~(1) VERTICAL LOADS. Vertical loads shall include the total dead and live loads. Dead load shall include the weight of formwork plus the weight of the reinforcement and fresh concrete. Live load shall allow for the weight of workers and equipment, with allowance for impact, but in no case shall less than twenty psf be allowed.~~

~~(2) LATERAL CONCRETE PRESSURE. Design of forms, ties, and bracing shall assume that minimum lateral pressures of fresh concrete are as shown in table 19-3.~~

TABLE 19-3 MINIMUM LATERAL PRESSURES TO BE ASSUMED FOR FRESH CONCRETE WEIGHING 150 POUNDS PER CUBIC FOOT

Type of Work	Minimum Lateral Pressure Assumed (psf)	Limitations
Columns: Ordinary work with normal internal vibration	$p = 150 + \frac{9000R}{T}$	Maximum 3,000 psf or 150h, whichever is less
Walls: Rate of placement at 7 ft. per hr. or less	$p = 150 + \frac{9000R}{T}$	Maximum 2,000 psf or 150h, whichever is less
Walls: Rate of placement at greater than 7 feet per hr.	$p = 150 + \frac{43400}{T} + \frac{2800R}{T}$	Maximum 2,000 psf or 150h, whichever is less
Slabs	$p = 150h$	None

Where:

R = rate of placement, ft. per hr.

T = temperature of concrete in the forms, deg. F.

h = height of fresh concrete above point considered, ft.

Notes for Table 19-3:

^a Allowances for change in lateral pressure shall be made for concrete weighing [sic] other than one hundred fifty pcf; for concrete containing pozzolanic additions or cements other than type I, for concrete having slumps greater than six in., or for concrete consolidated by revibration or external vibration of forms.

^b Where retarding admixtures are employed under hot weather conditions an effective value of temperature less than that of the concrete in the forms shall be used in the above formulae.

^c If retarding admixtures are used in cold weather, the lateral pressure may be assumed as that exerted by a fluid weighing [sic] one hundred fifty pcf.

~~(3) EXTERNAL LATERAL LOADS.~~

a. Braces and shores shall be designed to resist all external lateral loads such as wind, cable tensions, inclined supports, dumping of concrete, and starting and stopping of equipment.

b. In no case shall the assumed value of lateral load due to wind, dumping of concrete, and equipment acting in any direction at each floorline be less than one hundred plf edge or two percent of total dead load of the floor, whichever is greater.

c. Except for foundation walls that are poured against a rigid backing, wall forms shall be designed for a minimum lateral load of ten psf, and bracing for wall forms shall be designed for a lateral load of at least one hundred plf of wall, applied at the top. The lateral load acting on walls greater than fourteen feet high shall be determined by analysis of conditions applicable to the site and building.

(4) ~~SPECIAL LOADS.~~ The formwork shall be designed for any special conditions of construction likely to occur, such as unsymmetrical placement of concrete, impact of machine delivered concrete, uplift, and concentrated loads.

~~(5) SHORING AND BRACING.~~

a. When patented or commercial devices that are not susceptible to design are used for shoring, bracing, or splicing, they shall be approved.

b. Splices shall develop the full strength of the spliced members.

c. Where shore height exceeds ten feet, or when necessary to provide structural stability, diagonal bracing shall be provided. Struts, anchored into masonry or to panel joints of adjacent braced bays, may be used to prevent buckling of individual members not supported by the diagonal bracing; but, bracing an entire tier of shores with struts without diagonal bracing will not be permitted unless the system can be demonstrated to be braced by other rigid construction.

d. The unbraced length of shores shall not exceed the maximum length determined in accordance with the applicable reference standard in subchapter ten of this chapter for the structural material used.

(6) ~~FOUNDATIONS.~~ Foundations for shores more than ten feet high and supported on the ground shall be designed.

(7) ~~SETTLEMENT.~~ Falsework shall be so constructed that vertical adjustments can be made to compensate for take up and settlements. Wedges, jacks, or other positive means shall be provided for this purpose.

(8) ~~POWER BUGGIES.~~ For special requirements for runways, ramps, and platforms used by power buggies, see section 27-1053 of article nine of this subchapter.

~~(d) Construction.~~

(1) Field constructed lap splices, other than approved devices, shall not be used more often than for every other shore under slabs or for every third shore under

beams, and shall develop the full strength of the members. Such spliced shores shall be uniformly distributed throughout the work. Splices shall not be located near the midheight of the shores unless lateral support is provided, nor midway between points of lateral support.

(2) Vertical shores for multifloor forms shall be set plumb and in alignment with lower tiers so that loads from upper tiers are transferred directly to the lower tiers, or adequate transfer members shall be provided. Provision shall be made to transfer the lateral loads to the ground or to completed construction of adequate strength.

(3) Vertical shores shall be so erected that they cannot tilt, and shall have firm bearing. Inclined shores and the bearing ends of all shores shall be braced against slipping or sliding. The bearing surfaces shall be cut square and have a tight fit at splices.

(4) Runways for moving equipment shall be provided with struts or legs as required, and shall be supported directly on the formwork or structural member and not on the reinforcement.

(5) Any unsafe condition or necessary adjustment revealed by inspection shall be remedied immediately. If, during construction, any weakness develops and the falsework shows any undue settlement or distortion, the work shall be stopped, the affected construction removed if permanently damaged, and the falsework strengthened.

~~(e) Removal of forms and shoring.~~

(1) Forms shall be removed in such a manner as to assure the complete safety of the structure.

(2) Where the structure as a whole is supported on shores, then beam and girder sides, columns, and similar vertical forms may be removed after twenty-four hours provided the concrete is sufficiently hard to withstand damage thereby. In no case shall the supporting forms or shoring be removed until the members have acquired sufficient strength to support safely their weight and the load thereon.

(3) The results of control tests, including concrete cylinder specimens prepared in accordance with reference standard RS-10-52, cast in place cores, or other device which will produce test specimens representative of the condition of the concrete in place, of suitable size and proportions, and approved by the architect or engineer shall be deemed evidence that the concrete has attained sufficient strength or such strength as may be specified on the drawings. The contractor may submit alternate methods of stripping, reshoring, and strength control for approval by the architect or engineer and subject to review by the commissioner.

~~(f) Reshoring.~~ Reshoring shall be provided to support the construction where forms and shores are stripped before the concrete has gained adequate strength to support the superimposed loads due to construction above.

~~*(1) INSTALLATION LIMITATIONS. Reshores of wood or metal shall be screw adjusted or jacked and locked or wedged. Wedges shall not be used within ten feet of the facade or at such other locations as determined by rules and regulations promulgated by the commissioner. Reshores shall not be jacked or screwed so tight that they preload the floor below or remove the normal deflection of the slab above. In no case shall shores be so located as to significantly alter the pattern of stresses determined in the original structural analysis or to induce tensile stresses where reinforcing bars are not provided. Reshores within ten feet of the facade shall be secured.~~

~~*Local Law 61-1987.~~

~~(2) BRACING. Lateral bracing shall be provided during reshoring operations, and reshores shall be located as close as practical to the same position on each floor to provide continuous support from floor to floor.~~

~~(3) RESHORING BEAM AND GIRDER CONSTRUCTION. Where reshoring of beam and girder construction is required, the forms shall not be removed from more than one girder at a time, and the girder shall be reshored before any other supports are removed. After the supporting girders are reshored, the form shall be removed from one beam with its adjacent slabs and the beam shall be reshored before any other supports are removed. Slabs spanning ten feet or more shall be reshored along the center line of the span.~~

~~(4) RESHORING FLAT SLABS. Where reshoring of flat slab construction is required, the shores for the area within the intersection of the middle strips of each panel shall be left in place at all times until the concrete has attained sufficient strength to support the loading to which it will be subjected. After the other shores in each panel have been removed, reshores shall be placed on the column lines **as the mid-points between columns, before the next panel is stripped.~~

~~**As enacted but "at" probably intended.~~

~~(g) Slip form construction.~~

~~(1) The applicable provisions of subdivision (c) of section 27-1035 of this article shall apply.~~

~~(2) All slip forms shall be designed, and the construction and sliding operations shall be carried out under the personal supervision of the person superintending the work or his or her designated representative.~~

~~(3) Lateral and diagonal bracing for forms shall be provided to insure that the shape of the structure will not be unduly distorted during the sliding operation.~~

~~(4) Jacks shall be spaced, anchored, and operated in such a manner that the vertical load on all jacks is approximately equal and does not exceed the capacity of any jack. Jacks shall be provided with automatic holding devices.~~

~~(5) Forms shall be leveled before and after they are filled, and shall be maintained level throughout the slide. Drifting of the forms from alignment or designed~~

~~dimensions, and torsional movement shall be prevented. Horizontal and vertical alignment of structure shall be checked at least once during every twenty four hours that the slide is in operation.~~

~~(h) Lift method construction.~~

~~(1) The casting bed and supporting construction shall be designed to carry the dead load of the stacked slabs and any live load that may be imposed.~~

~~(2) Slabs shall not be lifted until the concrete has attained adequate strength to support its own weight and any superimposed loads without exceeding the stress values established in subchapter ten of this chapter.~~

~~(3) Lifting of all parts of the slab shall be approximately simultaneous and at a uniform rate. The lifting equipment shall be constantly engaged to prevent slippage or retrogression of the slab during lifting operations.~~

~~(4) Care shall be taken to insure that collar keyholes or other lifting attachment openings are in direct vertical alignment for all slabs. Wedges shall be inserted between the collar opening and column to maintain clearance on all sides of the column. Blockouts shall be provided to prevent concrete from entering space between collar and column as well as the lifting attachment openings.~~

~~(5) Temporary bracing for lateral support of columns shall be provided during lifting operations and shall remain in place until its function can be assumed by permanent connections of slabs to columns, permanent bracing walls, or other means of lateral support, unless it can be shown that all columns, their base connections to footings, the footings, and soil are adequate as a cantilever system to resist all prescribed lateral forces.~~

~~(6) The assumed value of lateral forces in lift slab construction due to unsymmetrical loads, lifting reactions, or wind shall be at least fifty plf of floor edge or one percent of the total load lifted, whichever is greater.~~

~~(7) No person shall be allowed to enter the area immediately under slabs during the actual movement of lifting nor shall any construction operations be commenced in this area, other than fixing the connections of slabs to columns or providing other positive supports, until such connections or supports are completed and the load of all lifted slabs has been transferred from lifting equipment thereto.~~

~~(i) Prestressed construction. Solid safety shields shall be provided at end anchorages of prestressing beds, or where necessary, for protection against breakage of prestressing strands, cables, or other assemblies during prestressing or casting operations.~~

ARTICLE 6 DEMOLITION OPERATIONS

~~§[C26-1905.1] 27-1036 Preparations.~~

~~(a) Utilities and service lines. The provisions of section 27-1013 of article one of this subchapter and article fourteen of subchapter one of this chapter shall apply.~~

~~(b) Condition of structure.~~ Where a structure to be demolished has been partially wrecked or weakened by fire, flood, explosion, age, or other causes, it shall be shored or braced to the extent necessary to permit orderly demolition without collapse. The necessary measures shall be determined by the contractor subject to approval by the commissioner.

~~(c) Hazards to be removed.~~

~~(1) Before commencement of actual demolition, all glass in windows, doors, skylights, and fixtures shall be removed.~~

~~(2) In any structure more than twenty five feet high, any window or other exterior wall opening that is within twenty feet of a floor opening used for the passage of debris from floors above shall be solidly boarded up or otherwise substantially covered, unless such window or opening is so located as to preclude the possibility of any person being injured by material that may fall from such window or opening. See section 27-1022 of article two of this subchapter.~~

~~(3) Before demolition is started, the cellar and all floors shall be thoroughly cleaned of combustible materials and debris. All fixtures and equipment that would cause voids in the fill shall be removed. If the cellar is to be filled to grade, the first floor construction shall be removed and the existing cellar floor shall be broken up to the extent necessary to provide ground drainage and prevent accumulation of water. If the cellar is not to be filled, positive cellar drainage shall be provided.~~

~~(d) Examination and procedure.~~ Before any material is stored on any floor, the existing flooring adjacent to the bearing walls shall be removed and ends of floor beams in the bearing walls shall be carefully examined to ascertain their condition and the amount of bearing on the bearing wall. If they are found to be in poor condition or to have insufficient bearing, no material shall be deposited on the floor until these beams are shored from the cellar floor through each successive floor. No bearing partition shall be removed from any floor until the floor beams on the floor above have been removed and lowered. All header beams and headers at stair openings and chimneys shall be carefully examined, and where required shall be shored from the cellar floor through successive floors. All operations shall be continually inspected as the work progresses to detect any hazards that may develop.

§[C26-1905.2] 27-1037 Protection of adjacent structures. The applicable provisions of article three of this subchapter shall apply.

(a) Adjoining walls.-

(1) All beams in party walls shall be cut off close to the walls, stub ends removed without weakening existing masonry, and beam pockets cleaned of loose mortar. The owner of the demolished structure shall, at his or her own expense, bend over all wall anchors at the beam ends in the standing wall and shall brick up all

open beam holes with sound brick and cement mortar.

(2) The stability and condition of the remaining walls shall be investigated and all necessary steps taken to protect same. Where the floor beams of the adjacent building bear on the party wall, the person causing the demolition to be made shall ascertain that such beams are anchored into the wall and, where such anchorage is lacking, shall provide anchorage or otherwise brace the standing wall.

(3) Roofing material of adjoining buildings shall be bent over and flashed. All door or other openings in party walls shall be sealed and weatherproofed. Cornices, where cut, shall be properly sealed. Parapets and any walls that have been disturbed shall be pointed up and made weathertight. All exposed furring, lath, and plaster on party walls shall be removed, and any loose wall material shall be firmly anchored or removed and replaced.

(4) All unnecessary chimney breasts, projections and any other debris exposed on party walls shall be removed by the person causing the demolition of the structure and all openings shall be bricked up flush on the exterior side of the party wall. All masonry which is in poor condition shall be pointed and patched.

(b) Party wall exits. No party wall balcony or horizontal fire exit shall be demolished, removed, or obstructed in any manner that would destroy the full effectiveness of such fire exit as means of egress, unless a substitute means of egress meeting the requirements of this code has been provided.

§[C26-1905.3] 27-1038 Protection of sidewalks. The provisions of section 27-1021 of article two of this subchapter as applicable shall apply.

§[C26-1905.4] 27-1039 Demolition operations.-

(a) Walls.-

(1) Demolition of walls and partitions shall proceed in a systematic manner, and all work above each tier of floor beams shall be completed before any of the supporting structural members are disturbed.

(2) Sections of masonry walls shall not be loosened or permitted to fall in such masses as to affect the carrying capacity of floors or the stability of structural supports.

(3) No wall, chimney, or other structural part shall be left in such condition that it may collapse or be toppled by wind, vibration or any other cause.

(4) No section of wall with a height more than twenty-two times its thickness shall be permitted to stand without bracing.

(5) Where brick or masonry chimneys cannot be safely toppled or dropped, all materials shall be dropped down on the inside of such chimneys.

(6) All enclosed vertical shafts and stairs shall be maintained enclosed at all floors except the uppermost floor being demolished, and all work on the uppermost floor shall be completed before stair and shaft enclosures on the floor below are disturbed. All hand rails and banisters

shall be left in place until actual demolition of such floor is in progress.

(b) ~~Structural steel and heavy timbers.~~

(1) ~~Steel and heavy timber construction shall be demolished column length by column length and tier by tier. Any structural member that is being dismembered shall not be supporting any load other than its own weight, and such member shall be chained or lashed in place to prevent any uncontrolled swing or drop.~~

(2) ~~Structural members shall not be thrown or dropped from the building, but shall be slowly and carefully lowered by hoists equipped with adequate brakes and non-reversing safety devices.~~

(c) ~~Use of derricks.~~ ~~Where a derrick is used for demolition, an investigation of the floor on which the derrick rests shall be made by an engineer or architect to determine its adequacy for the loading to be imposed; strengthening shall be designed and added as required to limit the imposed stresses to the values permitted by the provisions of subchapter ten of this chapter. A report summarizing such investigation and design shall be prepared and kept at the site available to the commissioner.~~

(d) ~~Mechanical methods of demolition.~~ ~~The mechanical method of demolition, whereby the wrecking of a building or part thereof is accomplished by smashing the walls or floors with a heavy weight suspended by a cable, or whereby the walls are collapsed by the use of a power shovel, tractor, or other mechanical contrivance, shall be permitted only upon issuance of a special permit by the department and in accordance with the following requirements:~~

(1) ~~The building or structure, or remaining portion thereof, shall not be more than eighty feet in height.~~

(2) ~~A safety zone, as determined by the commissioner, shall be provided around the demolition area. Fences constructed as required in section 27-1021 of article two of this subchapter shall be erected to prevent persons other than workers from entering such safety zone.~~

(3) ~~Unless permitted by the commissioner, the mechanical method of demolition shall not be used where any building, or portion thereof, occupied by one or more persons is located within the safety zone.~~

(4) ~~Where a swinging weight is used, two or more separate cable slings shall be used to attach the ball to a safety or moused hook and the supporting cable shall be of such length or so restrained that it is not possible for the weight to swing against any structure other than the structure being demolished.~~

(5) ~~Where mechanical demolition operations may involve a street, the requirements of the department of transportation shall be met.~~

(e) ~~Removal and storage of material.~~

(1) ~~PHYSICAL REMOVAL.~~ ~~Debris, bricks, and similar material shall be removed by means of chutes, buckets, or hoists or through openings in the floors of the structure. Openings in any floor shall not aggregate more than twenty-five percent of the area of that floor~~

~~unless it can be shown to the satisfaction of the commissioner that larger openings will not impair the stability of the structure.~~

~~a. Every opening used for the removal of debris in every floor except the top or working floor, shall be provided with a tight enclosure from floor to floor, equivalent to that afforded by planking not less than two inches in thickness. As an alternative in buildings when not more than six stories in height, such openings may be protected by a tight temporary covering equivalent to that afforded by planks not less than two inches in thickness and laid close. Wherever such covering has been temporarily removed to permit debris removal floor openings shall be protected by standard guard rails or railings. Such covering shall be promptly replaced in position upon the ceasing of such work at the end of each work day.~~

~~b. Every opening not used for the removal of debris in any floor shall be solidly planked over.~~

(2) ~~STORAGE OF MATERIAL.~~

~~a. Material shall not be stored on catch platforms, working platforms, floors, or stairways of any structure except that any one floor of a building to be demolished may be used for the temporary storage of material when such floor can be shown to be of adequate strength to support one and one-half times the load to be superimposed.~~

~~b. Storage spaces shall not interfere with access to any stairway or passageway, and suitable barricades shall be provided so as to prevent material from sliding or rebounding into any space accessible to the public. All material shall be safely piled in such storage locations in a manner that will not overload any part of the structure or create any hazard.~~

~~c. In buildings of noncombustible construction, floor slabs to an elevation of not more than twenty-five feet above the legally established curb level may be removed to provide temporary storage for debris, provided that: (1) the stored debris is piled with sufficient uniformity to prevent lateral displacement of interior walls or columns; (2) the height of the piled material will not burst the exterior walls due to accumulated pressure; and (3) the operation does not otherwise endanger the stability of the structure.~~

~~d. Debris stored in the cellar shall not be piled above the level of the adjacent exterior grade unless the contractor provides sheet piling, shoring, bracing, or such other means necessary to insure the stability of the walls and to prevent any wall from collapsing due to the pressure of accumulated material.~~

(f) ~~Dust.~~ ~~Dust-producing operations shall be wetted down to the extent necessary to lay the dust.~~

(g) ~~Use of explosives.~~ ~~The use of explosives in demolition operations shall conform to the requirements and limitations imposed by the fire department. The toppling of buildings by the use of explosives is prohibited except where such procedure is permitted by the commissioner.~~

(h) ~~Temporary elevators.~~ ~~Whenever, in the course of~~

building demolition, the work is at a height greater than seventy five feet, at least one elevator meeting the requirements of subchapter eighteen of this chapter shall be kept in readiness at all times for fire department use.

~~§[C26-1905.5] 27-1040 Completed demolitions.~~ At the completion of demolition operations, unless new construction is to follow within a period of thirty calendar days, the site shall be graded, drained, or otherwise protected as provided in section 27-1027 of article three of this subchapter.

ARTICLE 7 REPAIR AND ALTERATION OPERATIONS

~~§[C26-1906.1] 27-1041 General requirements.~~ Building repair or alteration operations shall be considered as construction operations and shall be governed by the regulations established in this subchapter. Where alterations are conducted in occupied buildings, barricades, signs, drop cloths, etc., shall be erected as required to provide reasonable protection for the occupants against hazard and nuisance.

ARTICLE 8 SCAFFOLDS

~~**§[C26-1907.1] §27-1042 General provisions for all scaffolds.~~ All scaffolds shall be erected, dismantled, repaired, maintained and modified so that the safety of public and property will not be impaired by falling material, tools or debris or by collapse of the scaffold. A permit shall be required for the erection, dismantling, repair, maintenance or modification of any supported scaffold forty feet or more in height.

(a) Materials and construction.

(1) All lumber used in scaffolds or their supports shall be at least equal in strength and quality to construction grade Douglas fir.

TABLE 19-4 SIZE AND NUMBER OF NAILS REQUIRED FOR SCAFFOLD CONSTRUCTION

Thickness of Smaller Member (in.)	Trade Size of Nail	Length of Nail (in.)
1	8d	2½
2	20d	4
3	60d	6
4	—	8
Width of Smaller Member (in.)	Minimum Number of Nails Required	
4	2	
6	3	
8	4	
10	5	
12	5	

~~ (b) Loading and design.~~**

(1) ~~DESIGN REQUIRED.~~ All supported scaffolds forty feet or more in height and all multiple point suspension scaffolds, including all supports, fastenings, connections, and details, shall be designed. Design drawings shall be prepared and kept at the site available to the commissioner. The construction shall be executed in accordance with such design. All other scaffolds shall be constructed of sizes and numbers of members as hereinafter required or, in the absence of such requirements shall be demonstrated to be capable of supporting, without collapse, not less than four times the maximum weight required to be suspended therefrom or placed thereon when in use.

~~**Local Law 24-2008; Local Law 52-2005.~~

~~(2) LOADING.~~ No standard scaffold as defined herein, shall be loaded in excess of the maximum load for which it is designated in paragraph three of this subdivision. Loads shall not be concentrated so as to cause stresses in excess of the allowable values designated in subchapter ten of this chapter.

~~**Local Law 54-1970.~~

(3) STANDARD SCAFFOLD DESIGNATIONS.

a. Light duty scaffold. The light duty scaffold is to be used for loads up to twenty five psf, and is intended for use by carpenters, painters, or others of similar trades. It shall not be used to support loads more severe than those imposed by such workers and a minimum amount of lightweight materials.

b. Medium duty scaffold. The medium [duty]* scaffold is to be used for loads up to fifty psf, and is intended for use by bricklayers or plasterers. It shall not be used to support loads more severe than those imposed by such workers and a moderate amount of their materials.

~~**Copy in brackets not enacted but probably intended.~~

c. Heavy duty scaffold. The heavy duty scaffold is to be used for loads up to seventy five psf, and is intended for use by stone masons. It shall not be used to support loads more severe than those imposed by such workers and a reasonable supply of their materials.

(4) **FOOTINGS AND ANCHORAGE.** The footings and anchorage for every scaffold shall be sound and rigid, capable of carrying the maximum load without settlement or deformation, and secure against movement in any direction. Supports such as barrels, boxes, loose brick, loose stone, or other unstable constructions shall not be used.

(c) Planking.

(1) The minimum width of every planked platform shall be eighteen inches, except as otherwise noted hereinafter. Unless otherwise indicated, the sizes in this subchapter for load bearing planks shall denote undressed lumber, full thickness.

(2) Except as otherwise indicated in this section, planks shall overhang their end supports at least six inches, or they shall be securely fastened to prevent dislodgment. In no case shall the overhang exceed eighteen inches. Planks shall be laid tight, and inclined planking shall be fastened in place.

(3) The maximum permissible spans for two inch plank shall be as shown in table 19-5.

(4) The maximum permissible span for one and one-

quarter inch plank of full thickness shall be six feet. The maximum permissible working load shall be fifty psf.

(d) Erection and removal. Only workers with experience in erecting or removing scaffolds shall be

employed. They shall work under the supervision of a designated superintendent or foreman who shall enforce such measures as necessary for the protection of public and property.

TABLE 19-5 MAXIMUM PERMISSIBLE SPANS FOR TWO-INCH PLANK USED ON SCAFFOLDS

Material	Full Thickness Undressed Lumber			Lumber of Nominal Thickness		
	25	50	75	25	50	75
Working Load (psf).....	10	8	6	8	6	5
Permissible Span (ft.)...						

(e) Maintenance and repair. All scaffolds shall be maintained in safe condition. No scaffold shall be altered, removed, or partially dismantled while it is in active use. Every damaged or weakened scaffold shall be immediately repaired and shall not be used until such repairs have been completed, and, in the case of suspended scaffolds, tested as required under subdivision (b) of section 27-1045 of this article.

(f) Fire retardant construction. With the exception of the planking, all scaffolds shall be noncombustible material when used in the following applications:

- (1) Exterior scaffolds exceeding seventy five feet in height.
- (2) Interior scaffolds exceeding twenty one feet in height.
- (3) All scaffolds used in the alteration, repair, or partial demolition of buildings in occupancy groups H-1 and H-2.

(g) Guard rails and toeboards.

(1) Except for scaffold platforms ten feet or less above the ground or for scaffolds used on the interior of a building at a height ten feet or less above a floor, the open sides and ends of every scaffold platform shall be provided with a standard guard rail and toeboard as described in section 27-1050 of this article, unless otherwise specified for the particular type of scaffold.

(2) Where it is possible for the public to pass under, or next to a scaffold, the space between the top rail and toeboard shall be enclosed with a wire screen composed of not less than no. 18 steel wire gage with a maximum one half inch mesh.

(3) Toeboards shall be installed so that no open space exists between the platform and the toeboard.

~~§[C26-1907.2] 27-1043 Pole scaffolds.~~

(a) Poles. Scaffold poles shall be plumb and the foot ends shall be secured against lateral movement. Where wood poles are spliced, the squared end of the upper section shall bear uniformly on the squared end of the lower section, and the two ends shall be rigidly fastened together with two or more wood splice plates, each at least four feet in length. The plates shall be placed at right angles to each other, shall overlap the abutting ends of the pole equally, and shall have a combined sectional area not less than fifty percent of the cross sectional area of the pole. Splicing of adjacent poles

shall be staggered. Splices shall be close to ledgers, but so located as not to interfere with the fastenings.

(b) Bracing. Pole scaffolds shall be braced and stayed to prevent movement away from the building. Diagonal or equivalent bracing shall be provided to prevent the poles from moving in a direction parallel to the building face, and shall be so installed that every spliced section of every pole is braced to adjacent poles.

(c) Planking.

(1) Where planks are butted end to end, parallel putlogs or bearers shall be provided not more than eight inches apart so that butted ends rest on separate putlogs or bearers. Ends shall be nailed or cleated.

(2) Where platform planks are used with overlapping ends, the ends of both the upper and lower planks shall overlap the putlog or bearer by a[t]* least six inches.

**Copy in brackets not enacted but probably intended.*

(3) Planks shall be laid close together and shall be of sufficient length to extend over three bearers.

(d) Connections.

(1) Ledgers shall not be spliced between poles but shall overlap the poles at each end by at least four inches. Where ledgers lap each other, bearing blocks attached to the pole shall be provided to support the ledger.

(2) The ends of all wooden braces shall overlap the nailed fastenings an amount sufficient to prevent the ends of the braces from splitting.

(e) Putlogs for single pole scaffolds. All putlogs shall be set with the greater dimension vertical and shall be long enough to project beyond the outer edge of the poles by at least twelve inches. Putlogs shall be supported on the ledger and located against the side of the poles and fastened to either the pole or the ledger. The other end of the putlog shall rest in the wall of the building, with at least four inch bearing, and shall not be notched or cut down, except for light duty scaffolds, which may be notched or cut down to fit into a space made by the removal of a brick. In such cases, the notch shall be made on the top of the putlog just deep enough to permit it to be inserted in the hole in the wall.

(f) Bearers for independent pole scaffolds. Bearers shall be set with their greater dimensions vertical, and shall be long enough to project over the ledgers beyond the outer row of poles by at least twelve inches and beyond the inner row of poles by at least two inches.

Bearers shall be supported on the ledgers, and located against the sides of the poles and fastened to them.

~~(g) Free standing scaffolds.~~ Unless guyed, free standing scaffolds shall have a minimum base dimension of at least twenty five percent of the height of the scaffold.

~~(h) Erection and removal.~~ When a new working level is desired, the existing planks shall be left undisturbed until the new working level is framed. As the platform level is abandoned with the progress of the work, all

members other than the planking, railing, and toeboards shall be left intact. When removing a scaffold, the sequence of removing the members shall be the reverse of that used in erection.

~~(i) Standard designs.~~ All wood pole scaffolds seventy-five feet high or less shall be constructed in accordance with the minimum nominal sizes and maximum spacings shown in tables 19-6 through 19-11. For pole scaffolds more than seventy five feet high, see paragraph one of subdivision (b) of section 27-1042 of this article.

TABLE 19-6 MINIMUM SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE LIGHT DUTY SCAFFOLDS

Uniformly Distributed Load	Not to Exceed 25 psf				
Max. height of scaffold.....	20'	40'	60'	75'	
Poles or uprights (min.).....	2" x 4"	3" x 4"	4" x 4"	Top 60'	Lower Sect.
Pole foundation (min.).....			2" x 9"	4" x 4"	4" x 6"
Max. pole spacing (longitudinal):			10'-0"		
Max. width of scaffold.....			5'-0"		
Bearers or putlogs (min.).....			3" x 4" or 2" x 6" (on edge)		
Ledgers (minimum):					
With 6'-0" pole space.....			1" x 6" (on edge)		
With 10'-0" pole space.....			1 1/4" x 9" (on edge)		
Vertical spacing of ledgers (max.):			7'-0"		
Non-supporting stringers.....			1" x 4"		
Tie ins.....			1" x 4"		
Bracing.....			1" x 4"		
Planking:					
Not more than 6' span.....			1 1/4" x 9"		
Up to 10' span.....			2" x 9"		
Toeboards.....			1" x 6"		
Guard rails.....			2" x 4"		

~~§[C26-1907.3] 27-1044 Outrigger scaffolds.~~

Outrigger scaffolds shall not be used for loading in excess of fifty psf (medium duty).

~~(a) Outrigger beams.~~ Outrigger beams shall not extend more than six feet beyond the face of the building. The inboard end of outrigger beams, measured from the fulcrum point to the extreme point of support, shall be at least one and one-half times the outboard end in length. The fulcrum point of the beam shall rest on a secure bearing at least six inches in each horizontal dimension. The beam shall be secured against movement and shall be securely braced against tipping at both fulcrum point and inboard end. Outriggers shall not be less than three inches by ten inches set on edge, plumb, and spaced not to exceed six feet on centers for light and medium duty scaffolds.

~~(b) Inboard supports.~~ The inboard ends of outrigger beams shall be securely fixed to resist all vertical, horizontal, and torsional forces.

~~(c) Platform.~~ The platform shall be constructed of at least two inch by nine inch planks, securely fastened to the outriggers, and laid tight to within three inch[es]* of

the face of the building.

~~(d) Guard rail and toeboard.~~ The railing posts for the required standard guard rail and toeboard shall be securely braced to the outriggers.

**Copy in brackets not enacted but probably intended.*

~~(e) Superstructures.~~ Supports for superstructures placed on outrigger scaffolds shall be set directly over the outrigger beams and shall be secured in place. Such structures shall not exceed six feet in height. Horses shall not be used as supports for such superstructures.

~~§[C26-1907.4] 27-1045 General provisions for suspended scaffolds.~~

~~(a) Installation and use.~~ Suspended scaffolds shall be erected and operated in such a manner that suspension elements are vertical and in a plane parallel to the wall at all times. The installation or change of position of any suspended scaffold shall be performed under the supervision of a designated superintendent or foreman who shall enforce such measures as may be required for the safe execution of such operation.

TABLE 19-7 MINIMUM SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE MEDIUM DUTY SCAFFOLDS

Uniformly Distributed Load	Not to exceed 50 psf				
Max. height of scaffold.....	20'	40'	60'	75'	
				Top 60'	Lower Sect.
Poles or uprights (min.).....	3" x 4" or 2" x 6"	4" x 4"	4" x 6"	4" x 6"	4" x 6"
Pole foundation (min.).....			2" x 9"		
Max. pole spacing (longitudinal)...			8'—0"		
Max. width of scaffold.....	5'—0"			8'—0"	
Bearers or putlogs (min.).....	3" x 4" or 2" x 8" (on edge)			3" x 5" or 2" x 9" (on edge)	
Max. spacing of bearers or putlogs...			8'—0"		
Ledgers (minimum).....			2" x 9" (on edge)		
Vertical spacing of ledgers (max.)..			7'—0"		
Non-supporting stringers.....		1" x 6" or 1 1/4" x 4"			
Tie ins.....			1" x 6"		
Bracing.....			1" x 6"		
Planking:					
Not more than 6' span.....			1 1/4" x 9"		
Up to 8' span.....			2" x 9"		
Toeboards.....			2" x 9"		
Guard rails.....			2" x 4"		

~~**As enacted but 6" x 6" probably intended.~~

TABLE 19-8 MINIMUM SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE HEAVY DUTY SCAFFOLDS

Uniformly Distributed Load	Not to exceed 75 psf				
Max. height of scaffold.....	20'	40'	60'	75'	
				Top 60'	Lower Sect.
Poles or uprights (min.).....	3" x 4" or 2" x 6"	4" x 4"	4" x 6"	4" x 6"	6" x 6"
Pole foundation (min.).....			2" x 9"		
Max. pole spacing (longitudinal)...			6'—0"		
Max. width of scaffold.....	5'—0"			8'—0"	
Bearers or putlogs (min.).....	3" x 5"			3" x 6" or 2" x 9"	
Max. spacing of bearers or putlogs...			6'—0"		
Ledgers (minimum).....			2" x 9" (on edge)		
Vertical spacing of ledgers (max.)..			7'—0"		
Non-supporting stringers.....			2" x 4"		
Tie ins.....			1" x 6"		
Bracing.....			1" x 6"		
Planking.....			2" x 9"		
Toeboards.....			2" x 9"		
Guard rails.....			2" x 4"		

~~****(b) Tests and inspections required.** Before use, all suspended scaffolds shall be inspected daily by the following person:~~

- ~~(i) the licensed rigger or his or her foreman in accordance with section 26-172 of the code; or~~
~~(ii) the licensed sign hanger or his or her foreman in accordance with section 26-182 of the code; or~~
~~(iii) the superintendent of construction, if the work is not performed by or under the supervision of a licensed~~

~~rigger or sign hanger in accordance with sections 26-173 and 26-184 of the code.~~

~~A record of such inspections shall be kept and maintained at the job site and shall be readily available and presented to department personnel upon request. The record shall be signed by the individual responsible for the inspection and shall also show the individual's name clearly and legibly printed. Upon delivery of the scaffold equipment to the site, the supplier of such~~

equipment shall furnish a certificate from an independent testing laboratory or a licensed professional engineer stating that physical tests of a prototype of the equipment were conducted and that such equipment is capable of withstanding at least four times the maximum allowable live loads. Such certificates shall be kept at the field office of the user and shall be available for inspection by a representative of the department of buildings. This section, however, shall not be construed to reduce the factors of safety specified elsewhere in this code for various appurtenances to this equipment. In addition, tests prescribed in section 27-998 of article three of subchapter eighteen shall be performed with the full rated live load on the scaffold at the test intervals specified therein and at such other intervals as the commissioner may require.

***Local Law 16-2007.*

(c) Tie-ins. Scaffolds shall be tied into the building or structure, and means therefor shall be provided. Window cleaners anchors, window frames, mullions*, or similar elements shall not be used as tie-in anchors or brace-back points.

(d) Wire rope. Wire rope used for support of suspended scaffolds shall be capable of supporting six times the actual applied load without failure, but shall not be less than five sixteenths of an inch in diameter for use with light duty platforms or one half inch in diameter for use with medium or heavy duty platforms. Wire rope shall be rigged to blocks of proper size or to other approved devices. For other provisions concerning wire rope, see section 27-1055 of article ten of this subchapter.

**As enacted but "mullions" probably intended.*

TABLE 19-9 MINIMUM SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE LIGHT DUTY SCAFFOLDS

Uniformly Distributed Load	Not to exceed 25 psf				
Max. height of scaffold.....	20'	40'	60'	75'	
				Top 60'	Lower Sect.
Poles or uprights (min.).....	2" x 4"	3" x 4" or 2" x 6"	4" x 4"	4" x 4"	4" x 6"
Pole foundation (min.).....			2" x 9"		
Max. pole spacing (longitudinal):					
With 1 1/4" x 9" ledgers.....			6'-0"		
With 2" x 9" ledgers.....			10'-0"		
Max. pole spacing (transverse)....			10'-0" ^a		
Ledgers (minimum).....		1 1/4" x 9" (on edge) or 2" x 9"			
Vertical spacing of ledgers (max.)		7'-0"			
Bearers (minimum).....		1 1/4" x 9" (on edge)			
Non-supporting stringers.....		1" x 4"			
Bracing.....		1" x 4"			
Planking:					
Not more than 6' span.....			1 1/4" x 9"		
Up to 10' span.....			2" x 9"		
Toeboards.....			1" x 6"		
Guard rails.....			2" x 4"		

Note for Table 19-9:

^a Total base dimension in both directions to be at least 25 per cent of height.

~~§[C26-1907.5] 27-1046 Two-point suspension scaffolds.~~

(a) Width and support. Two point suspension platforms shall be at least twenty inches but not more than thirty inches in width. Each end of the platform shall be supported by an approved stirrup or hanger, and the platform shall be securely fastened thereto. Not more than two hangers or stirrups shall be used to support one scaffold.

(b) Hangers Hangers or stirrups shall be of steel or wrought iron. Each such hanger shall be formed to properly fit the platform, and shall be provided with a

loop or eye at the top for securing the supporting hook on the block, and with loops or equivalent means to support the top rail and midrail. The hanger or stirrup shall be placed at least six inches but not more than eighteen inches from the end of the platform.

(c) Roof irons. Roof irons or hooks shall be of steel or wrought iron not less than seven eighths of an inch in diameter or other size of equivalent strength and shall be securely anchored. Where the upper block hook does not directly engage the roof iron, the connection shall be made with wire rope of required strength but in no

case shall the wire rope be less than one half inch in diameter.

(d) Fibre rope.

(1) The use of fibre rope shall be limited to light duty two point suspension scaffolds. Fibre rope shall be at least equivalent in strength and suitability to three quarter inch first quality unspliced manila rope.

(2) Fibre rope shall not be permitted for or near any work involving the use of corrosive substances or where the upper block is more than one hundred feet above the platform.

(3) All blocks shall fit the size of rope they carry, and shall be so constructed as not to chafe the rope.

(e) Use.

(1) Needle beam scaffolds shall not be used over areas used by the public.

(2) Two or more two point suspension scaffolds shall not be combined into one by bridging the distance between them or by any form of connection.

(3) Not more than two workers shall be permitted to work on one scaffold at one time.

(4) Every two point suspension scaffold shall be equipped with an approved device to raise, lower, and hold the scaffold in position.

(f) Platforms. The platforms of every two point suspension scaffold shall be one of the following types, or an approved equivalent.

(1) **LADDER TYPE PLATFORM.** consisting of boards upon a horizontal ladder, the sides of which are parallel. The ladder shall be capable of sustaining, without failure in any part, at least four times the maximum load allowed to be placed thereon, and rungs shall be at least one and one eighth inches in diameter with seven eighths inch tenons mortised into the side stringers at least seven eighths of an inch and spaced at not more than eighteen inches. Stringers shall be tied together with metal rods at least one quarter inch in diameter located not more than five feet apart and which pass through the stringers and are riveted up tight against washers at both ends. The platform shall consist of at least one half inch by three inch planks, shall fill the space between the sides of the hangers, and shall be securely fastened to the hangers by U bolts passing around the hangers and bolted up tight on the inside face of the stringers.

(2) **PLANK TYPE PLATFORM.** consisting of planks supported on stirrups or hangers. The planks shall have a uniform thickness of at least two inches and a width of at least nine inches. The planks shall extend at least six inches but not more than eighteen inches beyond the supporting hangers, and a bar shall be nailed across the platform on the underside at each end to prevent the platform from slipping off the hanger. Where two or more planks are used, they shall be fastened together by cleats not less than one inch by six inches nailed on the underside at intervals of four feet or less. Planks shall

not be spliced.

(3) **BEAM TYPE PLATFORM.** consisting of longitudinal side stringers with cross beams on which longitudinal platform planks are laid. Beam platforms shall have side stringers not less than two inches by eight inches. The stringers shall be supported on the hangers, located to fill the full width of the hangers, and the clear span between hangers shall not exceed twenty four feet. The ends of the stringers shall extend at least six inches but not more than eighteen inches beyond the hangers, and shall be fastened to the hangers by U bolts passing around the hangers and bolted up tight on the inside face of the stringers. The platform shall be supported on two inch by six inch cross beams, on edge, set between the side stringers, securely nailed thereto, and spaced not more than four feet on centers. The platform boards shall consist of material not less than one inch by six inches, nailed tight together, and extended to the outside face of the stringers. The ends of all platform boards shall rest on the cross beams and shall be nailed securely thereto.

(g) Guard rail and toeboard. The outside edge of the platform, and the open ends (when stirrups do not afford adequate protection) shall be provided with a two rail guard rail and a toeboard securely fastened at intervals not exceeding ten feet. Where there is a space between the scaffold and the structure greater than six inches, a similar guard rail shall be provided at the inside of the platform.

§[C26 1907.6] 27-1047 Multiple point suspension scaffolds.

(a) General.

(1) All multiple point suspension scaffolds shall be supported by wire ropes. The use of fibre ropes is not permitted.

(2) Provision shall be made to prevent supports from slipping off the ends of outrigger beams.

(3) Outrigger beams and platform bearers shall be of metal.

(b) Outrigger beams.

(1) The overhang of outrigger beams shall not exceed that specified by the design, and the inboard length of beam shall be at least one and one half times the outboard length.

(2) Outrigger beams shall be anchored and braced at both fulcrum point and inboard end to resist all vertical, horizontal, and torsional forces.

(3) Supporting points for outrigger beams shall be level, smooth, and of sufficient area (at least six inches by six inches) to provide a firm seat.

(4) The wire rope suspenders shall be securely fastened to the outrigger beams by steel shackles or equivalent means. The shackles and outrigger beams shall be so located that the ropes will hang vertically.

(5) Outrigger beams shall be of the sizes required for the design, but shall be at least equivalent in strength to a standard *7115.3 steel I beam, and shall be spaced

not more than ten feet center to center.

~~*As enacted but "7 I 15.3" probably intended.~~

(c) Hoisting machines.

(1) Suspended scaffolds shall be provided with an approved hoisting machine of either the platform or overhead type.

(2) At least four turns of rope shall at all times remain on the hoisting drum, and the end of the rope shall be properly secured to the drum.

(3) The hoisting rope shall be inspected regularly, maintained, and lubricated.

(d) Platform.

(1) Platform widths shall be limited to eight feet.

(2) Platform planking shall be laid tight and securely fastened to the bearers, shall overlap the supporting bearers at each end of the scaffold at least six inches but not more than eighteen inches, and shall not be supported across more than two bearers.

(3) Platform bearers shall be at least the equivalent of a pair of two and one half inch by two and one half inch by one quarter inch standard angles.

TABLE 19-10 MINIMUM SIZE AND MAXIMUM SPACING ~~*[OF]~~ MEMBERS OF INDEPENDENT POLE MEDIUM DUTY SCAFFOLDS

Uniformly Distributed Load	Not to exceed 50 psf				
Max. height of scaffold.....	20'	40'	60'	75'	
				Top 60'	Lower Sect.
Poles or uprights (min.).....	3" x 4" or 2" x 6"	4" x 4"	4" x 6"	4" x 6"	6" x 6"
Pole foundation (min.).....			2" x 9"		
Max. pole spacing (longitudinal)...			8'-0"		
Max. pole spacing (transverse)....			10'-0" ^a		
Ledgers (minimum).....			2" x 9" (on edge)		
Vertical spacing of ledgers (max.)			6'-0"		
Bearers (minimum).....			2" x 9" (on edge)		
Non-supporting stringers.....			1 1/4" x 4" or 1" x 6"		
Bracing.....			1" x 6"		
Planking:					
Not more than 6' span.....			1 1/4" x 9"		
More than 6' span.....			2" x 9"		
Toeboards.....			2" x 9"		
Guard rails.....			2" x 4"		

Note for Table 19-10:

^a Total base dimension in both directions to be at least 25 per cent of height.

~~*Copy in brackets not enacted but probably intended.~~

TABLE 19-11 MINIMUM SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE HEAVY DUTY SCAFFOLDS

Uniformly Distributed Load	Not to exceed 75 psf				
Max. height of scaffold.....	20'	40'	60'	75'	
				Top 60'	Lower Sect.
Poles or uprights (min.).....	4" x 4"	4" x 4"	4" x 6"	4" x 6"	6" x 6"
Pole foundation (min.).....			2" x 9"		
Max. pole spacing (longitudinal)...			6'-0" ^a		
Max. pole spacing (transverse)....			10'-0" ^a		
Ledgers (minimum).....			2" x 9" (on edge)		
Vertical spacing of ledgers (max.)			5'-0"		
Bearers (minimum).....			2" x 9" (on edge)		
Non-supporting stringers.....			1 1/4" x 9"		
Bracing.....			1" x 6"		
Planking.....			2" x 9"		
Toeboards.....			2" x 9"		
Guard rails.....			2" x 4"		

Note for Table 19-11:

^a Total base dimension in both directions to be at least 25 per cent of height.

~~(e) Guard rail and toeboard.~~ The outside edge of the platform and open ends shall be provided with a standard guard rail and toeboard (section 27-1050 of this article) except that spacing of the vertical supports may be increased to not more than ten feet. Where there is a space between the scaffold and the structure in excess of six inches, a similar guard rail shall be provided at the inside edge of the platform.

~~(f) Erection and removal.~~

~~(1) Multiple point suspension scaffolds shall be installed, relocated, and raised or lowered under the supervision of a designated superintendent or foreman who shall enforce such measures as may be required for the safe execution of such operations.~~

~~(2) During raising or lowering, the levels of the various sections of the scaffolds shall be kept uniform and the differential height between sections minimized.~~

~~§[C26-1907.7] 27-1048 Manually propelled free standing scaffolds.~~ All manually propelled free standing scaffolds shall meet the following requirements and shall be approved:

~~(1) Work platforms shall be tightly planked for the full width of the scaffold except for necessary entrance openings. Planks shall be secured in place.~~

~~(2) Platforms shall have a guard railing.~~

~~(3) Where a ladder is used to approach a platform, the ladder shall be secured to the scaffold.~~

~~(4) Handholds shall be provided for safe passage from the ladder to the platform.~~

~~(5) Unless temporarily braced to adjacent structure, the ratio of the platform height to the least base dimension shall be such as to assure stability, but in no case shall such height be more than four times the least base dimension.~~

~~(6) Provision shall be made to prevent the scaffold from falling during movement from one location to another.~~

~~(7) While the scaffold is in use by any person, it shall rest upon a stable footing and shall stand plumb. The casters or wheels shall be locked in position.~~

~~(8) While the scaffold is being moved, no person shall be suffered or permitted to ride, and all tools, equipment, and material shall be removed.~~

~~§[C26-1907.8] 27-1049 Power operated free standing scaffolds.~~ Records of the inspection, servicing, and maintenance of all power operated free standing scaffolds shall be kept by the user. These records are to be submitted on forms furnished by the commissioner and are to be made available whenever called for by the commissioner. All power operated scaffolds whether free standing or suspended shall meet the applicable requirements of subchapter eighteen of this chapter.

~~§[C26-1907.9] 27-1050 Standard guard rail and toeboard.~~

~~(a) Standard guard rail.~~

~~(1) GENERAL REQUIREMENTS.~~ A standard guard rail shall consist of a two inch by four inch wood top rail (S4S) not less than three feet nor more than three feet six inches above the platform and a one inch by four inch wood intermediate rail (S4S) midway between the top rail and the floor or toeboard, both supported by two inch by four inch wood posts (S4S) spaced not more than eight feet apart.

~~(2) ALTERNATE METAL RAILING.~~ In lieu of wood construction, posts and rails may be constructed of at least one and one quarter inch diameter standard pipe or of at least two inch by two inch by one quarter inch angles. Spacing of rails and posts shall be as required in paragraph one of this subdivision.

~~(3) REMOVABLE SECTIONS OF RAILING.~~ To provide necessary openings for intermittent operations, one or more sections of a required railing may be hinged or supported in sockets. When supported in sockets, rails shall be so constructed that they cannot be jolted out. A button or hook may be used to hold the rail in fixed position. Substantial chains or ropes may be used to guard such openings in standard railings. Where so used, the chains or ropes shall be taut at the same height as the rails of the standard railing.

~~(b) Standard toeboard.~~ A standard toeboard shall be at least five and one half inches high and constructed of metal, wood, or other substantial material. It shall be installed, where required, along the edge of any floor, opening, platform, ramp, or runway. Such toeboard shall be securely fastened to the posts and so installed that no open space exists between the floor and the toeboard.

~~*§ 27-1050.1 Notification of use or installation of c-hooks or outrigger beams.~~

~~(a) Notification and fee.~~ No person shall use or install a suspended scaffold hung from c-hooks or outrigger beams on any building without notifying the department in a form and manner specified by the department at least twenty four but no more than forty-eight hours prior to the commencement of such use or installation. The notification shall be accompanied by a fee in the amount of thirty five dollars.

~~(b) Violation.~~ Notwithstanding any inconsistent provision of this chapter, any person who fails to provide notice as required in this section shall be liable for a penalty in the amount of \$500 for the first violation and \$1,250 for the second and each subsequent violation, to be recovered in a proceeding before the environmental control board. The penalty for default shall be \$2,500 for the first violation and \$10,000 for the second and each subsequent violation.

~~(c) **Stop work order.** In addition to the penalties set forth in this section, the commissioner shall issue a stop work order if there is a failure to provide notice as required in this section and if (1) the rigger is unlicensed, (2) the workers lack certificates of fitness as required by the department's rules or (3) the rigger failed to file with the department satisfactory evidence of the required insurance and/or bond. Upon issuance of such stop work order, the work shall immediately be stopped for a minimum of two business days. The work shall not recommence until the stop work order has been lifted. In addition, the penalties set forth in section 26-181.1 shall also be assessed, as applicable.~~

~~*Local Law 17-2007.~~

~~ARTICLE 9 STRUCTURAL RAMPS, RUNWAYS, AND PLATFORMS~~

~~§[C26-1908.1] 27-1051 Ramps and runways (including elevated walkways).-~~

~~(a) **Construction.** All runways and ramps shall be constructed, braced and supported to resist lateral displacement and all vertical loads, including impact.~~

~~(b) **For motor vehicle use.** Runways and ramps for the use of motor vehicles may consist of an earthfill or may be structurally supported. They shall have a clear width of not less than twelve feet with timber curbs at least eight inches by eight inches placed parallel to, and secured to, the sides of the runway or ramp. The flooring of structurally supported ramps shall consist of no smaller than three inch planking full size, undressed, or equivalent material, with spans designed for the loads to be imposed.~~

~~(c) **For use of workers only.** Runways and ramps for the use of workers shall be at least one foot six inches in clear width. Where used for wheelbarrows, hand-~~

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carts, or hand trucks, runways and ramps shall be at least three feet in clear width. Flooring shall consist of at least two inch planking spanning as permitted by table 19-5, laid close, butt joined, and securely fastened.

(d) Slope limitations. Ramps shall have a slope not steeper than one in four. If the slope is steeper than one in eight, the ramp shall be provided with cleats spaced not more than fourteen inches apart and securely fastened to the planking to afford a foothold. Spaces in the cleats may be provided for the passage of the wheels of vehicles. The total rise of a continuous ramp used by workers carrying material or using wheelbarrows, hand carts, or hand trucks shall not exceed twelve feet unless broken by horizontal landings at least four feet in length.

(e) Guard rail required.

(1) All runways and ramps located more than five feet above the ground or floor shall be provided with a standard guard rail and toeboard (section 27-1050 of article eight of this subchapter) on open sides.

(2) Where it is possible for the public to pass under, or next to, runways or ramps, the space between the top rail and the toeboard shall be enclosed with a wire screen composed of not less than no. 18 steel wire gage with a maximum one-half inch mesh.

§[C26-1908.2] 27-1052 Platforms.

(a) Planking. Platforms used as working areas, or for the unloading of wheelbarrows, hand trucks, or carts shall have a floor consisting of at least two inch planking spanning as permitted by table 19-5. Platforms for the use of motor trucks shall have a floor of at least three inch planking, full size, undressed or equivalent materials with spans designed for the loads to be imposed. Planking shall be laid close and shall be butt joined and securely fastened.

(b) Guard rail required.

(1) Every platform more than five feet above the ground or above a floor shall be provided with a standard guard rail and toeboard (section 27-1050 of article eight of this subchapter), except that the side of the platform used for the loading or unloading of vehicles may be protected by a timber curb at least eight inches by eight inches for motor trucks or four inches by four inches for wheelbarrows and hand trucks in lieu of the standard guard rail and toeboard.

(2) Where it is possible for the public to pass under, or next to, platforms, the space between the top rail and the toeboard shall be enclosed with a wire screen composed of not less than no. 18 steel wire gage with a maximum one-half inch mesh.

§[C26-1908.3] 27-1053 Special requirements where power buggies are used. Runways, ramps, platforms, and other surfaces upon which power buggies are operated shall meet the following minimum requirements:

(1) They shall be designed.

(2) They shall be able to sustain, without failure, at least four times the maximum live load for which they are intended.

(3) The minimum width, inside of curbs, for any ramp, runway, or platform shall be two feet wider than the outside width of any power buggy operated thereon without passing, and three feet wider than twice such buggy width in the places where passing occurs.

(4) All runways shall be essentially level transversely.

(5) Curbs shall be furnished along all buggy traffic paths that are nearer than ten feet horizontally to any unenclosed area, shaft, or other open space into which or through which, a fall of more than twelve inches from such surface is possible, except as set forth in subdivision seven of this section.

(6) Where curbs are not required because the buggy is operated on a surface not over twelve inches above another surface, the lower surface shall be strong enough to sustain the loaded vehicle in the event of a fall thereon.

(7) Curbs may be omitted at actual dumping points more than twelve inches above other surfaces if the edge over which dumping occurs is provided with bumpers or other means that will effectively stop the buggy from running over the edge while dumping.

(8) Curbs must be at least seven inches high, securely fastened, and capable of resisting side impact, and shall be equivalent to at least two inch by eight inch plank set on edge against uprights securely fastened and braced at not more than four foot intervals.

ARTICLE 10 MATERIAL HANDLING AND HOISTING EQUIPMENT

§[C26-1909.1] 27-1054 General requirements. Material handling and hoisting equipment shall be installed, operated, and maintained to eliminate hazard to the public or to property. It shall be unlawful to operate any such equipment which is not provided with a positive means for preventing the unauthorized operation of such machine. The means whereby such machines may be made inoperative shall be determined by the commissioner.

(a) Operation. Only operators designated by the person causing such machinery to be used shall operate hoisting or material handling machinery. Operators and signalmen shall be experienced at the operation they perform. Riggers and hoisting machine operators shall be licensed as required under chapter one of title twenty-six of the administrative code. The operator shall be responsible for making the machine inoperative before he or she leaves the machine.

(b) Loading. Material handling and hoisting equipment shall not be loaded in excess of the rated load specified

by the manufacturer, except for power-operated cranes and derricks where the provisions of section 27-1057 of this article are controlling. Except for power-operated cranes and derricks if such data are not available, the safe loads and, where applicable, charts of reach vs. capacity, shall be established by an engineer or architect. All loads shall be properly trimmed to prevent the dislodgement of any part during raising, lowering, swinging or transit. Suspended loads shall be securely slung and properly balanced before they are set in motion. Rated load capacities and required charts shall be conspicuously posted on all material handling and hoisting machinery or on the job site and shall be available to the commissioner at all times.

(c) Refueling. Open lights, flames, or spark-producing devices shall be kept at a safe distance while refueling an internal combustion engine, and no person shall smoke or carry lighted smoking material in the immediate vicinity of the refueling area. The engine shall be stopped during refueling. Fuel shall be kept in containers that meet the requirements of the fire department. "No smoking" signs shall be conspicuously posted in all fueling or fuel storage areas.

~~§[C26-1909.2] 27-1055 Rigging, rope, chains, and their appurtenances and fittings.-~~

(a) Hoisting line. Only wire rope shall be used with power driven hoisting machinery, except that either wire or fibre rope may be used on winchheads or capstan hoists.

(b) Wire rope or cable.-

(1) All hoisting cable shall be at least one-half inch diameter plow steel grade.

(2) Wire cable shall not be used under the following conditions:

a. When it is knotted or kinked.

b. When more than ten percent of the total wires are broken in any lay, a lay being that distance measured along the cable in which one strand makes a complete revolution around the cable axis.

c. When the wires on the crown of the strands are worn down or rusted to less than sixty percent of their original cross-sectional area.

d. When any combination of broken wires, rust, or abrasion has reduced the strength of the cable to eighty percent or less of its original strength.

(3) At least four turns of the cable shall remain on the hoist drum at all times.

(4) Wire cable fastenings shall conform to the provisions of article eleven of subchapter ten of this chapter, and shall consist of zinc-filled sockets, wedge sockets with at least one cable clip above the socket, thimble and splice connections, or thimble and cable slips*.

(5) Where cable clips are used, the minimum number shall conform to the following:

**As enacted but "clips" probably intended.*

Diameter of wire rope	No. of clips
Up to and incl. 3/4 in.....	3
From 3/4 in. up to and incl. 1 in.....	4
From 1 in. up to and incl. 1 1/4 in.....	5
From 1 1/4 in. up to and incl. 2 1/2 in..	6

(6) Clip spacing shall be at least six times the diameter of the cable, and the "U" part of the clip shall be placed over the short end of the cable. After the rope is in service and while it is under tension, the nuts on the clips shall be retightened.

(7) Cables and blocks used to change the direction of cables shall not be located in any area used by the public.

(c) Fibre rope.-

(1) Fibre rope shall be equal in strength, durability and quality to long fibered manila hemp rope, and shall be used and maintained in accordance with the recommendations of the manufacturer.

(2) Before rope is used it shall be carefully inspected for abrasions and severe wear. Rope that has been exposed to acid shall be destroyed and not used.

(3) Frozen rope shall be thawed out and inspected before being used.

(4) Rope shall not be made fast to sharp objects or surfaces, and sharp bends shall be avoided.

(5) Rope shall be stored in a dry place and protected.

(d) Sheaves.-

(1) Load-bearing sheaves shall be of diameter and grooving as recommended by the manufacturer to accommodate the particular rope under the proposed conditions of use.

(2) Sheaves and blocks that are worn, chipped, or otherwise damaged shall not be used.

(3) Sheaves and blocks intended for use with fibre rope shall not be used for wire rope.

(e) Fittings.-

(1) All wire rope fittings, including sockets, thimbles, clips, blocks, shackles, etc. shall be of the standard size, diameter, and grooving to fit the size of and to develop the breaking load capacity of the rope on which they are to be installed.

(2) Hooks, shackles, or other fittings deformed due to wear, over stress, or other cause shall not be used.

(3) Safety hooks or open type hooks with wire mousings shall be used where loads may be accidentally unhooked.

(f) Chains.-

(1) Chains having deformed links or links that are stretched from their original length shall not be used. Defective links or portions of the chain shall be replaced only by links or sections furnished by the manufacturer for the particular chain involved, unless a substitute link can be shown to be equivalent in strength and suitability. All repairs to chains shall be made by an experienced blacksmith or chainwright, except that alloy steel chains shall be repaired only by the

manufacturer of such chains.

(2) ~~When in constant use, steel chains should be normalized and wrought iron chains should be annealed at intervals not to exceed six months. The annealing or normalizing shall be done by the manufacturer or in strict accordance with such manufacturers specifications.~~

(3) ~~Chains shall not be used as slings in hoisting operations. Chains shall not be knotted, nor shall they be shortened or spliced, by the use of nails or bolts.~~

~~(g) Slings.~~

(1) ~~Blocks or heavy padding shall be used at corners of the load to protect the sling from sharp bending.~~

(2) ~~When lifting a load with multiple slings, the slings shall be so arranged as to equalize the load between the slings.~~

(3) ~~The ends of slings made of wire or fibre shall be properly spliced to form the eyes. Eyes for wire rope shall be formed using thimbles.~~

(4) ~~Wire rope slings shall be frequently inspected and lubricated.~~

~~(h) Accidents.~~ ~~The owner or person directly in charge of any rigging equipment shall immediately notify the commissioner following any accident involving such equipment. When an accident involves the failure or destruction of any part of the rigging equipment, no person shall use or operate such equipment or any part thereof or remove such equipment or any part thereof from the immediate area of the job site without the permission of the commissioner.~~

**Local Law 15-1993.*

~~§[C26-1909.3] 27-1056 Material platform hoists and bucket hoists.~~ ~~As used in this section, a material platform or bucket hoist means a power or manually operated suspended platform or bucket contained by guide rails and used for raising or lowering material exclusively, and controlled from a point outside the conveyance.~~

~~(a) Construction of material hoist towers.~~

(1) ~~Where the design of material hoist towers utilizes standard manufactured elements the loading shall not exceed the rated values established by the manufacturer. If specifically designed for the given installation, the design shall be prepared by an engineer or architect, and the construction shall conform to that design. For all material hoist towers more than six stories high, whether of manufactured units or specifically designed for the site, plans showing the design, including the guying, bracing, and foundations shall be submitted to the commissioner for approval prior to construction. Approval of such plans is subject to the provisions established in article nine of subchapter one of this chapter for approval of plans for new construction.~~

(2) ~~Standard guard rails and toeboards shall be placed on the open sides of runways connecting the tower to the structure.~~

(3) ~~The provisions of subdivision (f) of section 27-1042 of article eight of this subchapter relating to fire retardant construction of scaffolds shall apply to the construction of hoist towers.~~

(4) ~~An enclosure shall be installed around the hoistway below the lowest landing to prevent unauthorized access to the space under any hoist.~~

(5) ~~Exterior hoist towers may be used with or without an enclosure on all sides. When a hoist tower is enclosed, except for entrance and exit openings, it shall be enclosed on all sides for the entire height, with a screen enclosure with one half inch mesh, No. 18 U.S. gage [sic] wires. When a hoist tower is not enclosed, the hoist platform or car shall be totally enclosed on all four sides for the full height between the floor and the overhead protective covering with one half inch mesh of No. 14 U.S. gage [sic] wire or the equivalent. The hoist platform enclosure shall include the required gates for loading and unloading.~~

~~(b) Hoist cars.~~ ~~Platforms for material hoist cars shall have sufficient strength to support five times the rated capacity, and the wire rope supporting material hoist cars or bucket hoists shall be capable of supporting eight times the rated capacity. The rated capacity shall be conspicuously posted and maintained on the cross head or side members. On the top of every material hoist cage there shall be an overhead protective cover of two inch planking, three quarters inch plywood or other material of equivalent strength.~~

~~(c) Hoist machinery.~~

(1) ~~The car and counterweight, if provided, shall be equipped with safety devices capable of stopping and sustaining the counterweight and/or sustaining the car with its capacity load in the event of breakage of the hoisting or counterweight ropes.~~

(2) ~~A sign or plate giving the maximum load capacity shall be posted in a conspicuous place near every hoist engine.~~

~~§[C26-1909.4] 27-1057 Testing inspection, approval and use of power operated cranes, derricks and cableways.~~ ~~No owner or other person shall authorize or permit the operation of any power operated crane or derrick without a certificate of approval, a certificate of operation and a certificate of on-site inspection. No owner or other person shall authorize or permit the operation of any cableway without a certificate of on-site inspection.~~

~~(a) Exceptions.~~

(1) ~~The requirements of this section shall not apply to excavating or earth-moving equipment, except cranes used with clamshells.~~

(2) ~~The requirements of this section shall not apply to cranes or derricks performing an emergency use pursuant to the lawful order of the head of any department.~~

~~(3) The requirements of this section shall not apply to truck cranes with telescopic, hydraulic or folding booms, including jibs and any other extensions to the boom, not exceeding one hundred thirty five feet in length with a manufacturer's rated capacity of three tons or less, except that a certificate of operation, as provided for in this section and in reference standard RS 19-2 shall be required for such cranes with jibs and any other extensions to the boom exceeding fifty feet in length. The above requirement for a certificate of operation shall not apply to a crane used exclusively as a man basket.~~

~~(4) The requirements of this section shall not apply to a mobile crane with a boom, including jibs and any other extensions to the boom, not exceeding fifty feet in length with a rated capacity of three tons or less. The commissioner may, by rule and regulation, exempt other mobile cranes of limited size and capacity from any or all of the requirements of this section.~~

~~(5) The requirements of this section shall not apply to hoisting machines permanently mounted on the bed of material delivery trucks which are used exclusively for loading and unloading such trucks, provided that the length of boom does not exceed the length of the truck bed by more than five feet and that any material transported thereon shall not be raised more than two feet in the unloading process. Operators of such equipment shall be exempt from licensing requirements prescribed in section 26-166 of title twenty-six of the administrative code.~~

~~(b) Certificate of approval-~~

~~(1) The owner of such crane or derrick shall file an application for a certificate of approval on a form prescribed by the department, together with such information as set forth in reference standard RS 19-2 and shall contain the various boom lengths and applicable load ratings for which approval is requested.~~

~~(2) Upon the approval by the department of information submitted pursuant to reference standard RS 19-2 and an inspection of the equipment, the department shall issue a certificate of approval for the equipment. Said equipment may be used with pile driving leads, mounted compressors, boilers, magnets, hammers, pile hammers, extractors, jetting equipment, augers, drills, vibrating hammers, mandrels, hoe rams and other similar attachments. A new certificate of approval shall be required when a crane is modified or altered to increase the boom length, jibs or any extensions to the boom beyond the maximum approval length or when the load ratings are increased.~~

~~(c) Certificate of operation-~~

~~(1) Upon issuance of a certificate of approval, the department shall also issue the initial certificate of operation which shall expire one year from the date of issuance. The owner of such crane or derrick shall renew the certificate of operation each year.~~

~~(2) The commissioner shall approve the crane or~~

~~derrick if he or she is satisfied after inspections and tests that said crane or derrick is in a safe operating condition.~~

~~(3) If the owner applies for renewal of a certificate of operation within not more than sixty or less than thirty days prior to the date of expiration of his or her certificate, such owner may continue to use his or her crane or derrick until the department grants or denies him or her a new certificate.~~

~~(4) No change in such crane or derrick not provided for in the certificate of operation may be made until the owner obtains a new certificate of operation.~~

~~(d) Certificate of on-site inspection-~~

~~(1) The owner of the premises, building or structure, or his or her designated representative, shall obtain a certificate of on-site inspection for the use of any power operated crane, derrick or cableway used for construction purposes at each job site. Such owner or his or her designated representative shall file an application for a certificate of on-site inspection on a form prescribed by the department, and the fee for such application shall be as provided in section 26-215 of title twenty-six of the administrative code. The applicant shall specify the date when the equipment will be at the job site for use, which date shall be not less than three regular working days from the date of filing said application. Such application shall include the information as set forth in the applicable provisions of reference standards RS 19-2 and RS 19-3.~~

~~(2) Upon approval of the application, a copy of said approval shall be given to the applicant. It shall have noted thereon that the equipment shall not be operated prior to the date indicated, which date shall be not less than three regular working days from the filing of the application unless otherwise provided in the applicable provisions of reference standard RS 19-2. It shall be unlawful to operate the aforesaid equipment before the specified date, unless it has been inspected and found to be satisfactory by the department. If the equipment has not been inspected by the department on or before the said date, then the equipment may be operated, pending inspection, provided that the conditions and statements contained in the approved application are complied with. Upon inspection by the department and a finding of satisfactory compliance, the approval shall be deemed to be a certificate of on-site inspection.~~

~~(3) The certificate of on-site inspection is only valid if the conditions and statements contained in the approved application are complied with and the hoisting machine is operated in conformance with the provisions of this section and the rules and regulations applicable thereto.~~

~~(4) No certificate of on-site inspection shall be required where any article is hoisted or lowered on the outside of any completed building, or for the installation of boilers and tanks, or for the erection, maintenance or removal of signs or sign structures, under the supervision of a~~

master or special rigger or a master or special sign hanger in conformance with the provisions of chapter one of title twenty six of the administrative code.

(e) ~~The commissioner shall inquire into the cause of any accident involving hoisting machinery.~~ The owner or person directly in charge of any hoisting machinery shall immediately notify the administrator and the commissioner following any accident involving hoisting machinery. When an accident involves the failure or destruction of any part of a hoisting machine, no person shall do either of the following, without the permission of the commissioner:

- (1) use such hoisting machine, or
- (2) remove the hoisting machine or any part thereof from the area of the job site.

(f) ~~Any person who wilfully violates any provision of this section shall be guilty of an offense and shall be subject to a fine not exceeding one thousand dollars.~~

*~~**As enacted but "wilfully" probably intended.~~*

(g) ~~The commissioner may issue temporary certificates of approval,~~ operation and on site inspection for any power-operated crane during the pendency of an application for certificates of approval and operation upon inspection and upon such analysis and testing as the commissioner may deem necessary. The commissioner may revoke such temporary certificates if the application is denied.

(h) ~~Special requirements for cranes and derricks.~~ The construction, installation, inspection, maintenance and use of power-operated cranes and derricks shall be in conformance with reference standard RS 19-2.

(i) ~~Special requirements for cableways.~~ The construction, installation, inspection, maintenance and use of cableways shall be in conformance with reference standards RS 18-5 and RS 19-3.

~~§[C26-1909.5] 27-1058 Conveyors and cableways.~~

(a) ~~Walkways.~~ Walkways along belt conveyors or bucket conveyors shall be kept free of materials and, where five feet or more above the ground, shall be provided with a standard guard rail and toeboard along the outside of the walkway. The guard rail and toeboard may be omitted on the side toward the belt if the walkway is located adjacent to the conveyor.

(b) ~~Trippers.~~ Where trippers are used to control discharge, a device for throwing the belt or bucket drive into neutral shall be installed at each end of the runway.

(c) ~~Spillage.~~ Where conveyor belts cross any traveled way, trays shall be installed to catch spillage and overhead protection shall be provided for persons or traffic passing beneath.

~~§[C26-1909.6] 27-1059 Trucks.~~

(a) ~~Maintenance.~~ All parts and accessories of trucks shall be kept in repair. Brakes shall be so maintained that the vehicle with full load may be held on any grade that may be encountered on the job. Provision shall be made for the immediate application of wheel blocks to trucks traversing ramps steeper than one in ten.

(b) ~~Loading.~~ Trucks shall not be loaded beyond the manufacturer's rated capacity, nor beyond the legal load limit, where applicable. The loads shall be trimmed before the truck is set in motion to prevent spillage. Loads that project beyond the sides of the truck, or that may be dislodged in transit, shall be removed or securely lashed in place.

~~§[C26-1909.7] 27-1060 Power buggies.~~ As used in this section, the term "power buggy" shall mean an automotive vehicle designed or used for the transportation of materials on or about construction sites. It shall not include automobiles, motor trucks, general purpose tractors, or excavating or material handling machinery.

(a) ~~Responsibility of employers and workers.~~

(1) Every person causing a power buggy to be used shall provide trained and competent operators and shall carry out or enforce all provisions of this section pertaining to the use, operation, and maintenance thereof.

(2) No person other than the operator assigned by the employer shall operate a power buggy. A power buggy shall be in charge and custody of the operator assigned, and no other person shall in any way interfere with or handle it, nor shall the operator cause or permit any other person to do so.

(3) No power buggy shall be operated unless it is in good operating condition and is so constructed that it is stable under conditions of normal use.

(b) ~~Operation and Construction.~~

(1) **~~BRAKES.~~** Every power buggy shall be provided with brakes and tire surfaces capable of bringing it to a full stop within twenty five feet on a level surface that is similar to the one on which it will be used and at full rated load and maximum design speed. Brakes shall be capable of being fixed in engagement to hold the full load stationary on a twenty five percent grade.

(2) **~~ACCIDENTAL STARTING.~~** All movement controls of every power buggy shall be so arranged or shielded that they cannot be inadvertently engaged or the buggy accidentally set in motion.

(3) **~~PARKING ON GRADES.~~** No power buggy shall be left unattended on any grade sufficiently steep to cause it to coast if free of engine and brake resistance.

(4) **~~USE ON RAMPS, RUNWAYS AND PLATFORMS.~~** Power buggies shall not be used on ramps, runways, or platforms that do not meet the requirements of section 27-1053 of article nine of this subchapter.

~~§[C26-1909.8] 27-1061 Lift and fork trucks.~~

(a) ~~Load capacity.~~ A metal plate with readily legible etched or stamped figures giving the capacity rating in pounds shall be attached to every lift or fork truck.

(b) ~~Maintenance.~~ All parts and accessories of lift or fork trucks shall be kept in repair and with brakes adequate to maintain the fully loaded vehicle on any grade that may be encountered on the job.

(c) ~~Loading.~~ No lift or fork truck shall be loaded beyond its capacity rating. No hand-operated pallet

truck loaded so that any point on the load is at a greater height than four feet six inches above the floor shall be moved by pushing unless handled by two persons.

(d) Prohibited use. No lift or fork truck shall be in motion when the loaded forks are elevated higher than necessary to clear obstructions, except as may be required for positioning, picking up, or depositing the load.

~~§[C26 1909.9] 27-1062 Hand propelled vehicles.~~ Hand propelled vehicles shall be constructed and braked to withstand the loads to be carried and shall be maintained in repair. Vehicles with loose parts shall not be used.

~~§[C26 1909.10] 27-1063 Mixing machines.~~ Where the public may have access to the working area near charging skips, guard rails shall be erected to enclose the area under the raised skip and the mixing machine. Each time before raising or lowering the charging skip, the operator shall ascertain that no one is in the danger zone.

~~§[C26 1909.11] 27-1064 Jacks.~~

(a) Marking. The rated capacity of every jack shall be legibly marked in a prominent location on the jack by casting or stamping. The manufacturer shall designate the intended supporting point of the load and the maximum permissible length of lever and force applied.

(b) Overtravel to be limited. Every jack shall, where practicable, be provided with a positive stop to prevent overtravel; otherwise an indicator to clearly show overtravel shall be provided on the jack.

(c) Maintenance. Lubrication and operation of jacks shall be in accordance with the recommendations of the manufacturer.

(d) Foundations. Jacks shall rest on a firm, level foundation adequate to support the load.

(e) Blocking required. When the object has been lifted to the desired height, blocking or cribbing shall be immediately placed under it.

ARTICLE 11 EXPLOSIVE POWERED AND PROJECTILE TOOLS

~~§[C26 1910.1] 27-1065 General.~~ All explosive powered and projectile tools shall be approved.

~~§[C26 1910.2] 27-1066 Explosive powered tools.~~

(a) The provisions of reference standard RS 19-1 shall apply.

(b) The care and storage of explosives shall meet the requirements of the fire department.

~~§[C26 1910.3] 27-1067 Projectile tools.~~

(a) Basic requirements.

(1) Unless in a particular case the board shall otherwise determine, design and construction must be such as to retain safely all internal pressures which may occur during operation, the discharge mechanism shall be such that the projectile ~~***can not be discharged by dropping the tool, the discharge mechanism shall be~~

such that the discharge of each projectile shall be dependent on a separate and distinct act by the operator, and all safety features shall be durable.

~~As enacted but "cannot" probably intended.~~**

(2) A tool shall have such other characteristics as the board may find necessary or proper to provide safety, alternative or in addition to the foregoing. Such other characteristics may include devices and materials external to the tool itself but associated with its function, and may also include in respect to high velocity projectile tools the basic requirements set forth above for explosive powered tools which discharge projectiles with comparable velocities.

(b) Maintenance.

Every projectile tool shall be properly maintained. No such tool shall be used if any part thereof necessary to retain internal pressures or to prevent accidental discharge of a projectile is not in sound and operable condition.

(c) Operation.

(1) A projectile [tool]* shall be operated only by an authorized operator who shall be the owner, lessee, or other person having proprietary custody of the tool or any other person whom he or she may authorize to operate it.

(2) While a projectile tool is in the care and custody of an authorized operator, no other person shall handle or in any way molest it.

(3) No authorized operator of a projectile tool shall leave it unattended while it is in a condition to discharge a projectile.

(4) No person shall use a projectile tool for any purpose other than that for which it was manufactured, nor shall such person point it at another person or hold it at an angle permitting the projectile to fly free.

(5) No person shall use a projectile tool in such a way as to endanger persons who may be in the vicinity.

~~*Copy in brackets not enacted but probably intended.~~

ARTICLE 12 EXPLOSIVES AND BLASTING

~~§[C26 1911.1] 27-1068 General.~~

All handling, transporting, and use of explosives shall meet the requirements of the fire department.

ARTICLE 13 FLAMMABLE AND COMBUSTIBLE MIXTURES, COMPRESSED GASES, AND OTHER HAZARDOUS MATERIALS

~~§[C26 1912.1] 27-1069 General.~~ The transportation, handling, storage, and use of all volatile flammable oils, flammable and combustible mixtures, compressed gases, and other hazardous materials shall meet the requirements of the fire department. Also, see subdivision (b) of section 27-1023 of article two of this subchapter, warning signs and lights.

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BUILDING CODE AMENDMENTS

The following is a listing of the Local Laws amending the Building Code during the period from December 6, 1968 through July 1, 2008.

For the date of the Mayor's approval of the Local Laws listed below, see "Dates of N.Y.C. Local Laws approved by the Mayor," in this index.

Title 26: Housing and Buildings

Item Amended		
Old Section Number	New Section Number	Local Law(s)
[641-1.0] – [641-3.0]	26-101 – 103 (Repealed)	33-2007
[4.0]	104 (Repealed)	33-2007; 91-1989; 45-1984
[641-5.0] – [642-1.0]	105 – 111 (Repealed)	33-2007
[642-2.0]	112 (Repealed)	33-2007; 107-1993
[642-3.0] – [643a-3.0]	113 – 117	33-2007
[4.0]	118 (Repealed)	33-2007; 48-2006; 48-1983; 45-1983
[5.0] – [7.0]	119 – 121 (Repealed)	33-2007
[8.0]	122 (Repealed)	33-2007; 17-1982
[9.0] – [10.0(b)]	123 – 124(b) (Repealed)	33-2007
[10.0(c)]	124(c) (Repealed)	33-2007; 107-1993
[11.0]	125 (Repealed)	33-2007; 65-1997; 62-1991; 80-1985; 17-1982
[11.0(b)]	125(b) (Repealed)	33-2007; 80-1985; 17-1982
[11.0(c)]	125(c) (Repealed)	33-2007; 16-1984
[11.0(e)]	125(e) (Repealed)	33-2007; 27-1996
[11.0(g)]	125(g) (Repealed)	33-2007; 77-2005; 35-2004; 44-2003
	125.1 (Repealed)	33-2007; 99-1991
[12.0(a)(b)(c)]	126(a)(b)(c) (Repealed)	33-2007
[12.0(d)]	126(d) (Repealed)	33-2007; 77-2005; 35-2004; 44-2003

Item Amended		
Old Section Number	New Section Number	Local Law(s)
[12.0(e)]	126(e) (Repealed)	33-2007; 37-2007
[12.1(a)]	126.1(a) (Repealed)	33-2007; 03-1998
[12.1(a)(e)]	126.1(a)(e) (Repealed)	33-2007; 65-1997; 80-1985
[12.1(a)(f)]	126.1(a)(f) (Repealed)	33-2007; 37-2007
[12.1(b)(c)(d)]	126.1(b)(c)(d)	33-2007
[12.2(a)(f)(g)(h)(i)(j)(k)]	126.2(a)(f)(g)(h)(i)(j)(k) (Repealed)	33-2007; 03-1998; 80-1985
[12.2(b)(c)(d)(e)]	126.2(b)(c)(d)(e) (Repealed)	33-2007
[12.2(f)]	126.2(f) (Repealed)	33-2007; 02-2000
[12.3]	126.3 (Repealed)	33-2007; 80-1985
[12.4 (1) – (9)]	126.4(1) – (9) (Repealed)	33-2007
[12.4 (10)]	126.4(10) (Repealed)	14-2001; 03-1998; 80-1985
[12.5]	126.5 (Repealed)	33-2007
[13.0]	127 (Repealed)	33-2007; 23-1990
	127.1 (Repealed)	33-2007; 23-1990
	127.2 (Repealed)	33-2007; 06-1993
	127.3 (Repealed)	33-2007; 14-2001
	127.3(g) (Repealed)	33-2007; 31-2005
[14.0]	128 (Repealed)	33-2007; 25-1984
[644-1.0] – [2.0]	129 – 130 (Repealed)	33-2007
[B26-1.0]	131 (Repealed)	33-2007; 45-1969
[1.1]	132 (Repealed)	33-2007
[1.2]	133 (Repealed)	33-2007; 55-1989; 63-1970

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Item Amended		
Old Section Number	New Section Number	Local Law(s)
[1.3]	134 (Repealed)	33-2007; 59-1996; 61-1970
[1.4] – [1.5]	135 – 136 (Repealed)	33-2007
[1.6]	137 (Repealed)	33-2007; 36-2007; 51-2001; 91-1981
[1.7]	138 (Repealed)	33-2007; 55-1989; 79-1981
[1.8]	139 (Repealed)	33-2007; 73-1969
[1.9]	140 (Repealed)	33-2007
[2.0] - [2.3]	141 – 144 (Repealed)	33-2007; 55-1989; 79-1981
[2.0(e)]	141(e) (Repealed)	33-2007; 10-1999
[2.0(h)(1)]	141(h)(1) (Repealed)	33-2007; 10-1999
[2.4]	145 (Repealed)	33-2007; 79-1981
[2.5]	146 (Repealed)	33-2007; 55-1989; 79-1981
[2.6]	147 (Repealed)	33-2007; 55-1989; 91-1981
[2.6(a)(b)]	147(a)(b) (Repealed)	33-2007; 51-2001
[2.7]	148 (Repealed)	33-2007; 55-1989; 79-1981
[2.8]	149 (Repealed)	33-2007; 55-1989; 79-1981
[2.9]	150 (Repealed)	33-2007; 55-1989
[2.9(a)]	150(a) (Repealed)	33-2007; 51-2001
	150.1 (Repealed)	33-2007; 51-2001
[2.10] – [2.12]	151 – 153 (Repealed)	33-2007; 55-1989; 79-1981
	153.1 (Repealed)	33-2007; 55-1989
[3.0] – [3.1]	154 – 155 (Repealed)	33-2007
[3.2]	156 (Repealed)	33-2007; 61-1970
[3.3]	157 (Repealed)	33-2007; 45-1969

Item Amended		
Old Section Number	New Section Number	Local Law(s)
[3.4]	158 (Repealed)	33-2007
[4.0]	159 (Repealed)	33-2007; 61-1970
[4.1]	160 (Repealed)	33-2007
[4.2] – [4.4]	161 – 163 (Repealed)	33-2007; 61-1970
[4.3(a)(1)]	162(a)(1) (Repealed)	33-2007; 108-1993
[4.5] – [4.6]	164 – 165 (Repealed)	33-2007
[5.0]	166 (Repealed)	33-2007; 73-1969
[5.1] – [5.2]	167 – 168 (Repealed)	33-2007
[5.3]	169 (Repealed)	33-2007; 73-1969
[5.4]	170 (Repealed)	33-2007; 91-1981
[5.5]	171 (Repealed)	33-2007; 73-1969
[6.0]	172 (Repealed)	33-2007; 45-1983
[6.1] – [6.7]	173 – 179 (Repealed)	33-2007
[6.8]	180 (Repealed)	33-2007; 91-1981
[6.9(a)(b)]	181(a)(b) (Repealed)	33-2007;
[6.9(c)]	181(c) (Repealed)	33-2007; 63-1970
	181.1 (Repealed)	33-2007; 18-2007
[7.0] – [7.1]	182 – 183 (Repealed)	33-2007
[7.2]	184 (Repealed)	33-2007; 63-1970
[7.3] – [7.7]	185 – 189 (Repealed)	33-2007
[7.8]	190 (Repealed)	33-2007; 91-1981
[7.9(a)(b)]	191(a)(b) (Repealed)	33-2007
[7.9(c)]	191(c) (Repealed)	33-2007; 63-1970
[8.0] – [8.5]	192 – 197 (Repealed)	33-2007
[8.6]	198 (Repealed)	33-2007; 91-1981
[8.7]	199 (Repealed)	33-2007; 63-1970
[9.0] – [9.1]	200 – 201 (Repealed)	33-2007
[9.2]	202 (Repealed)	33-2007; 61-1970

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Item Amended		
Old Section Number	New Section Number	Local Law(s)
[9.3]	203 (Repealed)	33-2007; 91-1981
[9.4]	204 (Repealed)	33-2007; 65-1990
	204.1(a)(b)(e) (Repealed)	33-2007
	204.1(c)(d) (Repealed)	33-2007; 24-2008
	204.2 (Repealed)	33-2007; 24-2008
	204.3 (Repealed)	33-2007; 24-2008
	204.4 (Repealed)	33-2007; 24-2008
	Article 10 of Subchapter 2 (Repealed)	33-2007; 52-2005
	Article 11 of Subchapter 2 (Repealed)	33-2007; 36-2007
[C26-10.0] – [22.0]	26-205 – 209 (Repealed)	33-2007
[30.0]	210 (Repealed)	33-2007; 05-1976
[31.0]	211 (Repealed)	33-2007; 38-1990; 91-1981
[32.0]	212 (Repealed)	33-2007; 56-1993; 38-1990; 40-1987; 35-1984; 91-1981
[32.0(2)(5)]	212(2)(5) (Repealed)	33-2007; 109-1993
[32.0(2)(5)(7)(a)]	212(2)(5)(7)(a) (Repealed)	33-2007; 107-1993
	212.1 (Repealed)	33-2007; 48-2006 58-1988
	212.4 (Repealed)	50-1988
[33.0]	213 (Repealed)	33-2007; 62-1991; 48-1991; 91-1981
[33.0(b)(c)]	213(b)(c) (Repealed)	33-2007; 40-1987
[34.0]	214 (Repealed)	33-2007; 53-1993; 72-1991; 54-1991; 38-1990; 25-1984
[34.0(a)(14)]	214(a)(14) (Repealed)	33-2007; 53-1993

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[34.1]	214.1 (Repealed)	33-2007; 55-1991; 34-1988; 76-1985
[35.0]	215 (Repealed)	33-2007; 38-1990; 25-1984
[40.0] – [82.0]	216 – 239 (Repealed)	33-2007
[82.5]	240 (Repealed)	33-2007; 59-1996; 05-1972
[83.0] – [83.5]	241 – 242 (Repealed)	33-2007
[84.0]	243(a) (Repealed)	33-2007; 14-1989; 05-1986
[84.0(b)]	243(b) (Repealed)	33-2007; 59-1996
[84.0(c)(d)]	243(c)(d) (Repealed)	33-2007
[Article 8-A]	Article 9 (Repealed)	33-2007; 39-1972
[84.5] – [85]	244 – 245 (Repealed)	33-2007
[85.5]	246 (Repealed)	33-2007; 41-1978
[85.5(a)(4)]	246(a)(4) (Repealed)	33-2007; 17-1982
[86.0]	247 (Repealed)	33-2007
[86.5]	248 (Repealed)	33-2007; 33-1991; 17-1982
[86.5(f)]	248(f) (Repealed)	33-2007; 10-1981
[86.5(g)]	248(g) (Repealed)	33-2007; 16-1984; 17-1982
[86.5(g)(3)]	248(g)(3) (Repealed)	33-2007; 87-2005
[86.5(g)(4)]	248(g)(4) (Repealed)	33-2007; 26-2004
[86.5(g)(6)]	248(g)(6) (Repealed)	33-2007; 36-2007
[86.5(i)]	248(i) (Repealed)	33-2007; 87-2005
[86.5(j)]	248(j) (Repealed)	33-2007; 47-2006
[86.5(k)]	248(k) (Repealed)	33-2007; 48-2006
[87.0]	249 (Repealed)	33-2007; 23-1990
[87.5]	250 (Repealed)	33-2007; 39-1972
[91.0]	251 (Repealed)	33-2007

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[92.0]	252 (Repealed)	33-2007; 33-1991; 45-1969
[92.0(a)]	252(a) (Repealed)	33-2007; 93-1996
	252.1 (Repealed)	33-2007; 87-2005
Art.1 & 2 of Subchapter 4 (Repealed)		33-2007; 14-2001
	253 (Repealed)	33-2007
	253(a)(b) (Repealed)	33-2007; 31-2005; 14-2001
	254 (Repealed)	33-2007; 31-2005; 14-2001
	255 – 257 (Repealed)	33-2007
	258 (Repealed)	33-2007; 31-2005; 14-2001

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	259(a)(b)(c)(d) (Repealed)	33-2007; 31-2005; 14-2001
	259(e)(f) (Repealed)	33-2007
	260(a) (Repealed)	33-2007
	260(b)(c)(d) (Repealed)	33-2007; 31-2005; 14-2001
	261(a) (Repealed)	33-2007; 31-2005; 14-2001
	261(b) (Repealed)	33-2007
	262(a)(b)(c)(e) (Repealed)	33-2007
	262(d) (Repealed)	33-2007; 31-2005; 14-2001
	263 (Repealed)	33-2007

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[100.1]	27-101	33-2007
[100.3]	103	33-2007
[100.6]	106 (Repealed)	33-2007; 32-2004; 41-1978
[103.0]	114	16-1984
[103.0(e)]	114(e)	45-1984
[103.0(h)]	114(h)	32-2004
[103.2]	116	06-1974
[103.3]	117	06-1974
[103.4]	118	16-1984
	118.1(a)(b) (Repealed)	33-2007; 37-2007; 65-1997
[103.6]	120	61-1969
[103.7]	121	06-1974
[103.8]	122	72-1977
[103.9]	123	79-1979
	123.1	58-1987
	123.2	10-1999
	123.3	33-2007
[104.1]	124 (Repealed)	33-2007
[104.2]	125 (Repealed)	33-2007
[104.3(a)(b)]	126(a)(b)	33-2007;

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	(Repealed)	51-2001
[105.1]	127 (Repealed)	33-2007
[105.2]	128 (Repealed)	33-2007
[105.3]	129 (Repealed)	11-1998; 10-1980
[105.3(a)]	129(a) (Repealed)	33-2007 38-2007
[106.1]	130 (Repealed)	33-2007
[106.2]	131 (Repealed)	33-2007; 49-1991
	131.1	49-1991
[106.3]	132 (Repealed)	33-2007
[106.3(a)]	132(a) (Repealed)	33-2007; 77-1972
[106.4]	133 (Repealed)	33-2007
[107.1]	134 (Repealed)	33-2007; 39-1972
[107.2]	135 (Repealed)	33-2007
[107.3]	136 (Repealed)	33-2007

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Old Section Number	New Section Number	Local Law(s)
[107.4]	137 (Repealed)	33-2007
[108.1]	138 (Repealed)	33-2007
[108.2]	139 (Repealed)	33-2007; 85-1973
[108.2(2)]	139(2) (Repealed)	33-2007; 22-2002; 65-1996
[108.3]	140 (Repealed)	33-2007; 72-1991
	140.1 (Repealed)	33-2007; 72-1991
[108.4]	141 (Repealed)	33-2007
[108.5]	142 (Repealed)	33-2007; 30-1970
[108.6]	143 (Repealed)	33-2007
	143.1 (Repealed)	33-2007; 03-2007
	143.2(a-h) (Repealed)	33-2007; 04-2007
[108.7]	144 (Repealed)	33-2007; 19-1983; 76-1985
[108.8] – [108.9]	145 – 146 (Repealed)	33-2007
[109.1]	147 (Repealed)	33-2007; 24-2007; 39-1972
[109.2]	148 (Repealed)	33-2007
[109.3]	149 (Repealed)	33-2007; 107-1993
[109.4]	150 (Repealed)	33-2007; 76-1985
[109.5] – [109.6]	151 – 152 (Repealed)	33-2007
[109.7]	153 (Repealed)	33-2007; 107-1993
[109.8] – [110.1]	154 – 156 (Repealed)	33-2007
[110.2]	157 (Repealed)	33-2007
[110.2(c)(3),(4)]	157(c)(3),(4) (Repealed)	33-2007; 85-1973
[110.2(c)(4)]	157(c)(4) (Repealed)	33-2007; 22-2002; 65-1996
[110.3]	158 (Repealed)	33-2007; 33-1988
[110.4]	159 (Repealed)	33-2007

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[110.5]	160 (Repealed)	33-2007; 103-1989; 07-1974
[110.5(a)]	160(a) (Repealed)	33-2007; 65-1996
[111.1]	161 (Repealed)	33-2007
[111.2]	162 (Repealed)	33-2007; 103-1989
[112.1] – [112.2]	163 – 164 (Repealed)	33-2007
[112.3]	165 (Repealed)	33-2007; 65-2007
[112.4]	166 (Repealed)	33-2007
[113.1]	167 (Repealed)	33-2007; 19-1983
[113.2]	168 (Repealed)	33-2007; 30-1970
[113.3]	169 (Repealed)	33-2007; 65-2007
[113.4]	170 (Repealed)	33-2007
[113.5]	171 (Repealed)	33-2007; 73-1982
[114.1] – [114.3]	172 – 174 (Repealed)	33-2007
[114.4]	175 (Repealed)	33-2007; 06-1997
[114.4(a)]	175(a) (Repealed)	33-2007; 51-2001; 30-1982
[114.4(b)]	175(b) (Repealed)	33-2007; 51-2001
[114.5]	176 (Repealed)	33-2007
[115.1]	177 (Repealed)	33-2007; 14-2001
[115.1]	177 & footnote (Repealed)	33-2007; 31-2005
[115.2]	178 (Repealed)	33-2007; 59-1996
[115.3]	179 (Repealed)	33-2007; 63-1970
[116.1]	180 (Repealed)	33-2007; 107-1993
[116.2]	181 (Repealed)	33-2007
[116.3]	182 (Repealed)	33-2007; 06-1997
[116.3(g)(h)]	182(g)(h) (Repealed)	33-2007; 107-1993
[116.4] – [116.5]	183 - 184 (Repealed)	33-2007

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Old Section Number	New Section Number	Local Law(s)
[116.5(d)(1)]	184(d)(1) (Repealed)	33-2007; 32-2004
	184.1 (Repealed)	33-2007; 06-1997
[117.1] – [117.6]	185 – 190 (Repealed)	33-2007
[118.1]	191 (Repealed)	33-2007; 19-1983
	191.1 (Repealed)	33-2007; 28-2005
[118.2] – [118.4]	192 – 194 (Repealed)	33-2007
[118.5]	195 (Repealed)	33-2007; 77-1972
[118.6]	196 (Repealed)	33-2007; 38-1990; 33-1988
[118.7]	197 (Repealed)	33-2007; 11-1988
[118.8]	198 (Repealed)	33-2007; 19-1983
[118.9]	198.1 (Repealed)	33-2007; 76-1985
[118.10]	198.2 (Repealed)	33-2007; 59-1985
	198.3 (Repealed)	33-2007; 09-1987
[119.1] – [119.5]	199 – 203 (Repealed)	33-2007
[119.6]	204 (Repealed)	33-2007; 65-1996; 70-1980
[120.1] – [120.3]	205 – 207 (Repealed)	33-2007
[120.4]	208 (Repealed)	33-2007; 39-1972
[120.5]	209 (Repealed)	33-2007; 39-1972
[120.6] – [120.8]	210 – 212 (Repealed)	33-2007
[121.1]	213 (Repealed)	33-2007; 91-1989; 70-1980
[121.2]	214 (Repealed)	33-2007; 70-1980
[121.2(b)]	214(b) (Repealed)	33-2007; 65-1996
[121.2(c)]	214(c) (Repealed)	33-2007; 16-1984
[121.3]	215 (Repealed)	33-2007
[121.4]	216 (Repealed)	33-2007; 14-1989

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[121.5]	217 (Repealed)	33-2007
[121.6]	218 (Repealed)	33-2007; 12-1993
[121.7]	219 (Repealed)	33-2007; 65-1996; 103-1989; 07-1974
[121.8] – [121.9]	220 – 221 (Repealed)	33-2007
[121.10]	222 (Repealed)	33-2007; 73-1988
[121.10(b)]	222(b) (Repealed)	33-2007; 16-1984
[121.11]	223 (Repealed)	33-2007
[121.12]	224 (Repealed)	33-2007; 45-1969
[122.1] – [122.2]	225 – 226 (Repealed)	33-2007
[123.1]	227 (Repealed)	33-2007; 45-1983
[123.2]	228 (Repealed)	33-2007
[124.1]	228.1 (Repealed)	33-2007; 16-1984
[124.2] – [124.4]	228.2 – 228.4 (Repealed)	33-2007
[125.1]	228.5	26-2004; 16-1984
	228.6 (Repealed)	33-2007; 107-1993
	228.7 (Repealed)	33-2007; 109-1993 107-1993
	228.8 – 228.16 (Repealed)	33-2007; 107-1993
[C26-201.0]	27-232	22-2002; 27-1998; 107-1993; 49-1991; 58-1987; 16-1984; 30-1982; 41-1978; 28-1975; 80-1972; 39-1972; 05-1971; 73-1969
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Gas Meter Service		30-1982
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Cabaret		41-1978
Elevator Vestibule		26-2004; 16-1984
Existing Building		16-1984
Existing High Rise Building		16-1984
Exit		26-2004
Fire Protection Plan		16-1984
Fire Safety Plan		16-1984
Gas Service Line Valve		30-1982
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High Rise		16-1984
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[300.2]	27-235	39-1972
[301.3]	239	39-1972
[302.1(a)]	243(a)	30-1982
[302.2]	244	61-1969
Table 3-2		30-1982; 39-1972
Table 3-4		50-1976; 06-1972; 54-1970; 61-1969
Table 3-4 Footnotes (e)(m)		26-2004
[305.4]	252	61-1969
[307.1]	254	23-1990
[308.1]	259	16-1984
[309.3]	262	39-1972
[313.3]	271	77-1988; 39-1972
[315.2]	281	12-1993
[400.1]	288	13-1975
[401.1]	291	58-1987

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	291.1 – 292.5	58-1987
	292.6	65-1988; 58-1987
	292.7 – 292.20	58-1987
[403.1]	296	61-1969
[403.2(a)]	297(a)	52-1975
[404.1]	299	61-1969
[406.2]	306	05-1971
[407.2]	308	58-1987; 83-1973
[407.3, .4, .5, .6]	309 – 312	83-1973
[408.1(e)(f)]	313(e)(f)	08-1974
[408.3]	315	104-1993; 54-1970
Table 4-1		10-1999; 45-1984; 16-1984
Table 4-2		45-1984; 16-1984
[409.0]	Article 10	13-1975
[409.1]	316	33-1988
	316.1	33-1988
[409.2]	317	58-1983; 33-1988
[409.3]	317.1	14-1989
[409.4]	317.2	14-1989; 33-1988; 58-1983
[502.2(f)]	324(f)	55-1976
[502.2(g)]	324(g)	26-2004
[502.5]	327	16-1984; 39-1972
[503.1(f)]	331(f)	39-1972
[503.2(f)]	332(f)	13-1987
[503.3]	333	13-1987; 39-1972
	335.1	13-1987
[503.5(d)(2), (3)]	338(d)(2), (3)	39-1972
[503.8(i)]	338(i)	45-1984
[504.1(c)]	339(c)	16-1984
[504.1(c)(6)(7)]	339(c)(6)(7)	86-1979
[504.5]	343	16-1984
[504.5(d)]	343(d)	26-2004
Table 5-1		39-1972; 61-1969
[504.6]	344	84-1979
[504.7]	345	16-1984; 16-1987
[504.10(c)(1)]	348(c)(1)	16-1984
[504.12]	350	39-1972
[504.12(a)]	350(a)	59-1996
[504.13(d)]	351(d)	16-1984
[504.14]	352 (repealed)	80-1989
[504.15]	353	05-1973

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[504.15(c)]	353(c)	86-1979; 26-1975; 05-1973
[504.16]	353.1	16-1984
	353.2	26-2004
	353.3	26-2004
Table 5-2 & Footnotes		39-1972; 61-1969
[C26-600.1]	354	05-1973
[600.3]	356	54-1970
[601.1(d)]	357(d)	58-1987; 39-1972
Table 6-1 & Footnotes		54-1970
[601.4(b)]	360(b)	32-1971
Table 6-2		16-1984
[602.3]	363	26-2004; 16-1984
[603.1]	365	61-1969
[603.1(b)]	365(b)	61-1969
[603.2]	366	32-1971; 61-1969
[603.2(2)]	366(2)	32-1971
[603.2(3)]	366(3)	16-1984
[603.3]	367	16-1984
[604.1]	368	16-1984; 28-1975
[604.2]	369	16-1984
[604.2(g)(3)]	369(g)(3)	65-1980
[604.2(h)]	369(h)	70-1981; 61-1969
[604.2(i)]	369(i)	21-1972
[604.3(h)(3)]	370(h)(3)	21-1972; 54-1970
[604.3(h)(4)]	370(h)(4)	49-1975
[604.4(b)]	371(b)	81-1973; 21-1971
[604.4(c)]	371(c)	26-2004; 16-1984
[604.4(e)]	371(e)	58-1987; 48-1971
[604.4(g)]	371(g)	49-1975
[604.4(j)(1)(b)]	371(j)(1)(b)	14-1993; 05-1973; 54-1970
[604.4(j)(2)]	371(j)(2)	08-1971; 61-1969
[604.5(d)]	372(d)	39-1972
[604.8(b)]	375(b)	28-1975; 54-1970
[604.8(g)]	375(g)	39-1972
[604.8(h)]	375(h)	28-1975; 05-1971
[604.8(i)]	375(i)	61-1969
[604.8(i)(a)]	375(i)(a)	61-1969

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[604.8(i)(1)(b)]	375(i)(1)(b)	28-1975; 05-1971
[604.8(i)(1)(e)(f)]	375(i)(1)(e)(f)	50-1971
[604.8(i)(1)(g)]	375(i)(1)(g)	08-1976; 50-1971
[604.8(i)(2)]	375(i)(2)	54-1970
[604.8(i)(4)]	375(i)(4)	61-1969
[604.8(i)(6)]	375(i)(6)	26-2004
[604.8(j)]	375(j)	31-1981
[604.8(k)]	375(k)	61-1969
	376.1	26-2004
[604.10(c)]	377(c)	58-1987
Table 6-4		39-1972
[604.13]	380	28-1975
[605.1(a)(e)]	381(a)(e)	16-1984
[605.1(d)]	381(d)	39-1972
[605.1(e)(1)]	381(e)(1)	59-1996
[605.2]	382	16-1984
[605.2(a)]	382(a)	59-1996
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[606.1]	383	26-2004; 61-1969
	383.1	26-2004
[606.2]	384	16-1984
[606.2(a)]	384(a)	59-1996
[606.2(c)]	384(c)	26-2004
[606.3]	385	61-1969
[607.1]	388	50-1973; 39-1972
[608.1]	390	16-1984; 05-1973
[608.2]	391	05-1973
[608.3]	392	05-1973
[608.4]	393	05-1973
[608.5]	394	45-1984
[608.6]	395	05-1973
[608.7]	396	16-1984; 05-1973
[609.1, .2, .3]	Article 10	16-1984
[610.1, .2, .3]	Article 11	16-1984
[C26-701.6]	27-405	39-1972
[704.6]	423	39-1972
[707.3]	440	68-1999; 70-1969
[709.6]	455	82-1973
	459.1	58-1987
	472.1	58-1987
[712.3]	481	103-1989
	483	58-1987
[713.0 (repealed)]		16-1984
[714.1]	488	06-1969
[714.6]	493	06-1969
	493.1	58-1987
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	508.6	02-2000; 03-1998
	508.7	10-1988
[717.1]	509	39-1972
[718.5(b)(1)]	514(b)(1)	39-1972
[719.1] – [719.4]	518 – 521	54-1970
[720.1] – [719.9]	Article 21	16-1984
[721.1] – [719.7]	Article 22	16-1984
[C26-800.1]	27-522	23-1990
[800.3]	524	39-1972
[801.1]	525	39-1972
	525.1	23-1990
	525.1(e)(f)(g)(h)(i)	35-2006
[801.7(a)(5)]	531(a)(5)	39-1972
[801.7(a)(1)(h)]	531(a)(1)(h)	58-1987
[801.9]	533	39-1972
[801.17]	541	41-1978
[801.18]	542	41-1978
[802.2(b)(7)(b), (7)(d)]	546(b)(7)(b), (7)(d)	39-1972
[802.2(b)(8)(b)]	546(b)(8)(b)	39-1972
[802.2(9)]	546(9)	41-1978
[802.3(b)(2)(d)]	547(b)(2)(d)	41-1978
[804.1(a)(3)]	549(a)(3)	41-1978
[804.1(b)]	549(b)	41-1978
[C26-900.1]	27-550	13-1975; 76-1968
[904.0(a)(b)]	569(a)(b)	17-1995
[C26-1000.1]	27-580	13-1975
Table 10-2		17-1995
[1001.4]	594	17-1995
[1002.4(b)]	599(b)	51-1976
[1004.1]	603	65-1990
[1004.3]	605	65-1990
[1004.3(b)]	605(b)	39-1972
[1004.3(c)]	605(c)	62-1971
Table 10-3		65-1990
Table 10-3A		65-1990
[1004.4]	606	65-1990
[1004.5]	607	65-1990
[1004.5(a)(1)(2)]	607(a)(1)(2)	39-1972
[1004.6]	608	65-1990
[1004.7]	609	65-1990
	611.1	65-1990
[1004.10]	612	65-1990
[1004.11]	613	65-1990
	613.1, .2	65-1990
[1005.1(c)]	614(c)	26-2004
[C26-1100.1]	27-652	13-1975
[1101.2(c)]	663(c)	33-1971
[1101.3]	664	33-1971
[1102.3(a)]	670(a)	17-1995
[1106.7(c)(1)]	694(c)(1)	54-1970
[1112.1]	719	33-1971
[1112.2]	720	33-1971

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[C26-1201.1]	27-731	13-1982
[1202.2]	733	61-1969
[1202.3]	734	61-1969
[1203.5]	739	61-1969
[1205.2, .3, .6, .7]	746, 747, 750, 751	61-1969
[1206.3(e)]	754(e)	08-1980
[1206.3(e)(3)]	754(e)(3)	26-2004
[1206.3(f)]	754(f)	26-2004
[1207.2]	758	61-1969
[1207.5]	761	90-1973
[1208.2(a)(1), (b)]	769(a)(1), (b)	38-1972
[1208.2(b)(4)]	769(b)(4)	14-1976
[1208.3(b)(4)]	770(b)(4)	05-1973
[C26-1300.1]	27-771	13-1975
[1300.6(c)]	776(c)	31-1981
[1300.7]	777	80-1973
[1300.7(d)]	777(d)	35-1975
[1300.8]	777.1	16-1984
[1300.8(a)(5)]	777.1(a)(5)	13-1975
[1300.9]	777.2	16-1984
[1301.2(a)]	779(a)	26-2004
[1301.4(c)]	781(c)	32-2004; 54-1970
[1304.3]	786	54-1970
[C26-1400.1]	27-787	13-1975
[1401.1]	793	62-1991
[1401.1(b)]	793(b)	10-1976
[1401.1(c)(1)(g)]	793(c)(1)(g)	45-1969
	826.01	80-1989
[1416.1]	827	70-1969
[1416.4(f)]	830(f)	26-2004
	848.01 - .12	80-1989
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[C26-1500.7]	27-855	80-1989
[1501.1]	856	80-1989
[1501.6]	861	80-1989; 03-1976
[1501.8]	863	80-1989
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[1501.9]	864	80-1989
[1501.12]	867	80-1989
	869.01 - .03	80-1989
[1502.2]	871	10-1976
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[1502.5]	874	10-1976
[1503.1(d)]	875(d)	04-1976
[1504.1] – [1504.3]	879 – 881	80-1989
[1504.6]	884	80-1989
[C26-1600.6(e)]	901(e)	65-1996
[1600.6(e)(g)]	901(e)(g)	07-1974
[1600.6(f)]	901(f)	22-2002
[1600.6(k)]	901(k)	104-1993; 103-1989;

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[1600.6(l)]	901(l)	57-2005
[1600.6(v)]	901(v)	22-2002
[1600.6(z)(3)]	901(z)(3)	31-1981
[1600.6(aa)]	901(aa)	35-1975 13-1975
[1600.7(a)(b)]	902(a)(b)	17-2001
[1600.9]	904	30-1982
[1600.10]	905	30-1982
[1602.1]	909	65-1996
[1602.2]	910	65-1996
[1604.3]	915	22-2002
[1605.3]	918	39-1972
[1606.1]	919	51-2001
[1606.3]	921	30-1982
[1606.4]	922	18-1992; 30-1982
[1606.4(a)(1)(b)]	922(a)(1)(b)	17-2001
[1606.4(d)(1)(a)]	922(d)(1)(a)	17-2001
[1606.4(d)(4)]	922(d)(4)	17-2001
Article 8 of Subchapter 16		57-2005
[C26-1700.1]	27-923	16-1987
[1700.7(a)]	929(a)	16-1984
[1700.7(c)]	929(c)	26-2002
	929.1	26-2004
[1701.1(a)(3)]	930(a)(3)	53-1970
Table 17-2		10-1999; 05-1973
Table 17-2 (line 4)		26-2002
[1702.1]	932	39-1972
[1702.1(a)(1)]	932(a)(1)	75-1972
[1702.1(b)]	932(b)	32-1978
[1702.5(a)]	936(a)	39-1972
[1702.11(c)]	942(c)	16-1984; 09-1974
[1702.11(c)(5)]	942(c)(5)	09-1974; 53-1970
[1702.14(b)]	945(b)	16-1984
[1702.14(d)]	945(d)	45-1984; 05-1973
[1702.15(b)(3)]	946(b)(3)	32-2004
[1702.16(b)(1)]	947(b)(1)	10-1999; 16-1984
[1703.1(c)(d)(1)(e)]	954(c)(d)(1)(e)	16-1984
[1703.1(d)]	954(d)	82-1973
[1703.1(i)]	954(i)	45-1984; 05-1973
[1703.1(j)]	954(j)	41-1978
[1703.1(k)(1)]	954(k)(1)	45-1984; 05-1973
[1703.1(l)(1)]	954(l)(1)	10-1999; 05-1973; 61-1969
[1703.1(m)] –	954(m) – (r)	45-1984;

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[1703.1(r)]		05-1973
[1703.1(m)]	954(m)	10-1999
[1703.1(s)]	954(s)	41-1978
[1703.1(t)]	954(t)	10-1999; 16-1984
[1703.1(w)]	954(w)	10-1999
[1703.1(x)]	954(x)	45-1984
[1703.1(aa)]	954(aa)	26-2002
[1703.2]	955	10-1999; 45-1984; 05-1973
[1703.3(a)(b)]	956(a)(b)	10-1999
[1703.4(a)]	957(a)	10-1999; 45-1984; 05-1973
[1703.6(b)]	959(b)	45-1984; 05-1973
[1703.6(c)]	959(c)	10-1999
[1703.6(5)]	959(5)	10-1999
[1703.8(a)]	961(a)	16-1984
[1703.9(c)]	962(c)	26-2002
[1703.9(e)(4)(6)(8)(9)]	962(e)(4)(6)(8)(9)	10-1999
[1703.9(g)(h)(i)]	962(g)(h)(i)	16-1984
[1703.9(g)]	962(g)	10-1999
[1703.10]	963	10-1999
[1703.10(d)]	963(d)	16-1984
[1703.12]	965	10-1999
[1703.13(a)]	966(a)	16-1984
[1703.13(b)]	966(b)	10-1999
Table 17-2		10-1999
[1704.1(a)(2)(5)(9)]	968(a)(2)(5)(9)	16-1984
[1704.1(10)]	968(10)	41-1978
[1704.1(b)]	968(b)	30-1982
[1704.3]	970	16-1984
[1704.5(e)]	972(e)	16-1987; 16-1984
[1704.6(a)(2)]	973(a)(2)	16-1987; 16-1984
[1704.8]	975	16-1987; 16-1984
[1705.0]	978	81-1989; 62-1981
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[1800.12]	993	48-1975

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[1801.5]	996.2	16-1984
[1802.2]	998	48-1991; 96-1985; 10-1981
[1802.4]	1000	48-1991
[1802.4(b)]	1000(b)	16-1984
[1803.4]	1004	39-1993
[1804.1]	1005	54-1970
[C26-1900.1]	27-1007 – 1009(b) (Repealed)	33-2007
[1900.3(c)]	1009(c) (Repealed)	33-2007; 30-1978
[1900.3(d)]	1009(d) (Repealed)	33-2007; 45-1983
[1900.4] – [1901.1]	1010 – 1017 (Repealed)	33-2007
[1901.2]	1018 (Repealed)	33-2007; 61-1987
[1901.3(a)] – [1901.3(b)(2)]	1019(a) – 1019(b)(2) (Repealed)	33-2007
[1901.3(b)(3)]	1019(b)(3) (Repealed)	33-2007; 71-1977
[1901.3(b)(4)]	1019(b)(4) (Repealed)	33-2007; 71-1977
[1901.3(c)]	1019(c) (Repealed)	33-2007
[1901.4]	1020 (Repealed)	33-2007; 45-1983
[1901.5]	1021 (Repealed)	33-2007; 33-1991
[1901.5(a)(1)(a)]	1021(a)(1)(a) (Repealed)	33-2007; 93-1996
[1901.5(a)(5)]	1021(a)(5) (Repealed)	33-2007; 45-1983
[1901.5(a)(6)]	1021(a)(6) (Repealed)	33-2007; 61-1987
[1901.5(b)]	1021(b) (Repealed)	33-2007; 45-1983
[1901.5(g)]	1021(g) (Repealed)	33-2007; 61-1987
[1901.6]	1022 (Repealed)	33-2007; 61-1987
[1901.6(a)(1)]	1022(a)(1) (Repealed)	33-2007; 53-1975

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[1904.3(f)(1)]	1035(f)(1) (Repealed)	33-2007; 61-1987
[1905.1] – [1905.2]	1036 – 1037 (Repealed)	33-2007
[1905.2(a)(4)]	1037(a)(4) (Repealed)	33-2007; 73-1980
[1905.3] – [1905.4]	1038 – 1039 (Repealed)	33-2007
[1905.4(d)(1)]	1039(d)(1) (Repealed)	33-2007; 60-1977
[1905.4(h)]	1039(h) (Repealed)	33-2007; 16-1984
[1905.5] – [1906.1]	1040 – 1041 (Repealed)	33-2007
[1907.1]	1042 (Repealed)	33-2007; 24-2008; 52-2005
[1907.1(b)(1)]	1042(b)(1) (Repealed)	33-2007; 24-2008
[1907.1(b)(2)]	1042(b)(2) (Repealed)	33-2007; 54-1970
[1907.2] – [1907.4]	1043 – 1045 (Repealed)	33-2007
[1907.4(b)]	1045(b) (Repealed)	33-2007; 16-2007; 53-1975
[1907.5] – [1907.9]	1046 – 1050 (Repealed)	33-2007
	1050.1(a)(b)(c) (Repealed)	33-2007; 17-2007
[1908.1] – [1908.3]	1051 – 1053 (Repealed)	33-2007
[1909.1]	1054 (Repealed)	33-2007; 73-1969
[1909.2]	1055 (Repealed)	33-2007; 15-1993
[1909.3]	1056 (Repealed)	33-2007; 73-1969
[1909.3(a)(5), (b)]	1056(a)(5), (b) (Repealed)	33-2007; 74-1984
[1909.4]	1057 (Repealed)	33-2007; 73-1969
[1909.4(a)(5)]	1057(a)(5) (Repealed)	33-2007; 50-1973
[1909.5] – [1912.1]	1058 – 1069 (Repealed)	33-2007

BUILDING CODE AMENDMENTS

The following is a listing of the State Laws amending the Building Code during the period from December 6, 1968 through July 1, 2008

Item Amended		State Law(s)	Effective Date(s)
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[C26-71.0(b)]	26-229(b)	Chapter 664 Laws of 2007	8/28/07
[C26-1902.1(e)]	27-1026(e)	Chapter 664 Laws of 2007	8/28/07
[C26-1903.1(b)]	27-1031(b)	Chapter 664 Laws of 2007	8/28/07
[643a-10.0(c)(d)]	26-124(c)(d)	Chapter 542 Laws of 2007	8/15/07
—	27-140.1(d)	Chapter 542 Laws of 2007	8/15/07
—	26-126.5	Chapter 45 Laws of 2000	9/4/00
[C26-201.0]	27-232	Chapter 559 Laws of 1995	1/1/96
[1205.7]	27-751	Chapter 559 Laws of 1995	1/1/96
	26-126.4	Chapter 349 Laws of 1990	7/2/90
(Recodification)		Chapter 907 Laws of 1985	9/1/86

REFERENCE STANDARDS REVISIONS

The following is a listing of the revisions to the Reference Standards of the Building Code as approved by the Board of Standards and Appeals and Department of Buildings promulgations through July 1, 2008

Item Amended	Local Law(s)	Board of Standards and Appeals	Department of Buildings – Effective Dates
RS 2-1 List	13-1987	428-83-BCR; 705-80-BCR; 237-87-BCR; 135-88-BCR; 213-90-BCR	5/1/99; 6/1/96; 5/17/96; 3/14/96
RS 3 List		1341-88-BCR	
RS 3-1		1341-88-BCR	
RS 3-2		1341-88-BCR	
RS 3-3-Definitions: Group Homes, Health Centers, Government operated	39-1972 39-1972		
RS 4 List	58-1987; 33-1988		9/5/07; 1/24/07; 8/11/02; 5/21/01; 9/24/00; 8/21/99;
RS 4-4	13-1975; 58-1983; 33-1988	587-76-BCR	9/5/07; 1/24/07; 8/11/02; 5/21/01; 9/24/00; 8/21/99; 8/4/94
RS 4-5	13-1975; 58-1983; 33-1988	587-76-BCR	
RS 4-6	58-1987 (Amended)	886-89-BCR	
RS 5 List	16-1984; 13-1987	252-82-BCR; 435-85-BCR; 1076-86-BCR; 262-86 BCR; 236-87-BCR; 1343-88-BCR; 242-90-BCR	3/4/01
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RS 5-2		217-72-BCR; 1343-88-BCR	
RS 5-3		398-71-BCR; 308-81-BCR; 1343-88-BCR	
RS 5-4		71-79-BCR; 308-81-BCR; 1343-88-BCR	

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RS 5-5		308-81-BCR; 218-72-BCR;	
RS 5-6 through 5-8		1343-88-BCR	
RS 5-10		71-79-BCR; 308-81-BCR;	
RS 5-11		1343-88-BCR	
RS 5-12		219-72-BCR; 308-81-BCR;	
RS 5-13		1343-88-BCR	
RS 5-14		308-81-BCR; 1343-88-BCR	
RS 5-16		1343-88-BCR	
RS 5-17	5-1973	308-81-BCR	
RS 5-18	84-1979	353-72-BCR (Amended)	
RS 5-18 (5)(6)(7)			8/26/98
RS 5-19	16-1984	1343-88-BCR	
RS 5-20	16-1984	1343-88-BCR	
RS 5-21	13-1987	1343-88-BCR	3/4/01
RS 6-1			5/31/05
RS 6-1A			5/31/05
RS 7 List		888-80-BCR	
RS 7-1		888-80-BCR	
RS 7-2		82-88-BCR	
RS 7-3 and 7-4		888-80-BCR	
RS 8 List		745-80-BCR; 739-86-BCR;	
RS 8-1		260-86-BCR	
RS 9 List	17-1995	739-86-BCR; 260-86-BCR	
RS 9-2 Notes a,b,c	39-1972	135-88-BCR	
RS 9-2			9/2/01
RS 9-3		135-88-BCR	
RS 9-4		135-88-BCR	
RS 9-5 (7)			9/2/01
RS 9-6	17-1995		
RS-10 List	17-1995; 65-1990	142-80-BCR; 510-79-BCR;	9/2/01; 6/17/96
		799-79-BCR; 51-80-BCR;	
		390-80-BCR; 714-80-BCR;	
		302-73-BCR; 208-85-BCR;	
		425-81-BCR; 738-86-BCR;	
		288-84-BCR; 1077-86-BCR;	
		493-80-BCR; 9-87-BCR;	
		302-71-BCR; 617-87 BCR;	
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RS 10-1B	17-1995		
RS 10-2	17-1995	264-73-BCR	
RS 10-3	17-1995	1077-86-BCR	
RS 10-4	17-1995	1077-86-BCR; 455-89 BCR	
RS 10-5A		799-79-BCR; 1085-80-BCR	6/17/96
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RS 10-7 (Modifications Paragraph)	26-2004	9-87-BCR; 455-89 BCR	
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RS 10-10A			9/2/01
RS 10-10B			9/2/01
RS 10-11 through 10-12		455-89 BCR	
RS 10-13		394-71-BCR; 264-73-BCR; 511-79-BCR	5/17/96
RS 10-14		288-84-BCR; 208-84-BCR; 1077-86-BCR	
RS 10-16 and 10-17		887-80-BCR; 288-84-BCR; 1077-86-BCR	
RS 10-18	17-1995	512-79-BCR; 288-84-BCR	3/8/96
RS 10-19		390-80-BCR; 288-84-BCR; 455-89-BCR	
RS 10-20		512-79-BCR; 288-84-BCR; 455-89 BCR	
RS 10-21		887-80-BCR; 288-84-BCR	
RS 10-22		512-79 BCR; 288-84-BCR; 455-89 BCR	
RS 10-23		302-73-BCR; 493-80-BCR; 288-84-BCR	
RS 10-24A and 24B		493-80-BCR; 288-84-BCR; 455-89 BCR	
RS 10-25		288-84-BCR; 208-85-BCR; 455-89 BCR	
RS 10-26		302-73-BCR; 493-80-BCR; 288-84-BCR; 455-89 BCR	
RS 10-27		288-84-BCR; 208-85-BCR 455-89 BCR	
RS 10-28		512-79-BCR; 288-84-BCR; 455-89 BCR	
RS 10-29		288-84-BCR; 208-85-BCR; 455-89 BCR	
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RS 10-39		390-80 BCR; 288-84 BCR;	
RS 10-40		390-80 BCR; 288-84 BCR; 455-89 BCR	
RS 10-41		302-73 BCR; 493-80 BCR; 288-84 BCR; 455-89 BCR	
RS 10-42		288-84 BCR; 208-85-BCR	
RS 10-44		887-80 BCR; 288-84-BCR; 455-89 BCR	
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RS 10-51		887-80-BCR; 288-84-BCR; 1077-86-BCR	
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RS 10-53 through 10-55		288-84-BCR; 208-85-BCR; 455-89 BCR	
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RS 10-58	17-1995		
RS 10-59		288-84-BCR; 208-85-BCR	
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RS 11-3		610-80-BCR; 1342-88-BCR	
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RS 11-4 through 11-7		512-79-BCR; 610-80-BCR; 289-84-BCR; 1342-88-BCR	
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RS 12 List		290-84-BCR; 261-86-BCR; 243-90-BCR	
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RS 13 List	16-1984	913-82-BCR	4/27/05; 5/4/02
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RS 13-3		695-84-BCR; 814-85-BCR	
RS 13-4		723-72-BCR	5/4/02
RS 13-5		913-82-BCR	
RS 13-6	76-1972	913-82-BCR	4/27/05
RS 13-7 through 13-11A	80-1973	913-82 BCR	
RS 13-11B		1101-79-BCR	
RS 13-12 through 13-16	80-1973	913-82-BCR	
RS 14 List	80-1989	916-82-BCR; 946-87-BCR	5/4/02
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RS 17 List		310-90 BCR; 384-82-BCR	1/9/02; 6/23/99
RS 17-1		310-90 BCR	
RS 17-1(2)(b)	5-1973		
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RS 17-3(8)(a)	16-1984		
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RS 17-3(13)(e) and (h)(2)(b)		149-75-BCR	
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RS 17-3(20)		515-75-BCR	
RS 17-3(20)(III)(E)	16-1984		
RS 17-3(20)(1V)(a)			1/9/02
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RS 17-3A(18)(d)(4)(f)&(g)	16-1984		
RS 17-3B	16-1987; 5-1973		4/13/03
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RS 17-3B(18)(d)(3)	16-1984		
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RS 17-5E		310-90-BCR; 1014-80-BCR	
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RS 17-14			10/26/04

Amendments

Item Amended	Local Law(s)	Board of Standards and Appeals	Department of Buildings – Effective Dates
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RS 18-5		11-91-BCR; 1156-80-BCR	1/16/03
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RS 18-8 Section (6)(g)(1)&(2)		1156-80-BCR	
RS 18-8 Section 13(a)&(b)		1156-80-BCR	
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RS 19-2 21.6	50-1973		
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Local Law	Approved by the Mayor	Local Law	Approved by the Mayor
Year of 1968		82.....	December 28
76.....	November 6, 1968	83.....	December 28
Year of 1969		84.....	December 28
6	February 20, 1969	85.....	December 28
45.....	August 12	90.....	December 28
61.....	December 4	Year of 1974	
65.....	December 22	4.....	May 6, 1974
70.....	December 29	6.....	May 16
73.....	December 29	7.....	May 16
Year of 1970		8.....	May 16
29.....	June 30, 1970	9.....	May 16
30.....	July 10	Year of 1975	
53.....	November 2	11	March 31, 1975
54.....	November 17	13.....	March 31
61.....	December 3	14.....	March 31
63.....	December 15	15.....	April 23
Year of 1971		24.....	June 2
5.....	January 7, 1971	26.....	June 2
8.....	January 22	28.....	June 2
21.....	May 27	31.....	July 11
32.....	June 23	32.....	July 11
33.....	June 23	35.....	July 28
48.....	June 29	46.....	September 11
50.....	October 20	48.....	October 7
51.....	November 19	49.....	October 7
62.....	November 19	50.....	October 7
75.....	December 22	52.....	October 29
Year of 1972		53.....	October 29
5.....	January 18, 1972	Year of 1976	
6.....	January 18	3.....	February 10, 1976
21.....	March 28	4.....	February 10
38.....	May 18	5.....	February 10
39.....	May 18	8.....	March 1
75.....	November 6	10.....	March 1
76.....	November 6	14.....	March 1
77.....	November 6	18.....	March 15
80.....	November 21	50.....	October 12
Year of 1973		51.....	October 12
5.....	January 18, 1973	55.....	November 1
28.....	July 2	63.....	December 10
29.....	July 2	65.....	December 23
50.....	September 21	Year of 1977	
58.....	October 15	60.....	September 2, 1977
63.....	October 25	67.....	September 30
80.....	December 28	69.....	September 30
81.....	December 28	71.....	October 6
		72.....	October 6

Amendments

Local Law	Approved by the Mayor	Local Law	Approved by the Mayor
Year of 1978		Year of 1986	
30.....	October 6, 1978	5.....	April 29, 1986
32.....	October 6	22.....	July 8
41.....	December 13	73.....	December 8
Year of 1979		80.....	December 22
56.....	September 18, 1979	82.....	December 30
57.....	September 18	Year of 1987	
78.....	November 14	1.....	February 2, 1987
79.....	December 4	9.....	March 5
84.....	December 13	13.....	March 23
86.....	December 13	16.....	April 20
Year of 1980		29.....	June 30
8.....	February 8, 1980	40.....	July 6
10.....	February 21	58.....	August 5
65.....	November 6	61.....	August 5
****70.....	December 3	Year of 1988	
73.....	December 15	11.....	March 9, 1988
Year of 1981		33.....	May 27
10.....	February 9, 1981	34.....	June 8
21.....	March 18	46.....	July 11
31.....	March 27	49.....	July 11
62.....	July 27	50.....	July 11
70.....	August 31	58.....	August 19
79.....	October 21	65.....	November 4
91.....	December 31	73.....	December 8
Year of 1982		77.....	December 8
12.....	March 5, 1982	Year of 1989	
13.....	March 5	14.....	March 14, 1989
17.....	March 30	29.....	May 15
30.....	June 15	38.....	June 28
73.....	November 10	55.....	July 25
Year of 1983		80.....	November 8
19.....	May 31, 1983	81.....	November 8
***45.....	October 11	91.....	December 6
48.....	October 26	100.....	December 27
58.....	November 7	103.....	December 27
Year of 1984		Year of 1990	
16.....	March 27, 1984	23.....	June 7, 1990
25.....	May 30	38.....	July 12
35.....	June 26	65.....	November 14
45.....	July 12	Year of 1991	
74.....	November 21	33.....	May 23, 1991
75.....	November 21	48.....	July 17
Year of 1985		49.....	July 17
59.....	August 5, 1985	54.....	July 17
76.....	December 2	55.....	July 17
80.....	December 6	62.....	July 17
96.....	December 31	72.....	July 23
		99.....	December 24

Amendments

Local Law	Approved by the Mayor	Local Law	Approved by the Mayor
Year of 1992		Year of 2002	
18.....	March 9, 1992	22.....	July 29, 2002
Year of 1993		26.....	September 4
6.....	January 22, 1993	Year of 2003	
12.....	January 22	44.....	July 14, 2003
13.....	January 22	Year of 2004	
14.....	February 9	7.....	May 5, 2004
15.....	February 9	26.....	June 24
39.....	May 28	32.....	July 12
53.....	June 30	35.....	July 12
56.....	June 30	Year of 2005	
104.....	December 28	28.....	April 4, 2005
107.....	December 28	31.....	April 28
108.....	December 28	52.....	May 19
109.....	December 28	57.....	June 6
Year of 1995		77.....	August 9
17.....	February 21, 1995	87.....	October 3
74.....	September 21	99.....	December 1
89.....	December 19	Year of 2006	
Year of 1996		35.....	August 23, 2006
27.....	March 18, 1996	47.....	December 5
59.....	July 9	48.....	December 5
65.....	July 12	Year of 2007	
86.....	November 4	3.....	February 15, 2007
93.....	December 12	4.....	February 15
Year of 1997		16.....	April 17
6.....	February 12, 1997	17.....	April 17
65.....	August 19	18.....	April 17
71.....	September 11	24.....	May 29
Year of 1998		33.....	July 3
3.....	January 14, 1998	36.....	August 2
10.....	March 13	37.....	August 2
11.....	March 13	38.....	August 2
27.....	July 7	65.....	December 31
Year of 1999		Year of 2008	
10.....	March 24, 1999	24.....	June 3, 2008
68.....	November 22	26.....	June 3
Year of 2000			
2.....	February 4, 2000		
Year of 2001			
2.....	January 5, 2001		
14.....	March 19		
17.....	March 30		
51.....	August 8		
64.....	December 10		

Editor's note: For the effective dates of the recent local laws noted in this update, view these local laws on the New York City Council website, www.nycouncil.info.

EFFECTIVE DATES OF STATE LAWS

State Law	Effective Date	State Law	Effective Date
Laws of 1985		Laws of 2000	
Chapter 907.....	September 1, 1986	Chapter 45.....	September 4, 2000
Laws of 1990		Laws of 2007	
Chapter 349.....	July 2, 1990	Chapter 542.....	August 15, 2007
Laws of 1995		Laws of 2007	
Chapter 559.....	January 1, 1996	Chapter 664.....	August 28, 2007

EFFECTIVE DATES OF BOARD OF STANDARDS AND APPEALS

BSA	Effective Date
170-69-BCR.....	July 10 1969
247-70-BCR.....	June 22 1970
248-70-BCR.....	June 22
249-70-BCR.....	June 22
260-70-BCR.....	July 1
393-71-BCR; 394; 395; 396;.....	1971
397; 398.....	June 29
454-71-BCR.....	December 21
731-71-BCR.....	December 14
177-72-BCR.....	April 18 1972
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219-72-BCR.....	April 25
239-72-BCR.....	May 9
353-72-BCR.....	June 27
(Amended March 11, 1975).....	
723-72-BCR.....	December 12
747-72-BCR.....	January 9 1973
264-73-BCR.....	June 14
302-73-BCR.....	June 19
339-73-BCR.....	July 17
341-73-BCR.....	July 17

1968 BUILDING CODE OF THE CITY OF NEW YORK

**Plus Reference Standards and Selected Rules and
Regulations of the Department of Buildings**

**Local Law No. 76 Effective December 6, 1968
Includes Amendments to July 1, 2008**

**Michael R. Bloomberg
Mayor**

**Robert D. LiMandri
Commissioner
Department of Buildings**

**Martha K. Hirst
Commissioner
Department of Citywide Administrative Services**



**originally published October 1, 2003
revised through July 1, 2008
Volume 2 of 2**

New York City Department of Buildings
Fatma M. Amer, PE
First Deputy Commissioner

Special Acknowledgement:

Acting Assistant Commissioner, James P. Colgate, RA, Esq.

**THE BUILDING CODE OF THE CITY OF NEW YORK
VOLUME 2**

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**1968 BUILDING CODE
OF THE CITY OF NEW YORK**

**Plus Selected Rules of the Department of Buildings
LOCAL LAW NO. 76 Effective Dec. 6, 1968
INCLUDES AMENDMENTS To July 1, 2008**

MICHAEL R. BLOOMBERG
MAYOR

ROBERT D. LiMANDRI
Commissioner

PREFACE

This revision brings the 1968 Building Code current to July 1, 2008.

When enacted by the City Council on October 22, 1968, the 1968 Building Code was hailed as a great improvement over the anachronistic 1938 Building Code and included what was then the latest thinking in building code science, incorporating advances in technology and construction that had been made following the Second World War. Over the years, the Council amended the 1968 Building Code to address certain changes as needed; however, the 1968 Building Code never enjoyed a complete overhaul, gradually falling behind and becoming increasingly outdated. By the turn of the 21st Century, the 1968 Building Code had become an antiquated, complicated tangle of provisions.

In 2003, the Department of Buildings began a multi-year effort to replace the 1968 Building Code, culminating with Mayor Michael R. Bloomberg's signing of Local Law 33 of 2007. The result was the 2008 New York City Construction Codes, which replaced the 1968 Building Code with a new set of codes that increases public

safety, incorporates the latest in engineering and technology, and contains progressive ideas on sustainable development. Most importantly, the new Construction Codes must be thoroughly reviewed and updated every three years, ensuring that New York City's construction regulations never again become outdated.

While the 2008 New York City Construction Codes will apply to all new buildings beginning July 1, 2009, the 1968 Building Code, and its predecessor from 1938, will continue to remain relevant for years to come. First, certain new buildings filed prior to July 1, 2009 will continue to be subject to the 1968 code. Additionally, provisions of the 1968 code will apply to most alterations to existing buildings. Lastly, buildings constructed in accordance with the 1968 code generally must maintain compliance with its provisions.

The flowchart that follows the editor's note illustrates the circumstances under which the 1968 code remains applicable for alteration projects.



Robert D. LiMandri
Commissioner

Preface

EDITOR'S NOTE:

For further information, readers may wish to refer to the published series of the Department of Buildings' Directives and Memorandums, which are available at CityStore (NYC.gov/citystore) or visit the Department of Buildings website at NYC.gov/buildings for the latest policy and procedure notices.

The legislature enacted, effective September 1, 1986, Chapter 839 of the state laws of 1986, which made certain technical corrections and changes to the recodification.

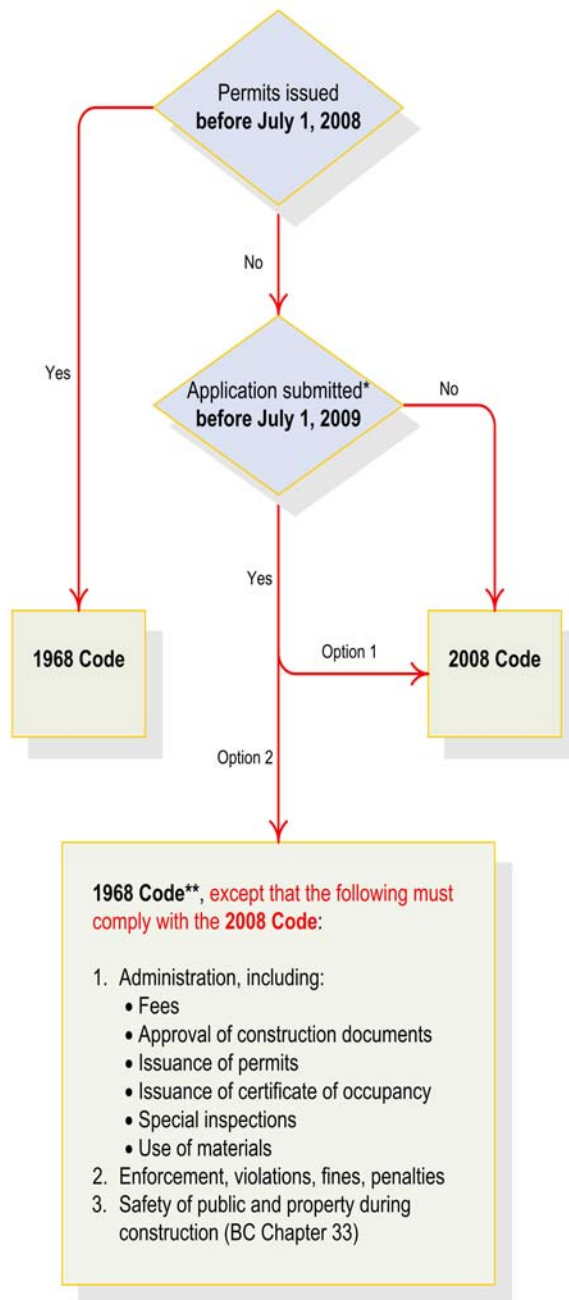
Within the Reference Standards Appendix of this volume are references to specific sections in the Building Code. Standards enacted prior to the recodification of the Building Code refer to the code using the old section numbers. Editorial notes pointing out discrepancies between the former code and the recodified version not specifically indicated as changes, or references to laws that have amended the code since recodification, are indicated with asterisks and corresponding footnotes in bold italics at the following the section. Obvious errors (such as misspellings) are corrected and noted within the text with a *[sic]* following the particular word.

Page Setup:

Where text is interrupted by a table, left column above the table will continue unto the right column above the table. Text below the table will follow the same pattern.

Which code applies?

New Buildings



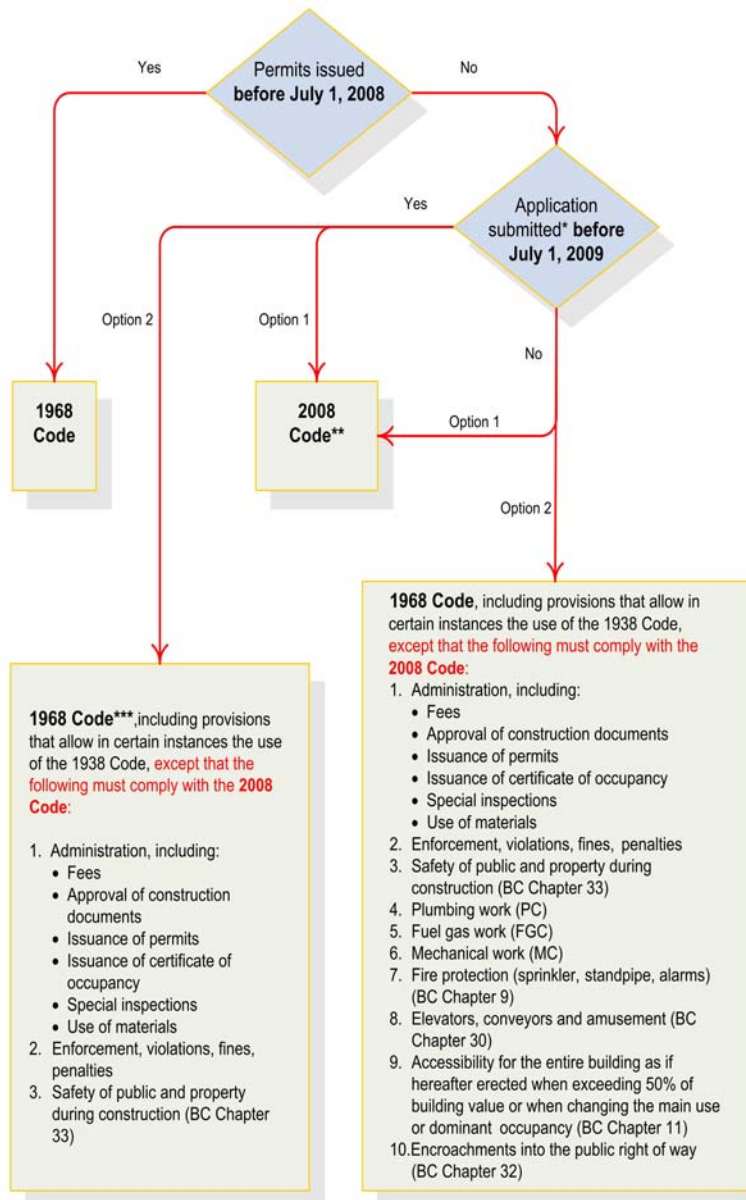
* Submission of application for construction document approval

** In addition, this option remains available only if:

- (1) the application is not abandoned;
- (2) the work is commenced within 12 months of issuance of a permit, and
- (3) the work is diligently carried out to completion

Which code applies?

Alterations to Existing Buildings



* Submission of application for construction document approval

** The 2008 Code cannot be elected where the 2008 Code provisions as applied to the particular building would result in a reduction in fire safety or structural safety. As an alternative, the entire building may be made to comply with 2008 Code

*** In addition, this option remains available only if:

- (1) the application is not abandoned;
- (2) the work is commenced within 12 months of issuance of a permit, and
- (3) the work is diligently carried out to completion

**BUILDING CODE
REFERENCE STANDARDS**

**APPENDIX TO TITLE 27,
CHAPTER 1**

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RS 18	Elevators and Conveyors
RS 19	Safety of Public and Property During Construction Operations

RULE OF CONSTRUCTION OF THE BUILDING CODE REFERENCE STANDARDS**

Section 1. It shall be a rule of construction for the building code reference standards of the appendix to chapter one of title twenty-seven of the administrative code of the city of New York that references to the sections of the Administrative Code repealed by Chapter 907 of the Laws of 1985, heretofore promulgated and currently in effect, should be deemed to refer to the corresponding new sections of such Code as specified in the distribution table contained in Chapter 907 or as assigned by the State Legislation Bill Drafting Commission.

§2. All Building Code Reference Standards enacted or adopted prior to the effective date of this revision are hereby made subject to the rule of construction established in Section "1" hereof.

373-88 BCR**

Reference Standard 1

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Reference Standard 2

	Timber Engineering Company 5530 Wisconsin Avenue, N.W. Chevy Chase, Maryland 20815
TPI	Truss Plate Institute, Inc. 583 D'Onofrio Drive Suite 200 Madison, WI 53719
UBC	Uniform Building Code. (See the International Conference of Building Officials.)
UL	Underwriters Laboratories, Inc. 333 Pfingsten Road Northbrook, Illinois 60062 or 1285 Melville Road Melville, New York 11746
ULC	Underwriters' Laboratories of Canada 7 Crouse Road Scarborough, Ontario, Canada M1R 3A9 (USASI) see ANSI

****** *Local Law 13-1987; 69-1977; 213-90 BCR; 135-88 BCR;
237-87 BCR; 428-83 BCR; 705-80 BCR.*

Reference Standard 2

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Reference Standard 4

*REFERENCE STANDARD RS-4 BUILDING LIMITATIONS

LIST OF REFERENCED NATIONAL STANDARDS

**FEMA Maps of the special flood hazard areas of the City of New York, community-panel Numbers 3604970001 to 3604970457 inclusive, revised: September 5, 2007

A scientific and engineering report entitled "Flood Insurance Study, City of New York: New York, Bronx, Queens, New York, Kings, and Richmond Counties" revised September 5, 2007

The Flood Insurance Study and maps are available at:

- The Department of City Planning, Waterfront Division, 22 Reade Street, New York, New York
- The borough offices of the Department of Buildings
- www.fema.gov

FEMA 55 Design and construction manual for residential buildings in coastal high hazard areas (Coastal construction manual), dated February 1986. 1986

FEMA 85 Manufactured home installation in flood hazard areas, dated September 1985. 1985

FEMA 102 Floodproofing non-residential structures, dated May 1986. 1986

ANSI A117.1 American national standard for buildings and facilities providing accessibility and usability for physically handicapped people, as modified. 1986

* *Local Law 33-1988; Local Law 58-1987*

** *DOB 9-5-07; 1-24-07; 8-11-02; 5-21-01; 9-24-00; 8-21-99*

REFERENCE STANDARD RS-4 BUILDING LIMITATIONS

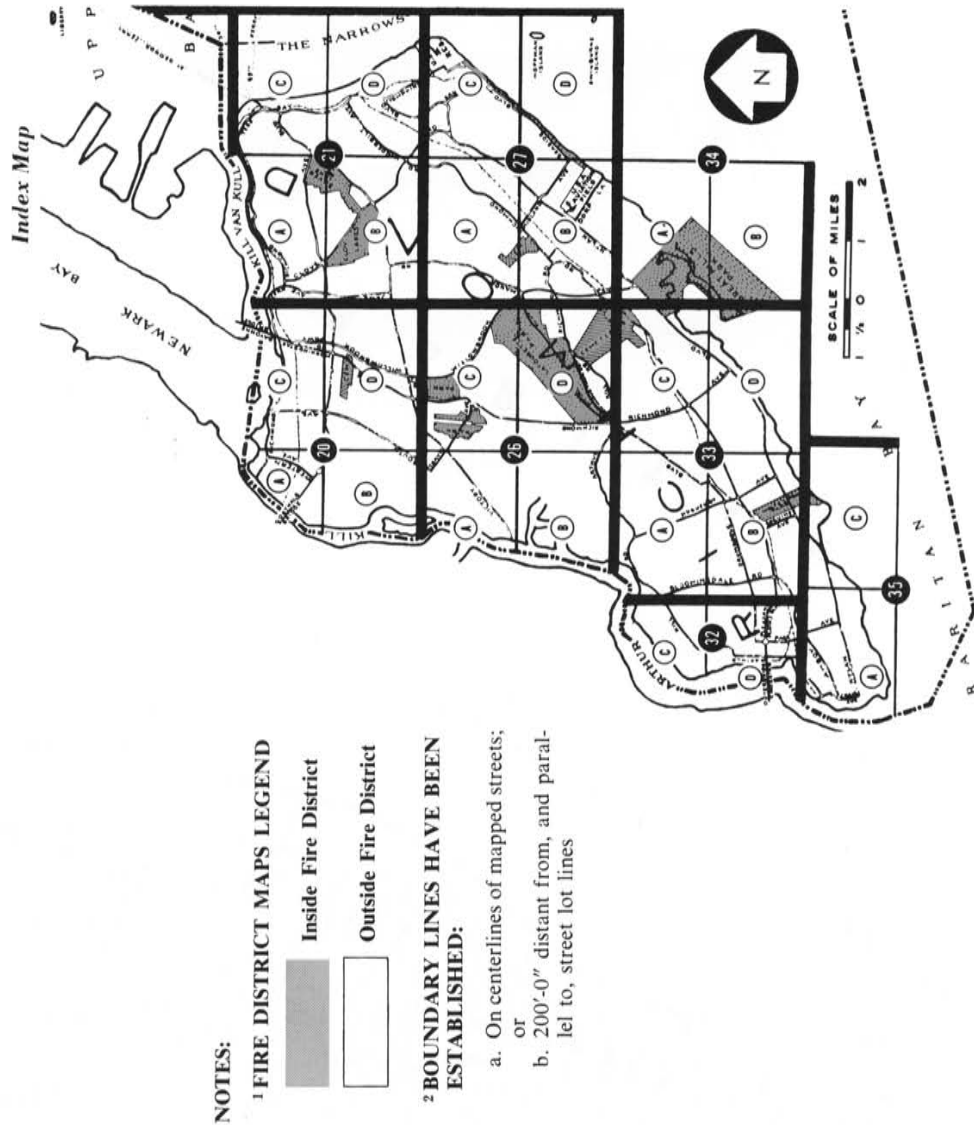
FIRE DISTRICT MAPS

Borough of Richmond

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27 C&D	RS 4-1-11
32 C&D	RS 4-1-2
33 A&B	RS 4-1-4
33 C&D	RS 4-1-13
34 A&B	RS 4-1-14
35 A	RS 4-1-1
35 C	RS 4-1-3



**REFERENCE STANDARD RS 4-3
ESTABLISHED MARKET AREAS**

Borough of Bronx-

Hunt's Point District:

Edgewater Road and Halleck Street between Lafayette Avenue and East Bay Avenue.

Lafayette Avenue between Edgewater Road and the Bronx River.

East Bay Avenue between Halleck Street and the Bronx River.

Hunt's Point Avenue between East Bay Avenue and the Bronx River.

Exterior Street between East 149th Street and East 157th Street.

Cromwell Avenue between East 150th Street and East 153d Street.

East 150th Street between Exterior Street and River Avenue.

Westchester Avenue between St. Ann's Avenue and Bergen Avenue.

Brook Avenue between East 150th Street and East 156th Street.

Bergen Avenue between East 149th Street and East 156th Street.

East 152d Street between Bergen Avenue and Brook Avenue.

East 153d Street between Bergen Avenue and Brook Avenue.

Borough of Brooklyn-

North 6th Street between Berry Street and Wythe Avenue.

Borough of Manhattan-

Fulton Market District:

John Street to Fulton Street between South Street and Front Street.

Fulton Street to Dover Street between South Street and Water Street.

South Street and Front Street between John Street and Dover Street.

Water Street between Fulton Street and Dover Street.

Gansevoort Market District:

Horatio Street to West 14th Street between West Street and 9th Avenue.

West Street, Washington Street, Greenwich Street, 9th Avenue and 10th Avenue between Horatio Street and West 14th Street.

West 16th Street, north side, and West 17th Street, south side, between 10th Avenue and 11th Avenue.

West 24th Street to West 26th Street, south side, between 11th Avenue and 12th Avenue.

West 27th Street, north side, to West 28th Street between 11th Avenue and 12th Avenue.

12th Avenue and St. Claire Place between 125th Street and 132d Street.

12th Avenue, west side, between 132d Street and 133d Street.

Borough of Queens-

95th Avenue, north side, between Sutphin Boulevard and 148th Street.

Borough of Richmond-

None.

*** REFERENCE STANDARD RS 4-4
FLOOD INSURANCE RATE MAP**

The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) Flood Insurance Rate Map (multiple panels) Index No. 3604970001 to 3604970457 revised...September 5, 2007.

(2) A scientific and engineering report entitled "Flood Insurance Study, City of New York: New York, Bronx, Queens, New York, Kings, and Richmond Counties" revised...September 5, 2007.

The Flood Insurance Study and maps are available at:

- The Department of City Planning, Waterfront Division, 22 Reade Street, New York, New York
- The borough offices of the Department of Buildings
- www.fema.gov

**DOB 9-5-07; 1-24-07; 8-11-02; 5-21-01; 9-24-00; 8-21-99; 8-4-94;
Local Law 33-1988; 58-1983; 13-1975; 587-76 BCR.*

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*** REFERENCE STANDARD RS 4-5

FLOOD PROOFING NON-RESIDENTIAL STRUCTURES AND COASTAL CONSTRUCTION MANUAL

FEMA 55/February 1986-Design and Construction Manual for Residential Buildings in Coastal High Hazard Areas (Coastal construction manual).

FEMA 85/September 1985-Manufactured home installation in flood hazard areas.

FEMA 102/May 1986-Floodproofing non-residential structures.

*****Local Law 33-1988; 58-1983; 13-1975; 587-76 BCR**

** REFERENCE STANDARD RS 4-6

FACILITIES FOR PEOPLE HAVING PHYSICAL DISABILITIES

****Amended, Dated 11/19/91; Local Law 58-1987; 886-89 BCR**

ANSI A117.1-1986, as modified.-American national standard for buildings and facilities providing accessibility and usability for physically handicapped people.

Modifications.-The provisions of ANSI A117.1-1986 shall be subject to the following modifications:

Figure 29(b) Sidewall

Delete 42 min/1065 minimum dimension of sidewall grab bar.

Add 15 min/380.

Figure 47(a) clear floor space for adaptable bathrooms.

Delete 36 min/915 and 18 min/455 at the water closets.

Add 33 min/838 and 16 1/2 min/419.

Figure 48 Location of grab bars and controls of adaptable bathtubs.

Delete 15 max/380 at the control area.

4.5.2 is amended to read as follows:

4.5.2 CHANGES IN LEVEL

Changes in level up to 1/4 inch (6 mm) may be vertical and without edge treatment. Changes in level up to 1 inch (25 mm) shall be beveled with a slope no greater than 1:2 (see figure 7 (c) and (d)). A 1-inch rise may be vertical for the first 1/4 inch. Changes in level greater than 1 inch (25 mm) shall be accomplished by means of a ramp that complies with 4.7 or 4.8.

Within a dwelling unit, when the saddle provided is made of a stone or ceramic material that by its nature cannot be brought into compliance with the code requirements for slope, then at the request of a disabled occupant, the owner must bring such a nonconforming saddle into conformance with the code by addition of an adaptable strip as show in diagram 7(e).

Figure 7(d) of such standard is deleted.

Figure 7(d) of such standard shown below is added.

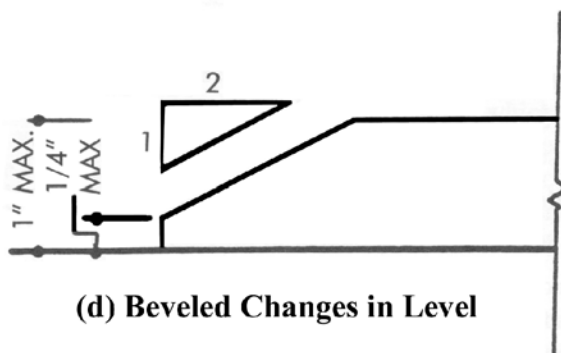


Figure 7(e) of such standard shown below is added.

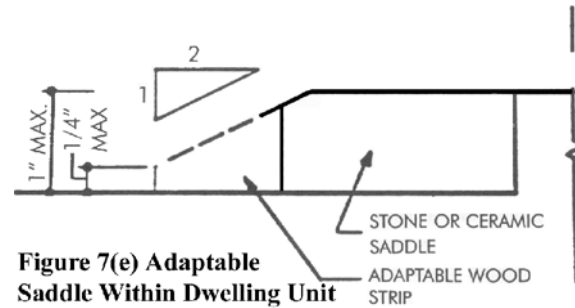


Figure 7(e) Adaptable Saddle Within Dwelling Unit

4.6.2 is amended as follows:

4.6.2 *PARKING FACILITIES. Parking spaces for physically handicapped people shall be at least 96 in. (2440 mm) wide and shall have an adjacent access aisle at least 60 in. (1525 mm) wide (See Fig. 9). Parking access aisles shall be part of the accessible route to the building or facility entrance and shall comply with 4.3. Two accessible parking spaces may share a common access aisle. No obstructions shall reduce the clear width of an accessible circulation route.

In parking facilities containing less than 30 spaces, at least one of the parking spaces required to be accessible to physically handicapped people shall have a minimum vertical clearance of 108 in. (2745 mm), a minimum width of 96 in. (2440 mm) and a minimum access aisle of 96 in. (2440 mm) ("high clearance accessible parking space"). Such a space shall be located on a vehicular access route which maintains the 108 in. (2745 mm) vertical clearance throughout its distance to the high clearance accessible parking space, including at all changes of level.

In parking facilities containing 30 or more spaces, at least two of the parking spaces required to be accessible to people with disabilities shall satisfy the requirements for high-clearance accessible parking spaces. The access aisle for high-clearance accessible parking spaces may be shared by two accessible parking spaces.

Except as otherwise provided in §4.6.2.2 and 4.6.2.3, accessible parking spaces shall be designated as reserved for physically handicapped people by a permanently

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REFERENCE STANDARD RS 5-1C
MISCELLANEOUS TEST REPORTS
FOR LOAD-BEARING WALL ASSEMBLIES
NON-COMBUSTIBLE: ONE, ONE AND ONE-
HALF, AND TWO-HOUR FIRE RATINGS.**

AISI FT-901-0481-1981- Fire Resistance of Load-Bearing Steel Stud Walls with Gypsum Wallboard Protection with or without Cavity Insulation.

MODIFICATIONS: The provisions of AISI FT-901-1981, are modified as follows:

1. Delete all Fire Resistive Assemblies with 45 minute ratings.

2. Substitute the following for paragraph 2:

Steel Studs-Corrosion-Protected steel studs, min. 3 1/2 inches wide, min. No. 18 GSG (0.047 inch thick) galvanized steel or No. 18 MSG (0.043 inch thick) primed steel, cold-formed, shall be designed in accordance with Reference Standard RS 10-6 (Specification for the Design of Cold-Formed Steel Structural members by AISI, as modified). All design details enhancing the structural integrity of the wall assembly including the axial design load of the studs, shall be as specified by the steel stud designer and/or the producer, and shall meet all applicable requirements of the code. The maximum stud spacing of wall assemblies shall not exceed 24 inches. Studs shall be attached to floor and ceiling tracks with 1/2 inch long Type S-12 pan head, self-drilling, self-tapping steel screws on both sides of the studs, or welded in accordance with RS 10-6.

3. Substitute the following for paragraph 3:

Lateral Supporting Members (not shown)-Lateral support or bracing shall be provided in accordance with Reference Standard RS 10-6 independent sheathing.

4. Substitute the following for paragraph 4:

Wallboard, Gypsum-Gypsum wallboard shall conform to ASTM C 36 Type X and be identified as such. The wallboard shall be applied vertically with joints between layers staggered. Outer layer of three-layer construction may be applied horizontally. The thickness and number of layers and percent of design load for the 1 hour, 1 1/2 hour and 2 hour ratings shall be as specified in the table above.

5. Substitute the following for paragraph 7:

Batts and Blankets-All insulation and noise control materials included in wall assemblies shall be Approved by the Board of Standards and Appeals or Accepted by the Materials and Equipment Acceptance Division of the Department of Buildings for the intended use.

****252-82 BCR**

UL FIRE RESISTANCE DIRECTORY Design U 425

Interior Walls-Wallboard Protection Both Sides of Wall		
Rating	Number of Layers and Thickness of Boards in Each Layer	Percent of Design Load
1 hr.	1 layer, 5/8 in. thick	100
1 1/2 hr.	2 layers, 1/2 in. thick	100
2 hr.	2 layers, 5/8 in. thick or *3 layers, 1/2 in. thick	80 100

*Ratings applicable to assemblies serving as exterior walls where Classified fire resistive gypsum sheathing type wallboard is substituted on the exterior face.

*Bearing the UL Classification Marking.

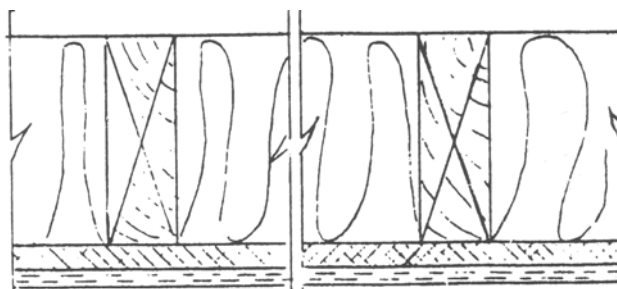
Exterior Walls-Wallboard Protection on Interior Side of Wall

Rating	Number of Layers and Thickness of Boards in Each Layer	Percent of Design Load
1 hr.	2 layer, 1/2 in. thick	100
1 1/2 hr.	2 layers, 5/8 in. thick	100
2 hr	3 layers, 1/2 in. thick	100

6. Steel Floor and Ceiling Tracks-Top and bottom tracks of wall assemblies shall consist of steel members, min. No. 20 GSG (0.036 in. thick) galv. steel or No. 20 MSG (0.033 in.) thick primed steel, that provide a sound structural connection between steel studs and to adjacent assemblies such as a floor, ceiling and or other walls. Attached to floor and ceiling, assemblies with steel fasteners spaced not greater than 24 in.

7. Fasteners-Screws used to attach wallboard to studs: self-tapping bugle head sheet steel type, spaced 12 in. o.c. First layer Type S-12 by 1 in. long; second layer Type S-12 by 1 3/8 in. long; third layer Type S-12 by 1 7/8 in. long.

8. Joint Tape and Compound-Vinyl or casein, dry or premixed joint compound applied in two coats to joints and screwheads of outer layer. Perforated paper tape, 2



N F o P A No WHI 690-003

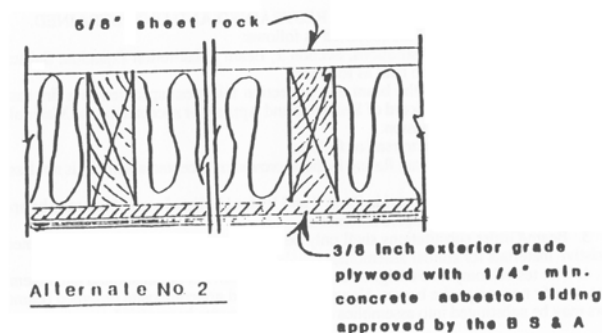
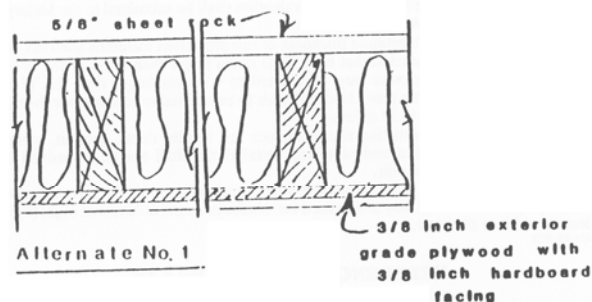
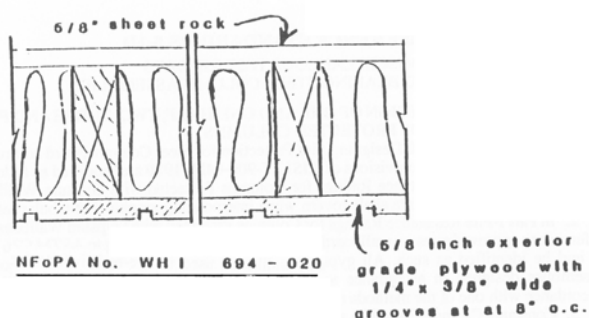
in. wide, embedded in first layer of compound over all joints of outer layer.

Report of Testing on a Load-Bearing Wood Stud Partition -Dated - October 19, 1981

Wall is constructed using 2 in. x 4 in. (nominal) wood studs spaced 16 in. on center. Fire exposed (interior) side is covered with 5/8 in. Type X Gypsum Wallboard applied vertically and fastened with 6d box nails on 7

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in. centers. Unexposed side (exterior) is faced with a layer of 1/2 in. thick Fiberboard Sheathing (0.835 psf) applied vertically and fastened with 1 1/2 in. roofing nails on 3 in. centers at edges and 6 in. centers at intermediate supports. Hardboard Shiplap Edge Panel Siding, 3/8 in. thick (1.84 psf) is applied vertically over the Fiberboard Sheathing and fastened with 8d nails on 4 in. centers at edges and 8 in. centers at intermediate supports. The Cavity Spaces (stud spaces) are filled with Mineral Wool Batts having a density of 2.14 lbs./cu ft. (Mineral wool may be rock wool or slag wool of equivalent density.) All insulation and noise control materials included in wall assemblies shall be Approved by the Board of Standards and Appeals or Accepted by the Material and Equipment Acceptance Division of the Department of Buildings for the intended use. The maximum load permissible on the studs in this assembly shall be 2000 lbs. each.



COMBUSTIBLE: ONE HOUR FIRE RATINGS

Report of Testing on a Load-Bearing
Wood Stud Partition - Dated - October 9, 1981
Wall is constructed using 2 in. x 4 in. (nominal) wood

studs spaced 16 in. on centers. Fire exposed side (interior) is covered with 5/8 in. Type X Gypsum Wallboard applied vertically and fastened with 6d box nails on 7 in. centers. Unexposed side (exterior) is faced with 3/8 in. thick (5/8 in. between grooves) exterior grade plywood panels applied vertically and fastened with 8d nails on 6 in. centers around edges and 12 in. centers at intermediate supports. The Cavity (stud) Spaces are filled with Mineral Wool Batts having a density of 2 lbs./cu. ft. (Mineral wool may be rock wool or slag wool of equivalent density.) All insulation and noise control materials included in wall assemblies shall be Approved by the Board of Standards and Appeals or Accepted by the Material and Equipment Acceptance Division of the Department of Buildings for the intended use.

The maximum load permissible on the studs in this assembly shall be 2000 lbs. each.

*** REFERENCE STANDARD 5-1D
MISCELLANEOUS TEST REPORTS FOR LOAD
BEARING STEEL COLUMN ASSEMBLIES
NONCOMBUSTIBLE: DESIGN OF ONE, ONE
AND ONE-HALF, TWO, THREE AND FOUR
HOUR FIRE RATINGS OF PROTECTED COLUMNS**
AISI FT-900-0480-1980 Designing Fire
Protection for Steel Columns, third edition.

MODIFICATIONS: The provisions of AISI FT-900-0480-1980 are modified as follows:

1. In Part I-Fire Resistance Ratings for Columns Protected with Gypsum Wallboard values determined by formula shall govern when interpolating graphical or tabular results.

2. In Part I-Fire Resistance Ratings for Columns Protected with Gypsum Wallboard, all reference to approved gypsum wallboard shall infer material conforming to ASTM C36 Type X and be identified as such. All gypsum wallboard used in fire resistive steel column assemblies designed in accordance with this Reference Standard shall be installed in accordance with one of the methods recommended in this reference standard.

3. Constants C1 and C2 shall be applicable only to the materials identified in Section C of Part II-Calculating Fire Resistance Ratings for Columns Protected with Spray-Applied Materials. Constants for other spray-applied fire proofing materials shall be determined by ASTM E 119 fire tests. The tests and their evaluation shall be submitted to the Material and Acceptance Division (MEA) for acceptance.

4. The formulas for determining thickness of fire protection materials shall not be used with columns or built-up sections that have W/D ratios larger than those of the W14x233 shape. Fire protection thickness may be applied to columns larger than the W14x233 provided the thickness of fire protection materials to be applied to columns are the same as those required for the W14x233 column.

5. In absence of substantiating fire endurance test results, ducts, conduit, piping and similar mechanical, electrical and plumbing installations shall not be

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2. An approved, automatically controlled louver and weather closure open to the exterior at the highest floor served by the stair shall be installed in the case of a fan or fans producing an upward flow of air, or at the furthest point or points from the fan or fans when more than one fan is used, or at the lower end of the stair venting to outside if a single fan is located at the upper end of the shaft. The size shall be not less than 2 sq. in. per 100 cu. ft. of total shaft volume. Any existing fixed ventilating opening may be included in meeting this requirement. The louver shall be normally closed and shall open automatically by fusible link or other approved device when subjected to a temperature of 135°F. or to a rapid rise in temperature at a rate of 15 to 20°F. per minute, and the louver shall also be remotely operable from the fire command center. Such louver shall also satisfy the requirements of subdivision d of section 27-344.

3. The total supply of air introduced into each stair shall be equal to and not less than the algebraic sum of 24,000 cfm plus 200 cfm per story of stair.

4. Other operating requirements.

a. All weather closures may normally be in closed position.

b. The air supply fans shall provide positive pressure differential between the stair shaft and each floor at a maximum of 0.4 inches of water column whether doors are open or closed. Minimum positive pressure differentials between the stair shafts and each floor of 0.10 inches of water column when all doors are closed, and no less than 0.050 inches of water column when any three doors are open, shall be maintained. As an alternative to the maintenance of 0.050 inches of water column, a minimum average velocity of 400 feet per minute, measured in the plane of any open door, with any three doors open, shall be maintained.

c. Excess positive pressure within the stair closure may be relieved at one or more levels through protected openings in the stair enclosure in the following manner:

(1) Each opening shall be provided with an approved adjustable barometric backdraft damper so arranged as to permit air flow out of the stair enclosure only and shall be adjusted to close if the pressure differential is less than 0.05 inches of water column, and to remain open if the pressure differential is greater than 0.4 inches of water column.

(2) Each opening shall be protected with two 1 1/2-hour fire dampers arranged in series, each with fusible links rated to melt at 125°F.

(3) Acceptable alternative systems for the relief of excessive positive pressure other than through the protective openings in the stair enclosure may be installed, subject to the approval of the Commissioner.

(4) Spill ducts located entirely within the stair enclosure and utilizing barometric dampers may be installed as an acceptable alternative system referred to in sub-paragraph 3 above.

d. Air supply fans shall also be controlled from a local

start-stop station at the fans and from the fire command station. In addition, fan controls may also be located at the mechanical control center. These controls shall over-ride the automatic detection shut-down.

e. The fans shall be operated from circuits that are separate from the general lighting and power circuits taken off ahead of the main switch and connected to an emergency power source when such source is provided.

*** 5. Full system testing shall be required for each installation and shall be subject to controlled inspection. Pressure or velocity measurements shall be taken for the purpose of determining whether the desired control of smoke will be established and reports of such measurements shall be made and copies thereof filed with the department as provided in Section 27-132 for controlled inspection. A full system test shall be performed after any construction and/or modifications to the stair enclosures altering the volume of such enclosures.

*** 6. Operational tests of the stair pressurization systems shall be conducted every twelve months by building maintenance personnel and witnessed by the Fire Safety Director or by a Registered Architect or Professional Engineer to ensure that each system functions. The owner or his authorized representative shall retain at the premises a record of each test performed for Building and Fire Departments' use.

*** 7. Operational tests shall determine that initiating devices such as fire alarms, sprinkler alarms, elevator recall, manual switches, and smoke detectors other than those designed to cause the shutdown of outside air intake systems, will cause the stair pressurization systems' intake dampers to open and fans to start.

** *Local Law 84-1979*

*** *DOB 8-26-98*

* **REFERENCE STANDARD RS 5-19**

ASTM E814-1983 Standard Method of Fire Tests of Through-Penetration Fire Stops.

* *Local Law 16-1984; 1343-88 BCR*

* **REFERENCE STANDARD RS 5-20**

Standards for the flammability of Carpets

DOC FF 1-1970 Methane Pill Test.

ASTM E648-1988 Standard Test Method for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Source.

ASTM E662-1988 Standard Test Method for Specific Optical Density of Smoke Generated by Solid Materials.

* *Local Law 16-1984; 1343-88 BCR*

*** **REFERENCE STANDARD RS 5-21**

UBC Std. 26-9-1997 Method of Test for the Evaluation of Flammability Characteristics of Exterior, Nonloadbearing Wall Assemblies Containing Combustible Components Using the Intermediate-Scale, Multistory Test Apparatus.

*** *DOB 3-4-01; Local Law 13-1987; 1343-88 BCR*

Reference Standard 5

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REFERENCE STANDARD RS-6
MEANS OF EGRESS

[†]REFERENCE STANDARD RS 6-1
PHOTOLUMINESCENT EXIT PATH MARKINGS

as required by Local Law 26 of 2004, New York City Building Code § 27-383(b)

Introduction

This standard is intended to provide minimum requirements for photoluminescent exit path markings that will aid in evacuation from buildings in the event of failure of both the power and back-up power to the lighting and illuminated exit signs. Photoluminescent material is charged by exposure to light and will emit luminance after the activating light source is unavailable. The markings covered by this standard are not designed to provide enough light to illuminate a dark egress path, but rather will provide luminescent signs and outlines of the egress path, stairs, handrails, and obstacles, so that occupants can discern these egress path elements in dark conditions. The markings are generally required to be located at a low location in case of smoke and to be readily seen, such as in a crowd situation. They are in addition to, and not as a substitute for, any other signage required under the Building Code, such as electrically illuminated exit signs with electrical back-up power required under § 27-383(a).

This standard covers: 1) the technical specifications for minimum performance of the materials; 2) the minimum requirements for placement of the signs and markings; 3) administrative filings to certify compliance; and 4) maintenance requirements.

1.0 Technical specifications for minimum performance

1.1 Mandatory certifications. All photoluminescent products covered by this standard shall be independently tested to certify compliance with the following characteristics in accordance with Reference Standard RS 6-1A:

- 1.1.1 Brightness Rating ("BR"): Minimum BR of 30-7-5, being the laboratory measurement of luminance at 10, 60, and 90 minutes, respectively
- 1.1.2 Washability
- 1.1.3 Toxicity
- 1.1.4 Radioactivity
- 1.1.5 Flame spread

1.2 Additional certification. For manufacturers seeking to represent their photoluminescent products in New York City as UV resistant (resistant to UV degradation and weather), such products shall be independently tested to certify compliance with Reference Standard RS 6-1A for UV degradation. Only products meeting this characteristic shall be installed in locations exposed to unfiltered sunlight or exterior weather conditions. UV-approved products may also be used in other locations where materials with proven long-term stability are desired by the owner.

1.3 Approval. Only those products approved by the Department of Buildings' Material and Equipment Acceptance Division ("MEA") shall be installed.

1.4 Labeling. All approved materials shall be labeled and identified with the model number as well as with "MEA # _____ BR: _____" in a minimum of 6 point type with at least one such identification on each piece of material installed. However, labeling is not required for pieces of material less than 1 foot in length that are

placed in immediate proximity of an identical model that is labeled. Those products certified for UV degradation shall be labeled with "UV" (e.g.: MEA 892-05-M BR: 39-8-6 UV). Products may include supplemental identifying information such as the manufacture's name, trade name, or "NYC".

Note: A Brightness Rating of 30-7-5 means that the brightness (luminance) will be 30.0 mcd/m² (millicandelas per square meter) at 10 minutes, 7.0 mcd/m² at 60 minutes, and 5.0 mcd/m² at 90 minutes, under test conditions.

2.0 Minimum requirements for placement

2.1 Markings on 1) doors opening to "exits" or "exit passageways"; 2) doors opening to "corridors" where such "corridors" act as required "exit passageways" connecting two "vertical exits", and 3) doors serving as "horizontal exits".¹ All such doors, other than intermediate or final exit doors, shall be marked in compliance with 2.1. Intermediate and final exit doors shall comply with 2.2.9.

2.1.1 Door signs. Doors shall be marked with a photoluminescent door sign designed in compliance with 2.3.1. The top of the signs shall be no higher than 18 inches (457 mm) above the finished floor. Signs shall be installed either on the door itself, or on the wall surface directly adjacent to the door, or both:

2.1.1.1 Door-mounted option (fig. 1).

The vertical centerline of the sign shall be centered with the door, or shall be in that half of the door, either the right or left, that contains the latch. In case of double-doors, both doors shall be marked and the signs shall be centered with the doors. For door-mounted signs, arrows may be omitted.

¹ As such terms are defined in the Building Code of the City of New York

Reference Standard 6

2.1.1.2 Wall-mounted option (fig. 2).

Signs shall be mounted on the wall surface directly adjacent to the latch-side of the door, as close as practicable to the door such that in no case shall there be more than 6" (152 mm) from the door to the edge of the sign. In case of double-doors, signs shall be placed on the wall surface directly adjacent to the hinge-sides of both doors. Where the wall surface directly adjacent to the latch side is too narrow to accommodate the sign, the sign may be placed on the adjacent perpendicular wall. For wall-mounted signs, arrows are mandatory.

EXCEPTION – Existing buildings: For buildings constructed pursuant to plans approved prior to July 1, 2006, the top of the signs may be as high as 26 inches (660 mm) above the finish floor where necessary because of molding, baseboards, or similar features.

2.2 Markings within "vertical exits," "horizontal extensions in "vertical exits," "horizontal exits," "supplemental vertical exits," and "exit passageways"²

EXCEPTION: Such markings are not required in "street level lobbies", "exterior stairs", or exterior balconies.³

2.2.1 Steps (fig. 3). The entire horizontal leading edge of each step shall be marked with a solid and continuous stripe of photoluminescent material. The dimensions, distances and locations shall be consistent and uniform throughout the same exit.

2.2.1.1 Width. The width of the stripes, measured horizontally shall be:

Maximum: 2" (51 mm)

Minimum: 1" (25 mm).

2.2.1.2 Length. The stripes shall extend for the full length of the step.

2.2.1.3 Placement. The leading edge of the stripe shall be:

Maximum: ½" (13 mm) from the leading edge of the step

Minimum: 0" from the leading edge of the step.

2.2.1.4 Overlap. The stripe shall not overlap the leading edge of the step by more than ½" (13 mm) down the vertical face of the step.

EXCEPTION – Existing buildings. For buildings constructed pursuant to plans approved prior to July 1, 2006, in lieu of marking the full horizontal leading edge as per 2.2.1, one of the following marking options may be complied with:

1. Step markings (fig. 3). The entire horizontal leading edge of each step shall be marked with a solid and continuous stripe of photoluminescent material. The dimensions, distances and locations shall be consistent and uniform throughout the same exit.

1.1 Width. The width of the stripes, measured horizontally shall be:

Maximum: 2" (51 mm)

Minimum: 1" (25 mm).

1.2 Length. The stripes shall extend to a within 2" (51 mm) of both the sides of the steps.

1.3 Placement. The leading edge of the stripe shall be:

Maximum: 1" (25 mm) from the leading edge of the step

Minimum: 0" from the leading edge of the step; or

1.4 Overlap. The stripe shall not overlap the leading edge of the step by more than ½" (13 mm) down the vertical face of the step.

2. Side edge markings (fig. 4). Side edge markings on both horizontal sides of each step that provide returns extending along the leading edge. The dimensions, distances and locations shall be consistent and uniform throughout the same exit. Such side edge markings shall be solid and continuous stripes of photoluminescent material:

2.1 Width of side edge markings. The width of the side edge marking shall comply with 2.2.1.1.

2.2 Placement of side edge markings. The side edge markings shall be placed no further than 2" (51 mm) from both sides of steps. Such stripes shall extend to within ¼" (57 mm) of the back of each step and to within 1" (25 mm) of the leading edge of each step.

2.3 Width of returns. The returns shall also comply with 2.2.1.1 but are not required to be the same width as the side edge markings.

2.4 Placement of returns. The returns shall extend from the side edge marking, parallel with the leading edge of the step, for a minimum distance of 2" (51 mm). Such returns shall extend to within 1" (25 mm) of the leading edge of each step.

2.5 Overlap. The side edge markings including returns shall not overlap the face of the leading edge of the step by more than ½" (13 mm) down the vertical face of the step.

2.2.2 Leading edge of landings (fig. 5). The leading edge of all landings (for example the platforms at the top of stairs) shall be marked in a consistent and uniform manner throughout the same exit. Such markings shall comprise stripes following the same requirements as for steps in 2.2.1, except that: 1) the stripe shall be the same length as and consistent with the stripes on the steps, or may extend the full length of the leading edge of the landing; and 2) the leading edge of each landing shall be marked regardless of the age of the building.

2.2.3 Handrails (fig. 6). All handrails and handrail extensions shall be marked with a solid and continuous stripe of photoluminescent material. The dimensions, distances and locations shall be consistent and uniform throughout the same exit.

² As such terms are defined in the Building Code of the City of New York

³ As such terms are defined in the Building Code of the City of New York

Reference Standard 6

2.2.3.1 Width. The minimum width of the stripe shall be 1" (25 mm).

2.2.3.2 Placement. The stripe shall be placed at least on the top surface of the handrail for the entire length of any handrails including handrail extensions, and newel post caps.

2.2.3.3 Continuity. Where handrails or handrail extensions bend or turn corners, the stripe shall be as continuous as practicable with no more than a 4" (102 mm) gap without photoluminescent material permitted at such bends.

EXCEPTION – Existing buildings. For buildings constructed pursuant to plans approved prior to July 1, 2006, handrails are not required to be marked.

2.2.4 Floor perimeter demarcation lines. Floor perimeter demarcations lines are intended to outline the egress path by providing low location photoluminescent lines on both sides of the path. Stair landings and other parts of the egress path shall be provided with floor perimeter demarcation lines. The lines shall be a solid and continuous 1" to 2" (25 to 51 mm) wide stripe of photoluminescent material. The continuity of the demarcation lines may be interrupted to accommodate obstructions such as conduits, moldings, corners or bends, not to exceed 4" (102 mm). The dimensions, distances and locations shall be uniform and consistent throughout the same exit. Demarcation lines shall be located on the floor, or on the walls/vertical surface, or a combination of the two, as per the following:

2.2.4.1 Floor-mounted option (fig. 7). Perimeter demarcation lines may be located on the floor, and shall be placed as close as practicable to the wall, and shall extend to within 2" (51 mm) of the markings on the leading edge of landings. Where an obstruction (such as a standpipe) is located within the egress path, the demarcation line may, at the option of the owner, extend across the floor so that the obstruction is outside of the outlined area (see fig. 8). Demarcation lines on floors shall continue across the floor in front of all doors, except in front of those doors marked with door frame markings in accordance with 2.2.9.3 (see figs. 13, 14).

2.2.4.2 Wall-mounted option (fig. 9). Perimeter demarcation lines may be located on the wall, placed with the bottom edge no more than 4" (102 mm) above the finished floor. At the top or bottom of stairs, demarcation lines shall drop vertically to the floor within 2" (51 mm) of the step or landing edge. Demarcation lines on walls shall transition vertically to the floor and then extend across the floor where a line on the floor is the only practical method of outlining the path, for instance where obstructions or dead ends are to be outside of the outlined egress areas. Demarcation lines on walls shall continue across the face of all doors, or may transition to the floor and

extend across the floor in front of such doors (see fig. 10), except in front of those doors marked with door frame markings in accordance with 2.2.9.3.

EXCEPTIONS. Perimeter demarcation lines are not required:

1. on the sides of steps; and
2. where an area is selected not to be outlined because it is not part of the egress path, for example an obstruction or dead end.

2.2.5 Obstacles. Obstacles at or below *for 6'-6" (1981 mm) in height and projecting more than 4" (102 mm) into the egress path shall be outlined with markings no less than 1" (25 mm) in width comprised of a pattern of alternating equal bands, of photoluminescent material and black, with the alternating bands no more than 2" *[51 mm] thick and angled at 45 degrees. Examples of such obstacles include standpipes, hose cabinets, wall projections, and restricted height areas (see fig. 8).

**As enacted but "for" probably not intended.*

*** Copy in brackets not enacted but probably intended.*

2.2.6 Directional signage upon entering an exit (fig. 11). Photoluminescent directional signs designed in compliance with 2.3.1 shall be placed in the stairwell or exit at every entrance thereto such that they are visible upon opening the door into the stairwell or exit (i.e., the opened door shall not obscure the sign). Such directional sign shall include an arrow indicating the direction of travel. The signs shall be located such that their top edge is within 18" (457 mm) above the finished floor.

EXCEPTION – Existing buildings. Buildings constructed pursuant to plans approved prior to July 1, 2006 are exempt from the requirements of 2.2.6. However, this exception shall not apply to below grade stories.

2.2.7 Directional signage at transfer levels and where egress direction is not clear (fig. 11). Photoluminescent directional signs designed in compliance with 2.3.1 and installed at heights indicated in 2.2.6 shall be placed on the wall: 1) at transfer levels; and 2) wherever egress direction is not clear. These directional signs shall include arrows indicating the direction of travel. Examples of placement include: at turns along horizontal extensions; at transitions from vertical to horizontal direction; at a "T" intersection; etc.

2.2.8 "Not An Exit" sign (fig. 12). Photoluminescent signs shall be placed on doors along the egress path that lead to dead ends (mechanical rooms, storage closets, etc.) Such signs shall contain sans serif lettering at least 1" (25 mm) high reading "NOT AN EXIT".

EXCEPTION – Existing buildings. Buildings constructed pursuant to plans approved prior to July 1, 2006 are exempt from this requirement.

2.2.9 Intermediate exit doors and final exit doors. For the purposes of this section and elsewhere in this

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standard, the following terms shall have the meanings set forth herein:

Intermediate exit door (fig. 13). When traveling in the egress direction, doors that lead from a vertical exit, horizontal extension in a vertical exit, horizontal exit, supplemental vertical exit, or exit passageway, but do not lead directly to the exterior or to a street level lobby are intermediate exit doors.

Final exit door (fig. 14). Doors leading directly to the exterior or a street level lobby are final exit doors.

2.2.9.1 Door signs. A photoluminescent wall-mounted door sign complying with 2.1.1.2 shall be mounted on the wall adjacent to all intermediate and final exit doors. At the final exit door, such sign shall contain supplemental directional text in sans serif letters one-half as high as the word EXIT. Examples of such texts are “FINAL EXIT”, or “EXIT THROUGH LOBBY”, or “EXIT TO STREET”, or “EXIT TO CHAMBERS STREET”, etc. (see fig. 15).

2.2.9.2 Door Hardware markings. Door hardware of all intermediate and final exit doors shall be marked with no less than 16 in² *(406 mm²) of photoluminescent material. This marking shall be located behind, immediately adjacent to, or on the door handle and/or escutcheon. Where a panic bar is installed, such material shall be no less than 1” (25 mm) wide for the entire length of the actuating bar or touchpad. All hardware markings covered by 2.2.9.2 may include ANSI Z535.1 safety green graphics such as arrows indicating door handle turning directions, E001 or E002 emergency egress symbols as per ISO 7010, the word “EXIT”, the word “PUSH”, and similar egress-related symbols provided the minimum 16 in² *(406 mm²) of photoluminescent material is maintained.

2.2.9.3 Door frame markings. The top and sides of the door frame of all intermediate and final exit doors shall be marked with a solid and continuous 1” to 2” (25 mm to 51 mm) wide stripe of photoluminescent material. Gaps are permitted in the continuity of door frame markings where a line is fitted into a corner or bend, but shall be as small as practicable and in no case greater than 1” (25 mm). Where the door molding does not provide enough flat surface on which to locate the stripe, the stripes may be located on the wall surrounding the frame. The dimensions, distances and locations of the required markings shall be consistent and uniform on all doors on the route to the exterior of the building.

**As enacted but “(103 cm²)” probably intended*

2.3 General standards.

2.3.1 Design of door and directional signs. Unless otherwise specified, all photoluminescent door signs and directional signs referenced herein (see figs. 11, 15, 16, 17):

1. may be either positive or negative image;
2. shall be made with the non-photoluminescent portions of the signs in safety green as per ANSI Z535.1-2002, *American National Standard for Safety Color Code*;

3. shall include three components:

- 3.1 the word EXIT printed in sans serif letters at least 4” high (102 mm) with strokes no less than ½” (13 mm);
- 3.2 an emergency exit symbol at least 4” high (102 mm), complying with E001 or E002 as per ISO 7010 (2003-10-01), *Graphical Symbols—Safety Colours and Safety Signs—Safety Signs Used in Workplaces and Public Areas*; and
- 3.3 an arrow at least 2 ¾” (70 mm) high, complying with E005 or E006 as per ISO 7010.

Exceptions:

1. Arrows are not mandatory on door-mounted door signs required by 2.1.1.1.
2. The word EXIT is not mandatory on directional signs required by 2.2.6 and 2.2.7.
3. Additional descriptive text is permitted, provided such words are in sans serif letters and, where the word EXIT or emergency exit symbol is required on such sign, such descriptive text is no more than one-half as high as any the *work EXIT or the emergency exit symbol.

**As enacted but “word” probably intended.*

2.3.2 Solid and continuous. For the purposes of this standard, solid and continuous means without gaps or interruption, except as required for the control of expansion and contraction. A series of dashes, chevrons, dots, or other similar patterns is not solid and continuous. Nonetheless, photoluminescent materials shall be considered solid and continuous if they occasionally contain the following safety green (ANSI Z535.1) symbols or text: 1) the word EXIT, 2) egress symbol E001 or E002 as per ISO 7010; 3) direction arrows E005 or E006 as per ISO 7010, or other text or symbols as approved by the Commissioner.

2.3.3 Consistent and uniform. Where markings are required to be consistent and uniform throughout the same exit, those portions of an exit in which the egress travel direction is downward may be treated differently from those portions of the same exit in which the egress travel is upward.

2.3.4 Figures. The figures annexed are intended only for illustration, and where there is a conflict between the figures and the text, the text shall govern.

2.4 Good faith prior installations. The Commissioner may accept variations to the required dimensions, distances, returns (for side edge markings), locations, and MEA labeling for buildings where: 1) photoluminescent materials were installed prior to January 1, 2005; 2) such installations meet the intent of this standard. Applications for acceptance shall indicate all deviations from this standard. The commissioner shall require documentation that the photoluminescent materials installed achieve the equivalent brightness ratings as stated

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in 1.1.1 as well ****[as]** proof showing that the installation was completed prior to January 1, 2005. The commissioner may require installation of additional photoluminescent signs or markings in order to conform to the intent of this standard. Any such acceptance by the commissioner shall be annexed to the affidavit or report filed with the Department of Buildings pursuant to 3.3, and a copy of such report or affidavit including attachments shall be available on the premises for inspection by the Department of Buildings and Fire Department.

****[as]** not enacted but probably intended.

2.5 Installation of additional signs and markings.

Where photoluminescent signs or markings are installed in locations where they are not required by 2.1 and 2.2, such signs and markings shall be MEA-approved in accordance with 1.0 (technical specifications for minimum performance). Examples of such other signs could include floor numbering signs, elevator landing signs, elevator bank indicator signs, reentry signs, etc. Where door hardware or door frame markings in accordance with 2.2.9.2 or 2.2.9.3 are provided at reentry doors, the reentry signs required by the building code shall be photoluminescent and MEA-approved in accordance with 1.0.

2.6 Other occupancies. Where photoluminescent signs or markings are installed in the exit path in other than Class E high rise buildings, such signs or markings shall comply with this standard.

3.0 Administrative filings to certify compliance.

3.1 Existing buildings; Affidavit. Owners of existing buildings shall submit an affidavit of completion certifying compliance with 27-383(b) and RS 6-1, on or before July 1, 2006 for occupied buildings, or prior to issuance of a Certificate of Occupancy for new buildings under construction. In lieu of such affidavit, the owner may submit a report by an architect or engineer complying with 3.2. Such affidavit shall comply with the following:

3.1.1 Inspection. In such affidavit the owner shall certify that all components have been visually inspected, both with the normal lighting turned on, and with the normal and emergency lighting turned off.

3.1.2 Product identification. In such affidavit the owner shall identify the manufacturer and MEA approval number of each product installed, along with the manufacturer's product literature. The affidavit shall describe which particular products were installed in each part of the building.

3.1.3 Paints. Where *in situ* painting was utilized, the owner shall certify that he or she has inspected the installation and that the specified paint was utilized in accordance with the MEA-approved methods of application.

3.2 New buildings; Report. Owners of buildings filed pursuant to plans approved on or after July 1, 2006 shall submit a report of completion by an architect or engineer certifying compliance with 27-383(b) and RS 6-1, prior to issuance of a certificate of occupancy. Such report shall comply with the following:

3.2.1 Inspection. Such report shall be submitted under controlled inspection as per Building Code §27-132. The report shall certify that all components have been visually inspected, both with the normal lighting turned on and with the normal and emergency lighting turned off.

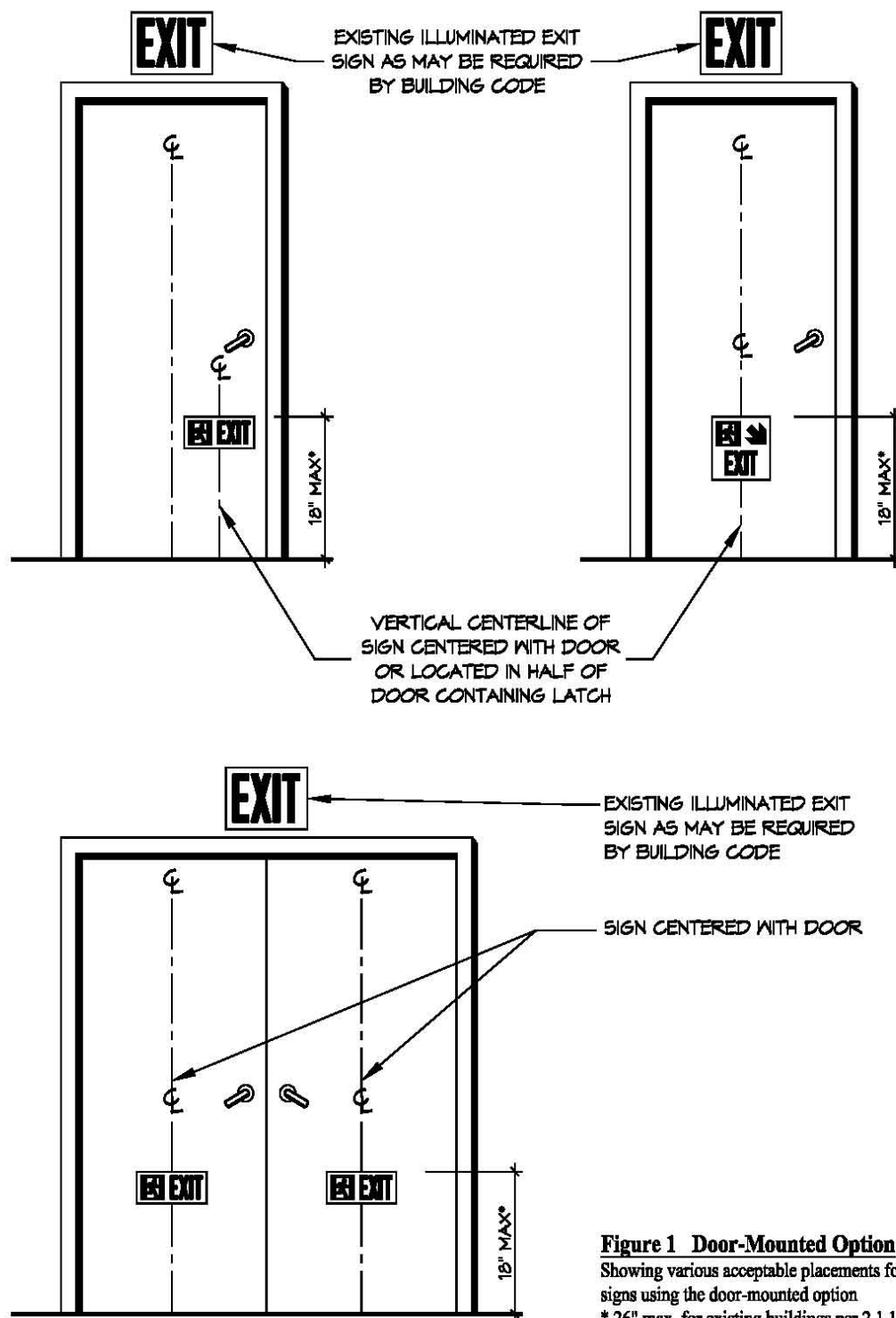
3.2.2 Product identification. Such report shall identify the manufacturer and MEA approval number of each product installed along with the manufacturer's product literature. The report shall describe which particular products were installed in which parts of the building.

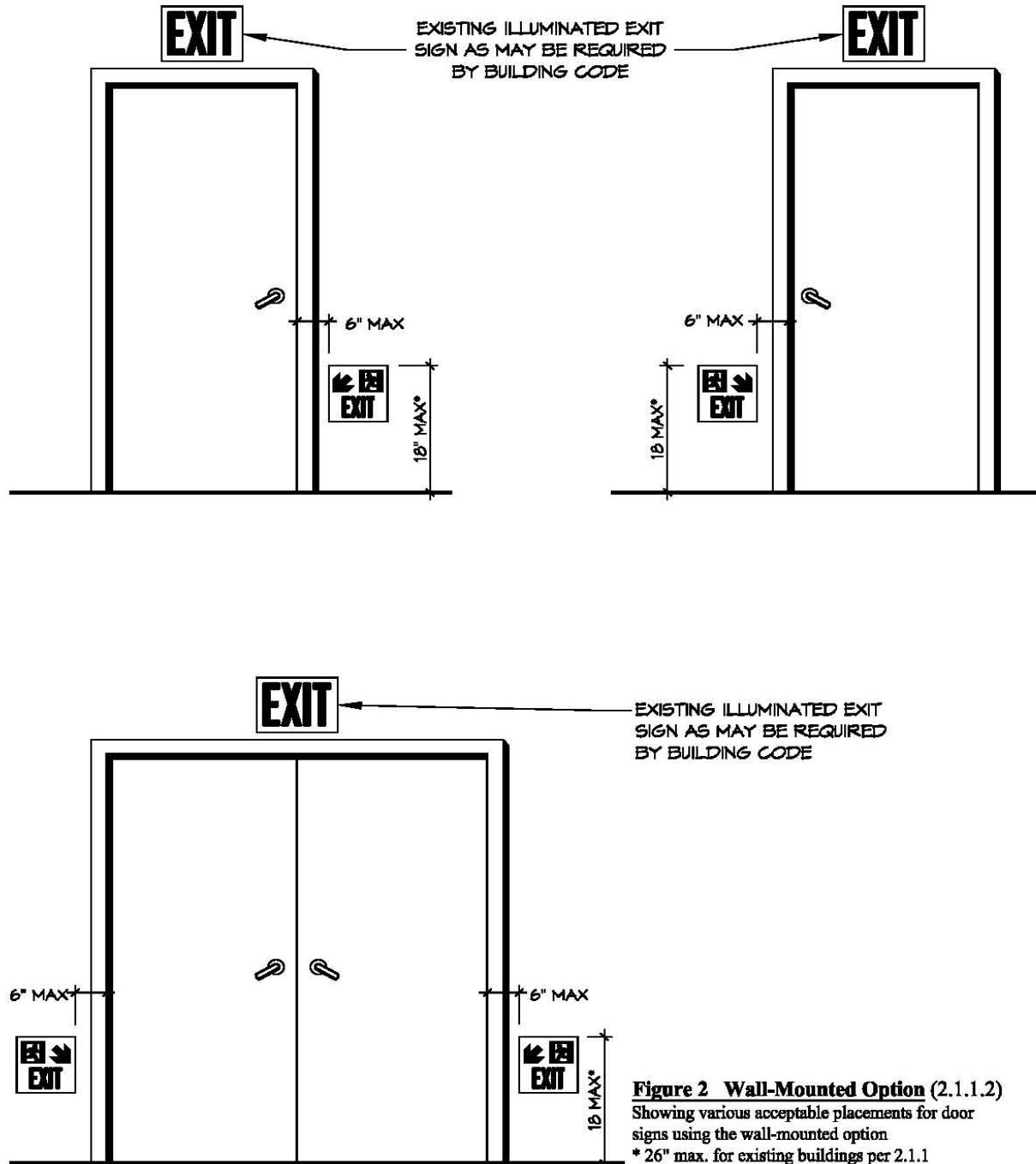
3.2.3 Paints. Where *in situ* painting was utilized, the architect or engineer shall certify that he or she has inspected the installation and that the specified paint was utilized in accordance with the MEA-approved methods of application.

3.3 Submission of Affidavit or Report. Such affidavit or report shall be filed in duplicate with the Department of Buildings' Local Law Enforcement Unit for buildings constructed pursuant to plans approved prior to July 1, 2006, and with the respective Borough Office for new buildings. A third copy of the accepted affidavit or report shall be kept and maintained on the premises for inspection by the Department of Buildings and Fire Department. Failure to have such affidavit or report available for inspection shall constitute a violation of the code.

3.4 Fire protection plans. When construction of a new building or alteration of an existing building requires that a new or amended fire protection plan be filed in accordance with section 27-228, compliance with the photoluminescent sign and marking requirements of section 27-383(b) and RS 6-1 shall be indicated in such new or amended fire protection plan.

4.0 Maintenance program. Owners shall keep the required photoluminescent signs and markings in good repair. At a minimum, owners shall, every 12 months, perform a visual inspection of the signs and marking with the normal lighting turned on. Signs and markings that are missing, damaged, loose, or that show signs of wear or missing MEA labels shall be noted and promptly repaired. The log of such inspections, including the results and any corrective measures taken, shall be kept and maintained on the premises for inspection by the Department of Buildings and Fire Department. The log shall contain the date of inspection and the printed name and signature of the person performing the inspection. Deviations from any of the requirements of this standard shall be a violation of the code.





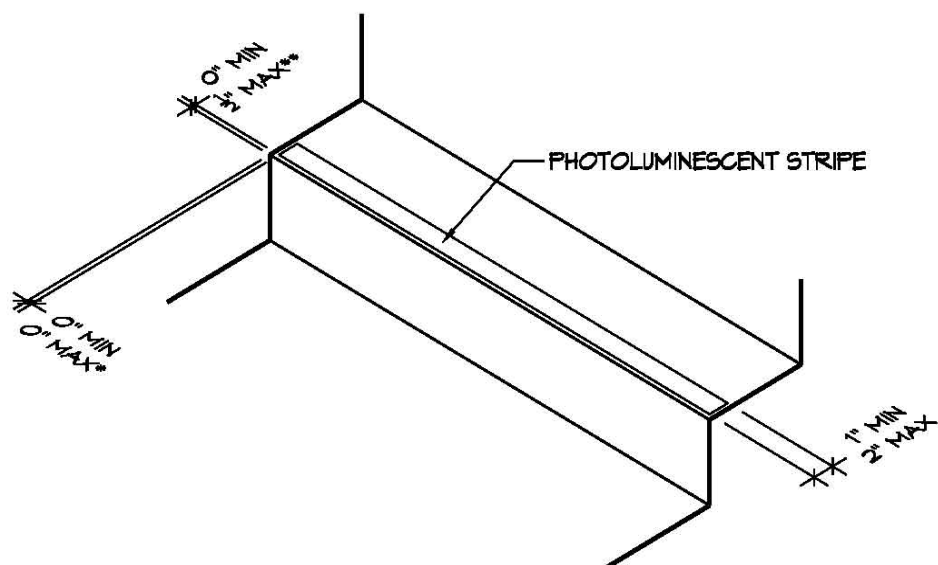


Figure 3 Horizontal Leading Edge of Step (2.2.1)

* 2" max. for existing buildings

** 1" max. for existing buildings

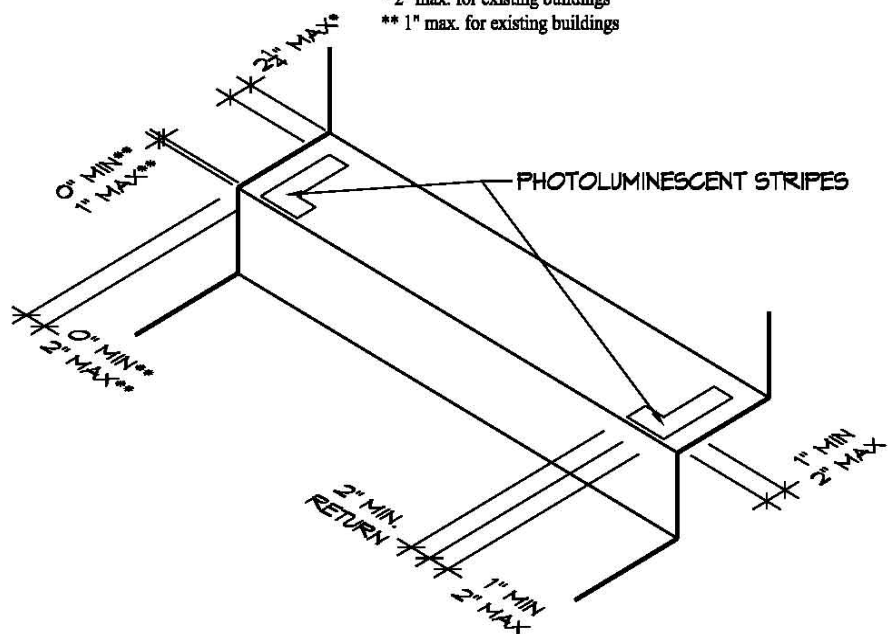


Figure 4 Alternate for Existing Buildings (2.2.1)

* Minor variations in consistency and uniformity through same exit permitted.

** Consistency and uniformity required.

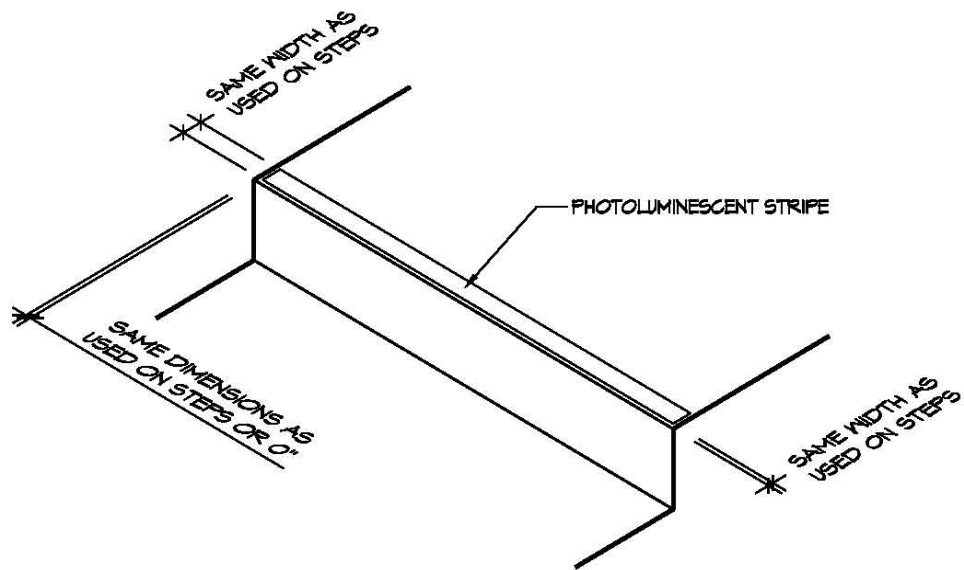


Figure 5 Leading Edge of Landings (2.2.2)
Does not show perimeter demarcation lines.

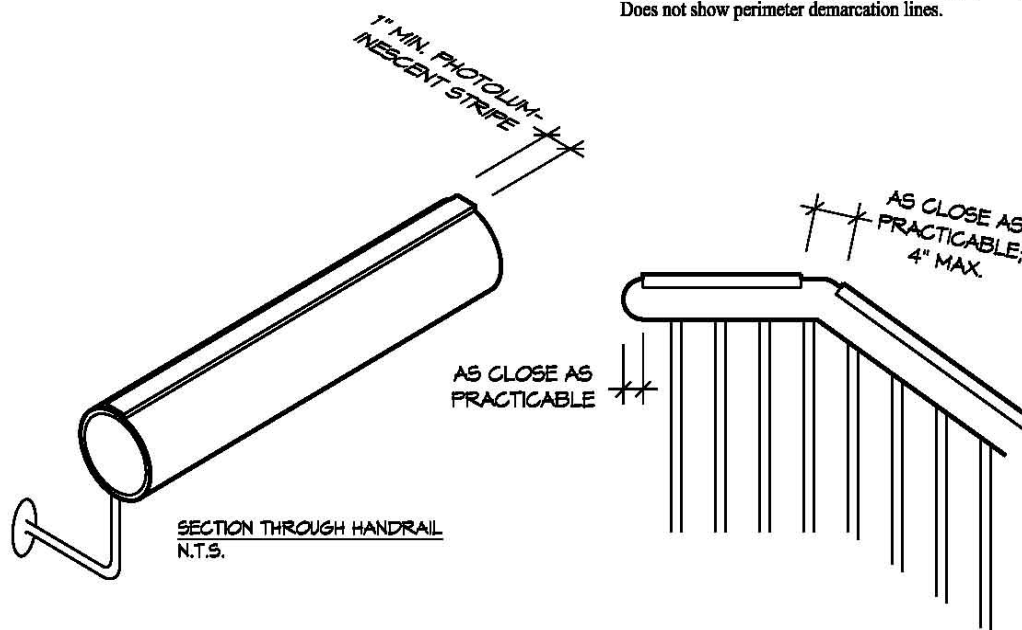


Figure 6 Handrails (2.2.3)

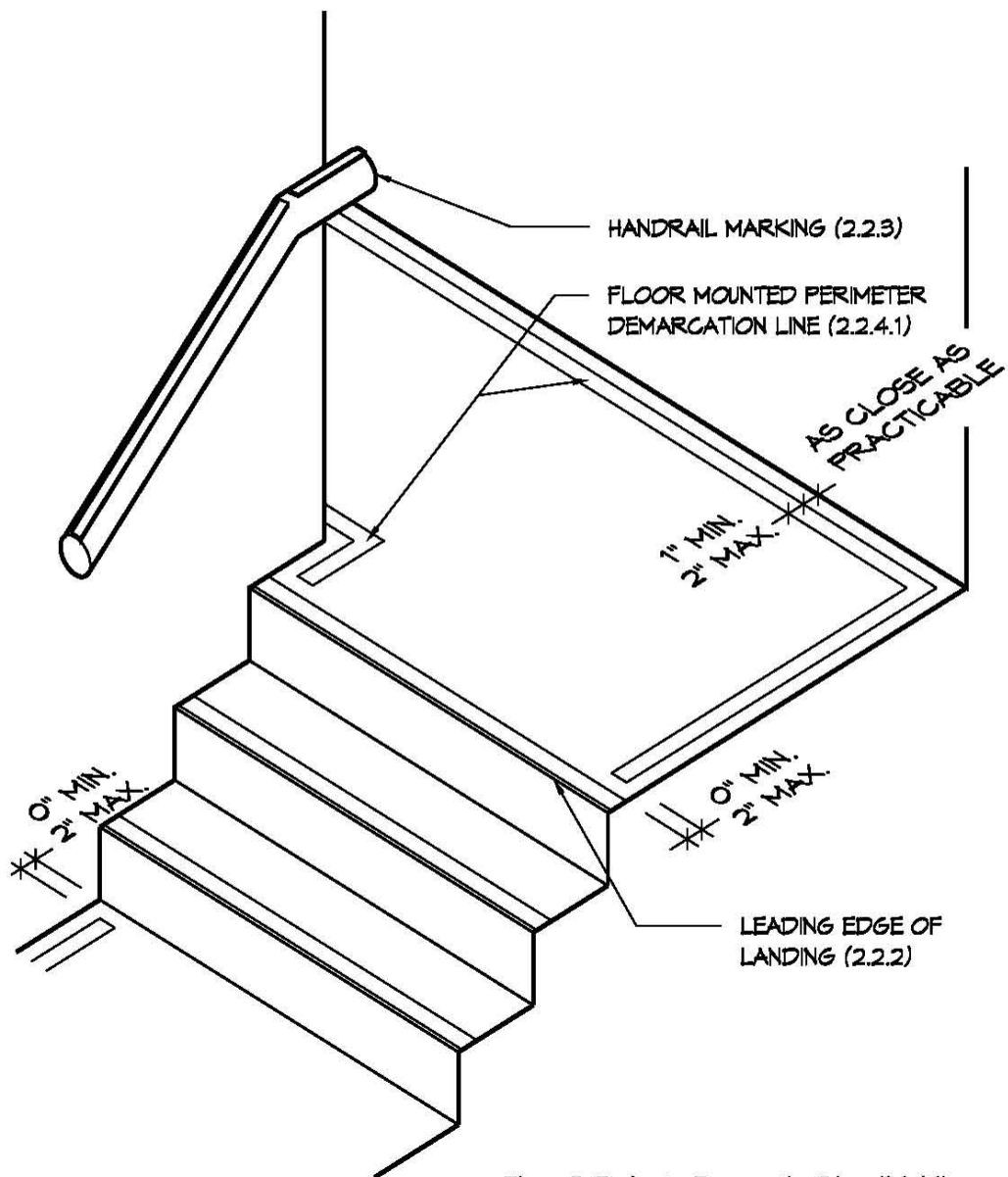


Figure 7 Perimeter Demarcation Lines (2.2.4.1)
Showing floor-mounted option.

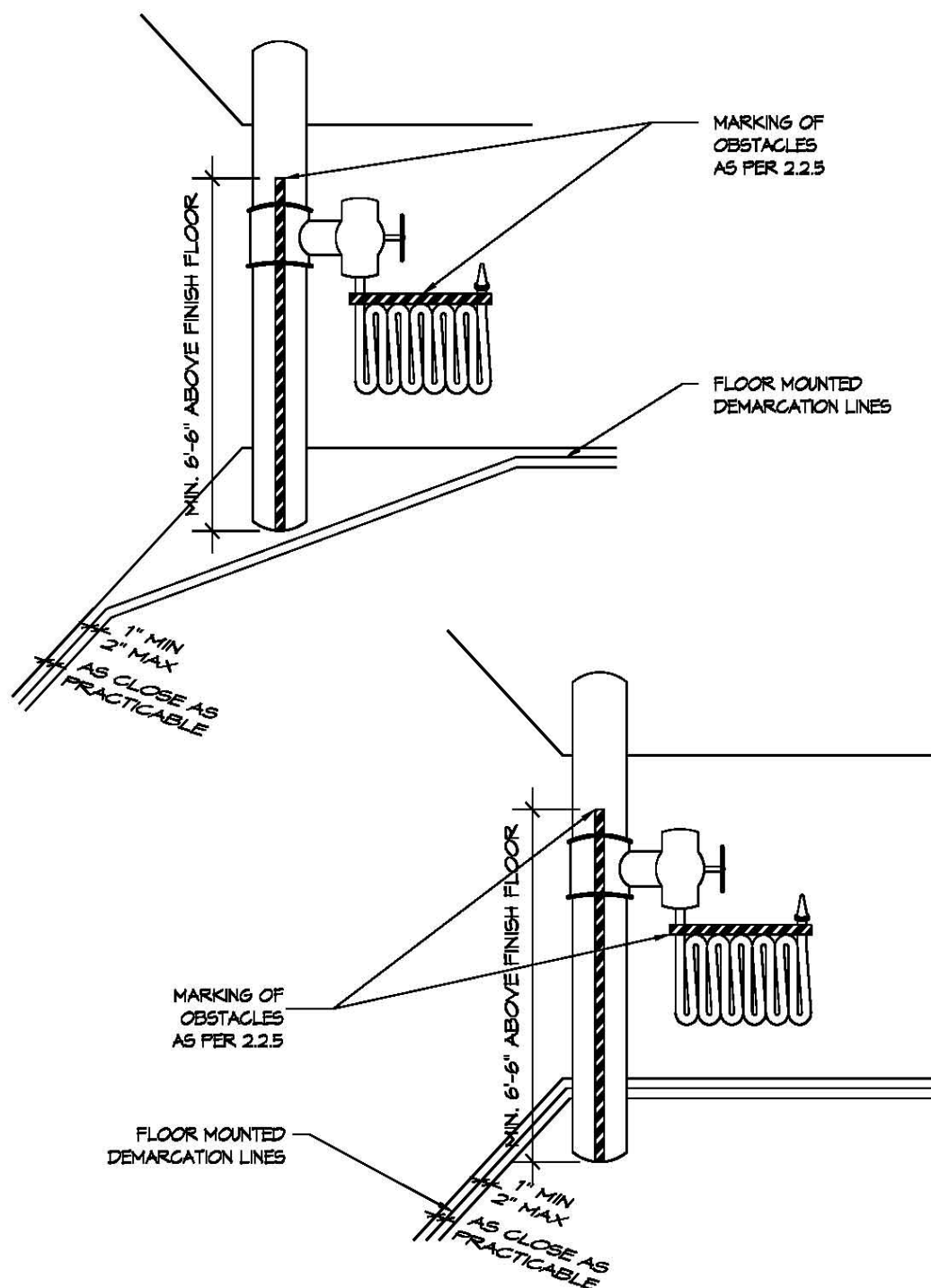


Figure 8 Perimeter Demarcation Lines (2.2.4.1)
Showing two options at obstacles for floor-mounted demarcation lines.

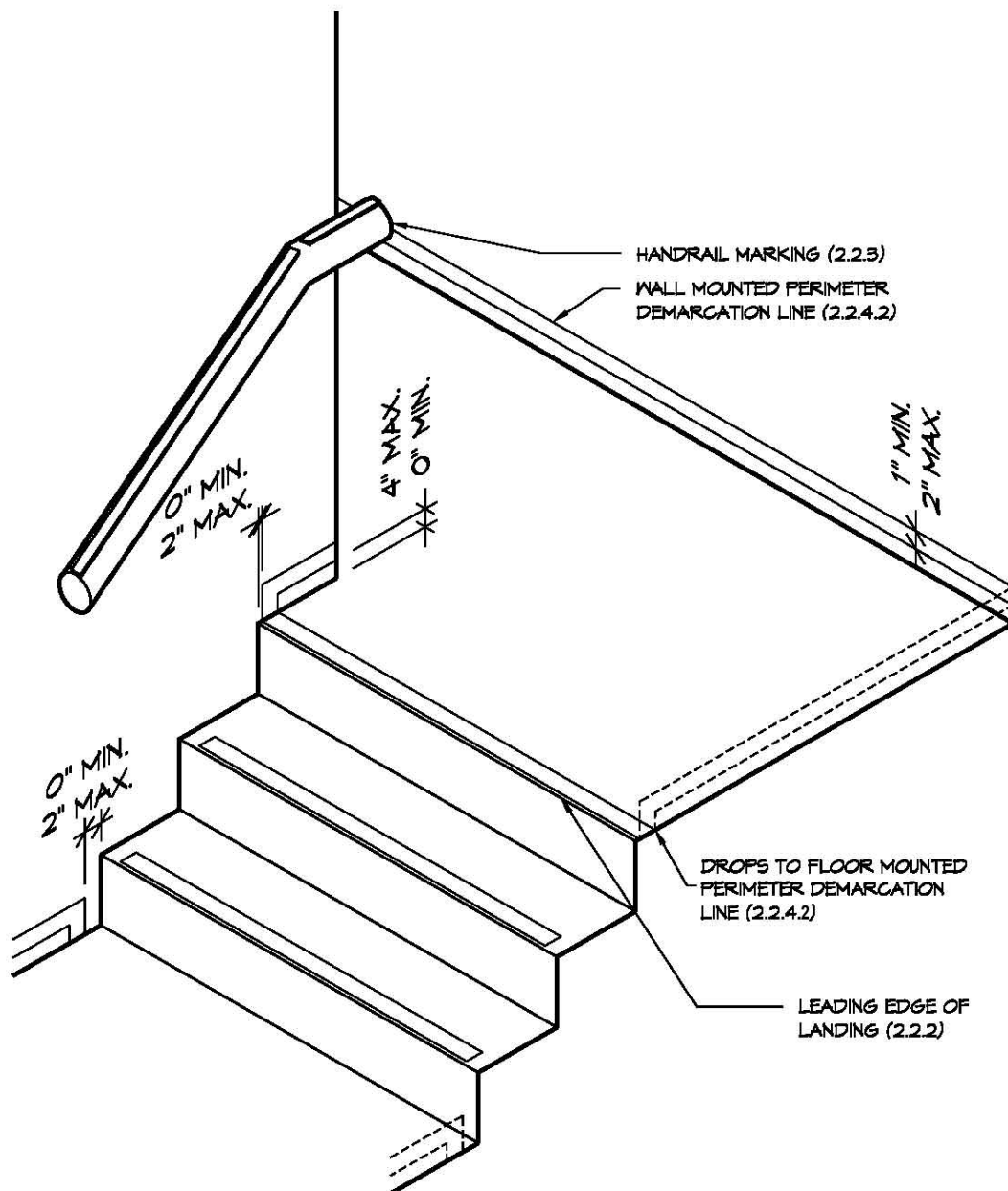


Figure 9 Perimeter Demarcation Lines (2.2.4.2)
Showing wall-mounted option at vertical drop to floor-mounted line.

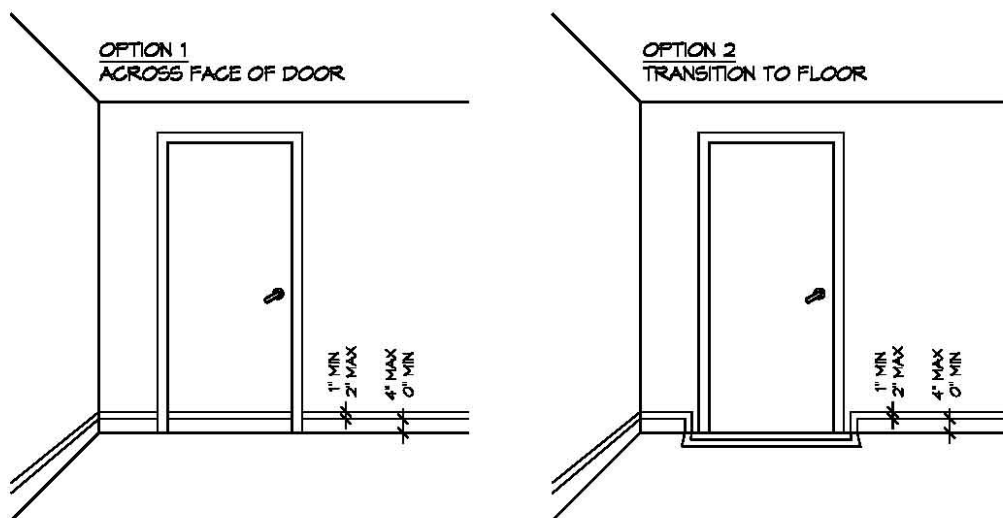


Figure 10 Perimeter Demarcation Lines (2.2.4.2)
Showing wall-mounted option at doors that are not provided with door frame marking.

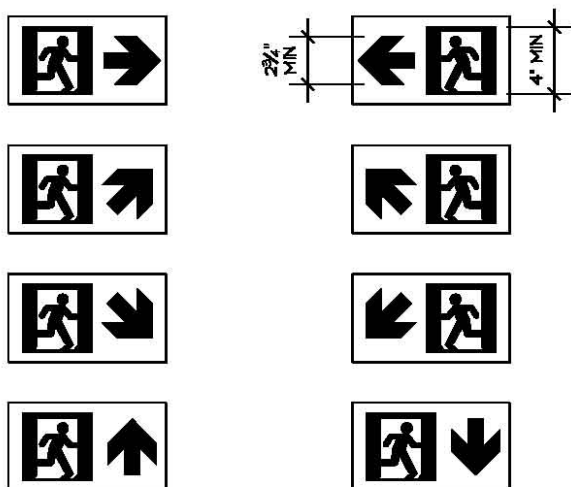


Figure 11 Directional Signage (2.2.6 and 2.2.7)

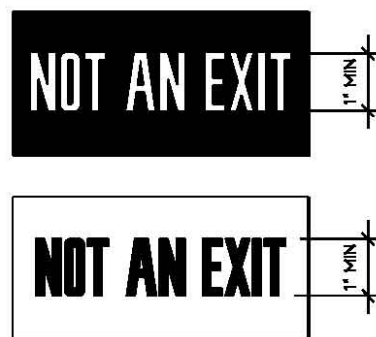
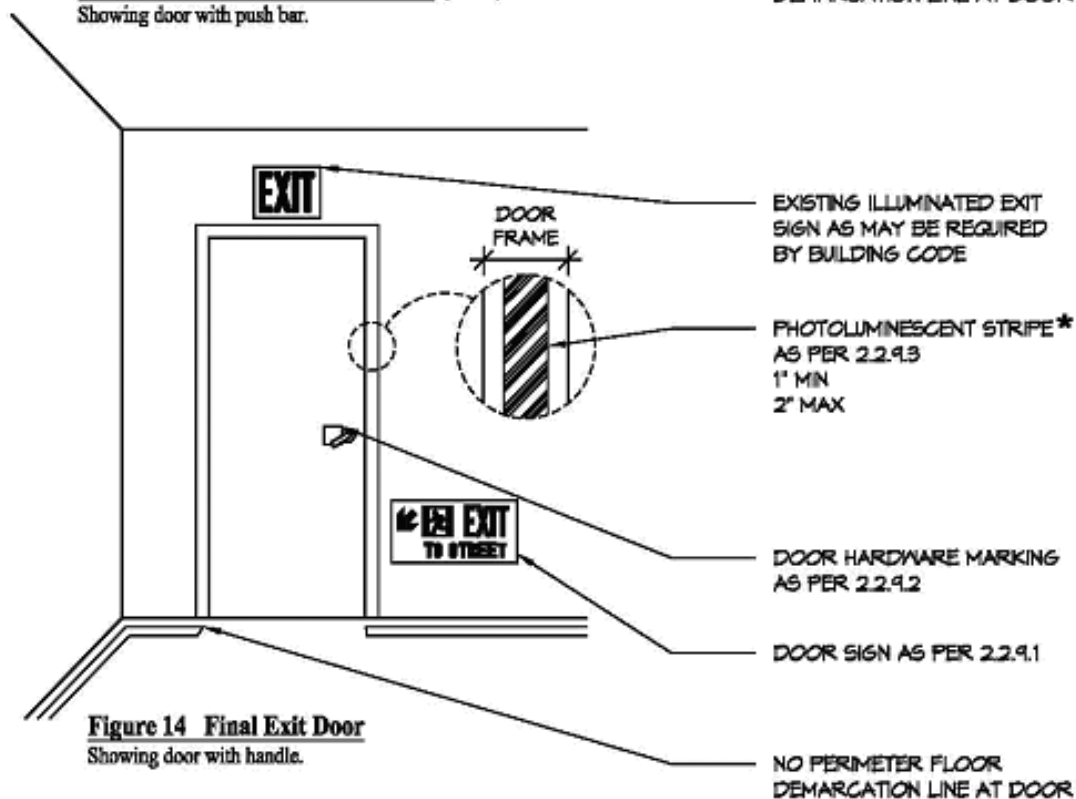
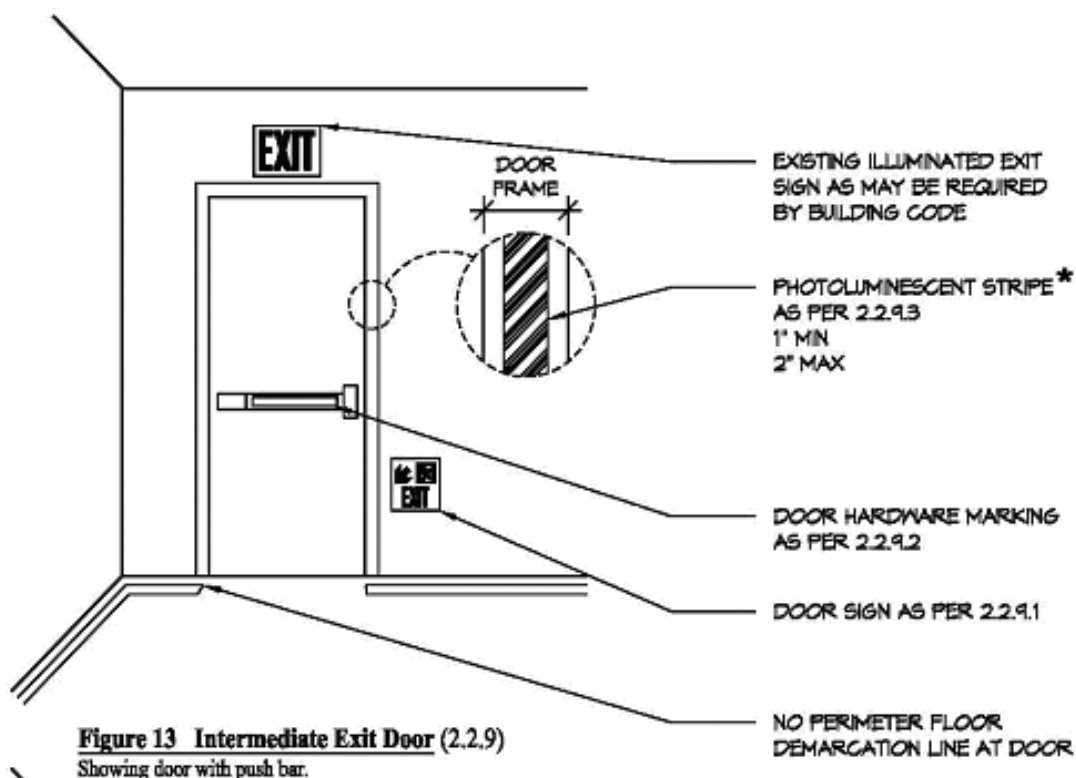


Figure 12 (2.2.8)



** Editor's Note: The graphic in these sketches is intended only to differentiate the photoluminescent stripe from the door frame. This photoluminescent stripe shall not be zebra striped but must be solid and continuous as per §§ 2.2.9.3, 2.3.2, and 2.3.4.*

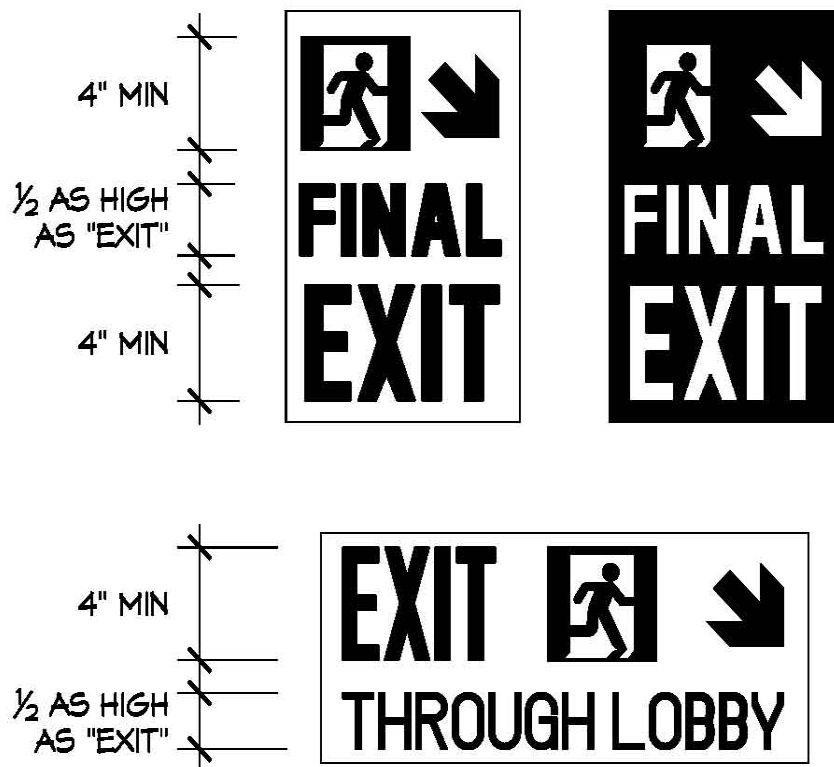


Figure 15 Final Exit Door Signs (2.2.9)
Showing various acceptable door signs for final exit doors

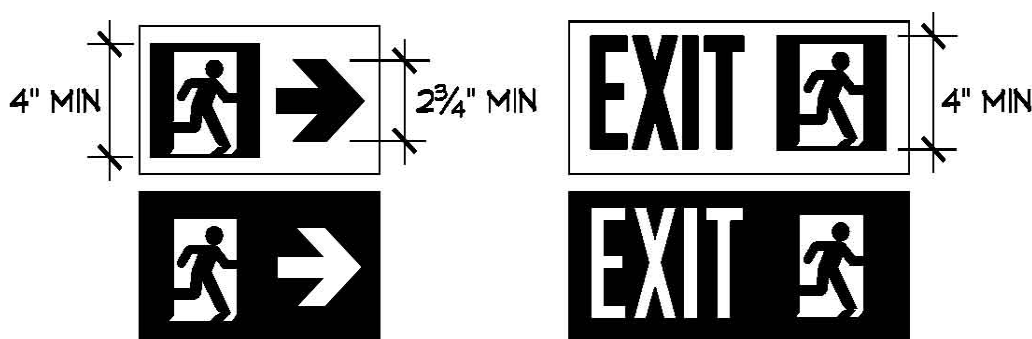


Figure 16 (2.2.6; 2.2.7; 2.3.1)
Showing positive and negative options for directional signs

Figure 17 (2.2.2.1; 2.3.1)
Showing positive and negative options for door-mounted door signs.

EXPLANATORY MATERIAL

The following are additional technical considerations for Reference Standard RS 6-1 and do not constitute a portion of the mandatory requirements.

A. Activating Illumination.

The products approved for use under Reference Standard 6-1 are tested in a laboratory with a fluorescent activating light source of 2 footcandles as measured on the surface of the test specimen. The measurement of 2 footcandles was derived from the minimum lighting levels as measured on the floor in exits as required by the New York City Building Code for buildings constructed after December 1, 1968. The Department of Buildings recognizes that many buildings are voluntarily providing more than 2 footcandles, and that many buildings erected before 1968 may properly be providing less. Additionally, some existing buildings are illuminated with incandescent lamps, which might not efficiently charge certain photoluminescent materials.

Reference Standard 6-1 does not permit the use of lower-performing photoluminescent products for brightly-lit environments, nor does it mandate the use of higher-performing photoluminescent products for grandfathered lighting environments. Therefore, prior to choosing a product, owners are encouraged to conduct a survey of existing lighting conditions to ensure adequate performance of the photoluminescent materials selected for the particular installation.

Reference Standard 6-1 relies on the current requirement of the New York City Building Code that continuous illumination be provided at all periods of building occupancy in corridors and exits⁴. Over the years, on a case-by-case basis, some buildings have been approved for the installation of motion-sensor activating switches allowing dark exit stairs, with the determination made that the resulting installation was equivalent to what was then required under the code. However, such determinations were made prior to the requirement of photoluminescent materials; motion-sensor devices that reduce continuous illumination to a level below the required 2 footcandles are no longer acceptable in exits where photoluminescent materials are required.

B. Dissimilar Luminance Levels Within Same Environment.

It is neither necessary nor possible to require that photoluminescent products in the same environment emit identical luminance levels; many factors, including the distance to the activating light source, the angle of incidence and shadows, will result in different luminance levels for identical photoluminescent products placed in the same stairway. Variations in actual luminance are

expected in the same environment. However, grossly dissimilar brightness ratings within the same environment should be avoided.

C. Contrasting Colors.

Photoluminescent material[s]* are effective in completely dark conditions, and, conversely, are usually visible in normal lighting conditions. However, in dim or semi-lit conditions, such as when batteries for an emergency light are running low or when a stair is dark but a door is open to a lighted area, the photoluminescent materials forming the outlines of steps, landing, demarcation lines, and handrails might become hard to discern. Photoluminescent materials installed adjacent to a contrasting, dark color ameliorate this effect.

**[s] not enacted but probably intended.*

D. Abrasion Resistance.

Reference Standard 6-1 does not mandate minimum standards for abrasion resistance. For products that are to be applied to walking surfaces, it is recommended that owners consider 1) the amount of traffic in the stairs by building occupants, and 2) the products' durability and resistance to abrasion. For instance, certain thin films and paints may be sufficient where the stairs are alarmed and only used in emergencies. However, where the occupants use the stairs on a daily basis, more durable products should be considered. Ultimately, the building owner is responsible for maintaining the photoluminescent materials in accordance with Reference Standard 6-1, Section 4.0.

E. Adhesives.

Reference Standard 6-1 does not specify the adhesives to be used. The choice of adhesive should be carefully considered for the longevity of the installation, particularly if the surface to which the product to be applied is porous, uneven, or subject to temperature or humidity variation. At a minimum owners should follow the manufacturers' instructions.

F. Slip-resistance.

Reference Standard 6-1 does not specify minimum slip-resistance requirements for photoluminescent products installed on walking surfaces. Whether or not a particular building's egress path is subject to any slip-resistance requirements may depend on the original date of construction. Any photoluminescent materials installed should be as slip-resistant as the minimum standard that is applicable to the building in which they are being installed. A stripe of photoluminescent material that is not slip-resistant may, depending on the design of the stair nosing product, be compensated for by the inclusion of an adjacent, slip-resistant strip.

⁴ As such terms are defined in the Building Code of the City of New York

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G. Wall-mounted floor perimeter markings at doors.

In deciding whether to continue a wall-mounted demarcation line across a door or to transition to the floor (2.2.4.2), consideration should be given to how the door is used or secured so as to avoid the possibility that the demarcation line on the door, if left open, might lead evacuees into a non-egress space or area.

[†] DOB 5-31-05

[†]REFERENCE STANDARD RS 6-1A ADDITIONAL STANDARDS AS REQUIRED BY REFERENCE STANDARD RS 6-1 FOR PHOTOLUMINESCENT EXIT PATH MARKINGS

Specimens to be tested shall be finished products as they would be sold to purchasers. Each distinct product material shall be separately tested and receive its respective test results for its respective Materials, Equipment and Acceptance (MEA) Division approval number. However, variation in the size of the product and differences in the text or arrow directions, etc., shall not constitute a distinct product material, but shall constitute a different model number—provided that product literature describing with pictorial representations of all such model numbers associated with the test specimens is submitted to MEA.

Thin gauge films and paints shall be tested when applied to a rigid cement board ¼" thick. In the case of paints, such painted test specimens shall be submitted along with the description of the procedures used to produce the test specimens (such as surface preparation, primer coats, number of photoluminescent coats, encapsulant coat if applicable, maximum/minimum temperature or humidity during painting if applicable, etc.). Such description shall be included in the laboratory's test report; and such description shall be included in the MEA resolution as the mandatory labeling on the paint cans as instructions to purchasers.

1.0 Brightness Rating

ISO 17398:2004, *Safety Colours and Safety Signs—Classification, Performance and Durability of Safety Signs*, Clause 7.11. Three specimens shall be tested (separately for each distinct product material). Thin gauge films and paints shall be tested when applied to a rigid cement board ¼" thick. The testing shall be in accordance with ISO 17398, clause 7.11, with the following modifications: 1.1 Clause 7.11.5 – Excitation Light Conditions. The test established in Clause 7.11.5.1. for classification of photoluminescent materials in accordance with Clause 5.5 is not required. The test in Clause 7.11.5.2 is required, however subclauses a), b), and c) are replaced

with the following excitation standard: "Excitation of the phosphorescent test specimens shall be by a 4000K to 4500 K fluorescent light providing a mean illuminance of 2 footcandles (21.6 lux) on the surface of the test specimen. The excitation duration shall be 2 hours."

1.2 Clause 7.11.6.1 – Luminance Instrumentation. This Clause 7.11.6.1 describes two luminance instrumentation options. For this Reference Standard 6-1A, the contact luminance meter option shall be limited only to test specimens that are both smooth and flat.

1.3 Clause 7.11.6.4.2 – Luminance recordings for classification purposes. This Clause 7.11.6.4.2 is not required.

1.4 Clause 7.11.6.4.3 – Luminance recordings for product description purposes. The luminance performance shall be based on the mean values of the three test specimens measured at 10 minutes, the mean values of the three test specimens measured at 60 minutes, and the mean values of the three test specimens measured at 90 minutes. The resulting luminance performances shall constitute a "brightness rating", which shall be indicated in the test report. The minimum brightness rating shall be 30.0 mcd/m² at 10 minutes, 7.0 mcd/m² at 60 minutes, and 5.0 mcd/m² at 90 minutes. For example, a product that minimally meets the luminance levels would have a brightness rating of 30-7-5.

2.0 Washability

ASTM D 4828-1994 (2003), *Standard Test Methods for Practical Washability of Organic Coatings*.

2.1 Three specimens (of each distinct product material) shall be tested for each soil/staining medium in accordance with ASTM D 4828. Thin gauge films and paints shall be tested when applied to a rigid cement board ¼" thick.

2.2 The laboratory shall prepare the soils and staining media that shall include: crayon, water-borne felt-tipped pen, lipstick, and a mineral-oil-borne soilants as outlined in clause 6.2.

2.3 The cleaning media shall include liquid household cleansers available at supermarkets or laboratory-standardized liquid cleansers as outlined in clause 6.3.

2.4 After completion of the test, each specimen shall be rated at 5 or greater in accordance with clause 8.8.

3.0 Toxicity

Bombardier SMP 800-C (Rev. 4, 11/1/2000) *Toxic Gas Generation Test*. One test specimen (of each distinct product material) shall be tested in each of the flaming and non-flaming modes in accordance with SMP 800-C. Where the test specimen is narrower than the required 3" x 3" (76 mm x 76 mm), more than one test specimens shall be placed next to each other to provide 9 in² *(229 mm²) of surface area. Thin gauge films and paints shall be tested when applied to a rigid cement board ¼" thick. The testing shall be in accordance with SMP 800-C, with the following modifications:

*As enacted but "(58 cm²)" probably intended.

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3.1 Clause 4.3 – For determining the concentration of the toxic gases in accordance with the referenced Boeing BSS 7239 specification, the Commissioner may accept a procedure that uses gas detection tubes or other procedures, in lieu of the absorptive sampling procedure, provided that the testing laboratory outlines the procedures in its report and certifies that equivalent results are obtained.

3.2 Clause 5.0 – In accordance with the Building Code and departmental rules, the Department of Buildings' Materials, Equipment and Acceptance Division may approve any testing laboratory it deem qualified to perform this test.

EXCEPTION: For photoluminescent products that, when installed, provide coverage exceeding the limits of interior trim, such products shall instead be tested for toxicity as interior finishes and/or interior floor coverings if and as required by Building Code §27-348(e) and/or §27-351. Tread nosings with a horizontal depth of 4" or less and that contain a photoluminescent stripe may be tested in accordance with RS 6-1A.

***As enacted but "accordance" probably intended.*

4.0 Radioactivity

ASTM D 3648-2004, Standard Practices for the Measurement of Radioactivity.

4.1 Three test specimens (of each distinct product material) shall be tested in accordance with ASTM D 3648. Thin gauge films and paints shall be tested when applied to a rigid cement board.

4.2 The activity of the test specimens shall be shown to be statistically indistinguishable from background.

4.3 Alpha and beta activity shall be measured on a test specimen of at least 1 in x 1 in (25.4 mm x 25.4 mm) and counted using a proportional counter for a minimum of 15 minutes.

4.4 Gamma activity shall be measured on the same test specimen using a gamma spectrometer counted for at least 1 hour.

5.0 Flame Spread – either one of the following two standards:

5.1 *ASTM E 162-2002, Standard Test Method for Surface Flammability of Materials Using a Radiant Heat Energy Source.*

5.1.1 Four test specimens (of each distinct product material) shall be tested in accordance with ASTM E 162. Where the test specimen is narrower than required by the test, several pieces may be grouped together to provide the necessary surface area. Thin gauge films and paints shall be tested when applied to a rigid cement board ¼" thick.

5.1.2 The specimens shall have a flame spread index (Is) not to exceed 35.

5.2 *ASTM D 635-2003, Standard Test Method for Rate of Burning and/or Extent and Time of Burning of Plastics in a Horizontal Position.*

5.2.1 Ten test specimens shall be prepared for use in accordance with ASTM D 635.

5.2.2 The test specimens shall not burn beyond the 25 mm reference mark.

EXCEPTION: For photoluminescent products that, when installed, provide coverage exceeding the limits of interior trim, such products shall instead be tested for flame spread and smoke density as interior finishes and/or interior floor coverings if and as required by Building Code §27-348(c) and (d) and/or §27-351. Tread nosings with a horizontal depth of 4" or less and that contain a photoluminescent stripe may be tested in accordance with RS 6-1A.

6.0 UV Degradation ("UV") (only where a "UV" rating is requested for exterior weather conditions or unfiltered sunlight applications)

ASTM G 155-2004, Standard Practice for Operating Xenon Arc Light Apparatus for Exposure of Nonmetallic Materials.

6.1 Three specimens (of each distinct product material) shall be tested for a period of 1000 hours in accordance with ASTM G 155. The specimens shall be subjected to Cycle 1 exposure condition noted in Table X3.1 of such standard. Thin gauge films and paints shall be tested when applied to a rigid cement board ¼" thick.

6.2 The testing laboratory that conducted the weathering test shall certify that none of the following surface characteristics exist when viewed under a minimum of 5x magnification: cracking, checking, crazing, or erosion.

6.3 After conclusion of the testing, such laboratory shall directly send the specimens to the testing laboratory that conducted the brightness rating tests in 1.0.

6.4 The brightness rating testing laboratory shall perform luminance tests as per 1.0 on the weathered specimens and report the results. The specimens shall indicate at least 90% of the original brightness at 10 minutes, at least 90% of the original brightness at 60 minutes, and at least 90% of the original brightness at 90 minutes, as compared to the brightness ratings prior to the weathering test.

† DOB 5-31-05

REFERENCE STANDARD RS-10

STRUCTURAL WORK

* LIST OF REFERENCED NATIONAL STANDARDS

ANSI-A41.2	Building Code Requirements for Reinforced Masonry as Modified.....	1960
ANSI/ACI-318	Building Code Requirements for Reinforced Concrete (with Modifications).....	1989
ACI-525	Minimum Requirements for Thin Section Precast Concrete Construction as Modified.....	1963
*** AISC Steel Specification ASD	Specification for Structural Steel Buildings, Allowable Stress Design and Plastic Design, June 1, 1989.....	1989
*** AISC Steel Specification LRFD	Load and Resistance Factor Design Specification for Structural Steel Buildings, Effective December 1, 1993.....	1993
RCSCEF/AISC	Specifications for Structural Joints Using ASTM A325 or A490 Bolts. Approved November 13, 1985.....	1985
AISI	Specification for the Design of Cold-Formed Steel Structural Members, August 19, 1986, as Modified.....	1986
AISI	Specification for the Design of Cold-Formed Stainless Steel Structural Members.....	1974
SJI	Standard Specifications for Open Web Steel Joists, H-Series, February 15, 1978, Revised November 7, 1983, as Modified.....	1978
SJI	Standard Specifications for Open Web Steel Joists, K-Series, November 4, 1985, Revised May 19, 1987.....	1985
SJI	Standard Specification for Long Span Steel Joists, and LH-Series and Deep Long Span Steel Joists, and DLH-Series, February 5, 1978 Revised May 19, 1987, as Modified.....	1978
SJI	Standard Specification for Joist Girders, May 15, 1978, Revised May 19, 1987, as Modified....	1978
SJI	Standard Specifications, Load Tables and Weight Tables for Steel Joists and Joist Girders....	1988
ACI 506.2	Specification for Materials, Proportioning and Application of Shotcrete-1983 Revision.....	1977
NFoPA	National Design Specifications for Wood Construction and its January 1986 Supplement with 1987 Revisions.....	1986
**** AA	Aluminum Design Manual Part 1-A Specification for Aluminum Structures Allowable Stress Design (Seventh Edition, January 2000).....	2000
**** AA	Aluminum Design Manual Part 1-B Specification for Aluminum Structures Load and Resistance Factor Design of Buildings and Similar Type Structures (Second Edition, January 2000).....	2000
ASTM C317	Standard Specification for Gypsum Concrete (Reapproved 1981).....	1976
NFoPA	Span Tables for Joists and Rafters.....	1977
ACI-214	Recommended Practice for Evaluation of Strength Test Results of Concrete (Reapproved 1983).....	1977
ANSI/ASTM-C42	Standard Method of Obtaining and Testing Drilled Cores and Sawed Beams of Concrete.....	1984a
ANSI/ASTM-C39	Standard Test Method for Compressive Strength of Cylindrical Concrete Specimens.....	1984
ASTM B209	Standard Specification for Aluminum and Aluminum Alloy Sheet and Plate.....	1988
ASTM B308	Standard Specification for Aluminum-Alloy 6061-T6 Standard Structural Shapes, Rolled or Extruded	1988
ASTM B429	Standard Specification for Aluminum Alloy Extruded Structural Pipe and Tube.....	1988
ANSI/AITC-A190.1	Structural Glued Laminated Timber and AITC 200-83 Inspection Manual.....	1983
ANSI/ASTM-C79	Standard Specification for Gypsum Sheathing Board.....	1987
AWPA-C2	Standard for the Preservative Treatment of Lumber, Timbers, Bridge Ties and Mine Ties by Pressure Processes.....	1988
ANSI/ASTM-C192	Standard Method of Making and Curing Concrete Test Specimens in the Laboratory.....	1981
AWPA-C9	Standard for the Preservative Treatment of Plywood by Pressure Processes.....	1985
ANSI/ASTM-A153	Standard Specification for Zinc Coating (Hot-Dip) on Iron and Steel Hardware.....	1982
ASTM-A90	Tests for Weight of Coating on Zinc-Coated (Galvanized) Iron or Steel Articles.....	1981
ANSI/ASTM-A586	Standard Specification for Zinc-Coated Steel Parallel and Helical Steel Wire Structural Strand....	1986
ASTM-A603	Standard Specification for Zinc-Coated Steel Structural Wire Rope.....	1988
ASTM A434	Specification for Quenched and Tempered Alloy Steel Bars, Hot-Wrought or Cold Finished.....	1981

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ASTM-B6	Standard Specification for Zinc (Slab Zinc).....	1987
ASTM-D2277	Specification for Fiberboard Nail-Base Sheathing.....	1987
AWPA-C4	Standard for Preservative Treatment of Poles by Pressure Processes.....	1988
AWPA-M4	Standard for the Care of Pressure-Treated Wood Products.....	1984
ANSI-A82.1/ASTM-C67	Standard Methods of Sampling and Testing Brick and Structural Clay Tile.....	1987
ANSI-A98.1/ASTM-C62	Standard Specification for Building Brick (Solid Masonry Units Made from Clay or Shale)..	1988
ANSI-A99.1/ASTM-C216	Standard Specification for Facing Brick (Solid Masonry Units made from Clay or Shale).....	1987a
ANSI-ASTM-C652	Standard Specification for Hollow Brick (Hollow Masonry Units made from Clay or Shale).....	1988
ANSI-A78.1/ASTM-C73	Standard Specification for Calcium Silicate Face Brick (Sand-Lime Brick).....	1985
ANSI-A75.1/ASTM-C55	Standard Specification for Concrete Building Brick	1985
ANSI-A74.1/ASTM-C34	Standard Specification for Structural Clay Load Bearing Wall Tile.....	1984
ANSI-ASTM-C56	Standard Specification for Structural Clay Non-Load Bearing Tile (Reapproved 1986).....	1971
ANSI-A81.1/ASTM-C145	Standard Specification for Solid Load-Bearing Concrete Masonry Units.....	1985
ANSI-A79.1/ASTM-C90	Standard Specification for Hollow, Load-Bearing Concrete Masonry Units.....	1985
ANSI-A80.1/ASTM-C129	Standard Specification for Hollow, Non-Load Bearing Concrete Masonry Units.....	1985
ANSI/ASTM-/C52	Standard Specification for Gypsum Partition Tile or Block (Reapproved 1977).....	1954
ANSI/A101.1/ASTM-C126	Standard Specification for Ceramic Glazed Structural Clay Facing Tile, Facing Brick and Solid Masonry Units.....	1986
ANSI/ASTM-A116	Standard Specification for Zinc-Coated (Galvanized) Steel Woven Fence Fabric.....	1988
ANSI/ASTM-B227	Standard Specifications for Hard-Drawn Copper-Clad Steel Wire (Reapproved 1980).....	1970
FS SS-S-721C	Stone, Architectural, Cast.....	1964
ANSI/ASTM-C494	Standard Specification for Chemical Admixtures for Concrete.....	1986
ACI-ASCE-334	Concrete Shell Structures Practice and Commentary. Report of Committee 334 of American Concrete Journal of the American Concrete Institute, Proc. V61, M.9, Sept. 1964 (Revised 1982).....	1964
ANSI/ASTM-C270	Standard Specification for Mortar for Unit Masonry.....	1988
ANSI/ASTM-C476	Standard Specification for Grout for Reinforced and Non-Reinforced Masonry.....	1983
ANSI/ASTM-C22	Standard Specification for Gypsum.....	1983
ASTM-C143	Standard Test Method for Slump of Portland Cement Concrete.....	1978
ANSI/ASTM-C172	Standard Method of Sampling Freshly Mixed Concrete.....	1982
ANSI/ASTM-C31	Standard Method of Making and Curing Concrete Test Specimens in the Field.....	1987
APA	Plywood Design Specifications.....	1986
APA PRP-108	Performance Standards and Policies for Structural-Use Panels.....	1986
APA	Design and Fabrication Specification of all Plywood Lumber Components.....	1985
TECO	Standard and Policies for Structural-Use Panels.....	1981
DOC PS 1-83	U.S. Product Standard for Construction & Industrial Plywood (Revised June 1987).....	1983
ACI-211.2	Standard Practice for Selecting Proportions for Structural Lightweight Concrete.....	1981
ANSI-Z97.1	Safety Performance Specifications and Methods of Test for Safety Glazing Materials Used in Buildings.....	1984
ASTM C1036	Standard Specification for Flat Glass.....	1985
ASTM C1048	Standard Specification for Heat-Treated Flat Glass Kind HS, Kind FT Coated and Uncoated Glass...	1987
AISC- LRFD	Load and Resistance Factor Design Specification for Structural Steel Buildings, effective September 1, 1986, as Modified	1986
ANSI/ASTM-C173	Standard Test Method for Air Content of Freshly Mixed Concrete by the Volumetric Method....	1978
ANSI/ASTM-C231	Standard Test Method for Air Content of Freshly Mixed Concrete by the Pressure Method...	1982
ANSI/ASTM-C138	Standard Test Method for Unit Weight, Yield, and Air Content (Gravimetric) of Concrete...	1981
ANSI/ASTM-C567	Standard Test Method for Unit Weight of Structural Lightweight Concrete.....	1985
** ACI 530/ASCE 5	Building Code Requirements for Masonry Structures, as modified.....	1992
** ACI 530.1/ASCE 6	Specifications for Masonry Structures, as modified	1992
** ANSI/ACI-318	Building Code Requirements for Reinforced Concrete, as modified.....	1989

Reference Standard 10

strength."

5.6.2.1 -Delete this section.

5.6.2.2 -Delete this section.

-After the word "satisfactory" in the second line, delete the remainder of the section and add the words "if the provisions of Section 5.6.1.6 are met".

5.6.2.4 -Delete this section.

5.6.3.1 -Delete the words "Building Official" on the first line and insert the word "Commissioner".

-Delete the first three lines through the words "[Section 5.6.2.3(b)]", and substitute the following: "If tests of laboratory cured specimens fail to conform to the requirements of Section 5.6.1.6 refer to Section 5.6.3.4."

-Delete the words "strength test more than 500 psi below specified value of f'_c and insert the words "set of three specimen tests which fail to conform to the requirements of Section 5.6.1.6."

Add the following section:

"5.9.3 - Conveying by pumping methods shall be in accordance with the applicable provisions of the Building Code."

-Add a period on the second line after the word "used", delete the words "unless approved by the Engineer" and add the following sentence: "For additional requirements see applicable provisions of the Building Code Section 27-607(a)(2)."

Add the following sections:

"5.14 - SPECIAL REQUIREMENTS FOR HIGH STRENGTH CONCRETE

5.14.1 - All high strength concrete (6000 PSI and higher) shall be proportioned and manufactured only in accordance with the provisions of Building Code Section 27-605(b) Method II Proportioning on the basis of field experience.

5.14.2 - All high strength concrete specimens shall be made utilizing metal or plastic molds that comply with reference standard RS 10-52. Each test shall consist of eight specimens taken directly from the mixer. Two specimens shall be tested at seven days, three at 28 days and three at 56 days. These requirements are in addition to the hopper specimens as required by the Building Code.

5.14.3 - At the time of placement of high strength concrete, two concrete production facilities shall be available. Said facilities shall have been previously approved by the architect or engineer designated for controlled inspection.

5.14.4 - All high strength concrete for columns shall be of normal weight concrete.

5.14.5 - The requirements of Section 10.13.4 shall be adhered in all respects.

5.14.6 - Where lightweight concrete is to be used for the floor system, the columns and the beam or slab

"sandwich" immediately above the columns shall be stone concrete, placed in accordance with the requirements of Section 10.13.

5.14.7 - The engineer will insure that there are no cold joints at the interface between the lightweight concrete and stone portions of the slabs or beams.

5.14.8 - All data shall be submitted periodically to the Department of Buildings for review."

Add the following section:

"6.1.7 - For additional form work requirements, see applicable provisions of Building Code Section 27-1035."

Add the following sections:

"6.3.13 - Concrete cover over electrical cables and snow melting pipes in sidewalks shall meet the requirements of the Bureau of Highways of the Department of Transportation.

6.3.14 - No conduits, pipes or other similar embedded items will be permitted in prestressed or post-tension concrete members other than as shown on the plans as filed with the Department of Buildings or on shop drawings reviewed by the engineer of record. Computations demonstrating the effects of such embedded items on the structural adequacy of prestressed or post-tensioned concrete shall be submitted."

Add the following section:

"10.13.4 - When the specified compressive strength of concrete in a column is greater than 1.4 times that specified for a floor system, the following additional requirements shall be adhered to:

(a) All of the design provisions of Section 10.13 (unmodified) are adhered to.

(b) Application is made to the Borough Superintendent in each individual case.

(c) The concrete construction is supervised and inspected continuously by a full-time Professional Engineer responsible for controlled inspection of concrete and not in the regular employ of the owner or contractor. Such engineer shall perform no other work during the construction of the particular building nor shall he delegate his responsibility to any subordinates.

(d) The Professional Engineer referred to in subdivision (c) above, without incurring any personal liability, shall be authorized to stop construction, reject any concrete, direct that the concrete testing laboratory being used be dismissed and a new laboratory be retained.

(e) Affidavits by the parties involved shall be filed with and be acceptable to the Borough Superintendent prior to approval of any plans."

Add the following section:

"12.1.3. - Development (Section 12.2) and splice lengths (Section 12.5) computed based on the minimum requirements of the ACI 318-83 code are deemed equally applicable for usage.

- Delete this section and substitute the following:

Reference Standard 10

"16.4.2 - Lifting devices shall have a capacity sufficient to support four times the appropriate portion of the members dead weight. The inclination of the lifting force shall be considered."

16.4.2.1 - Delete this section.

16.4.2.2 - Delete this section.

16.4.2.3 - Delete this section.

- Add the following sentence to the beginning of this section: "New York City is to be considered in a region of moderate risk."

****Local Law 17-1995; 1077-86 BCR**

*** REFERENCE STANDARD RS 10-4 PRECAST CONCRETE AND PRESTRESSED CONCRETE**

ACI 318-1989 Building Code Requirement for Reinforced Concrete

MNL-120-1985 Prestressed Concrete Institute Design Handbook, Third Edition.

MODIFICATIONS - The applicable section of ACI 318-89 as modified by the applicable provisions of reference standard RS 10-3 shall apply for precast concrete and prestressed concrete.

***Local Law 17-1995; 455-89 BCR; 1077-86 BCR**

***** REFERENCE STANDARD RS 10-5A**

A6 REFERENCED CODES AND STANDARDS - Revise the list of publications of the following listed standards to read as follows:

American National Standards institute
ANSI/ASCE 7-93 (Formerly ANSI A58.1-82)

American Society for Testing and Materials

ASTM A6-94a	ASTM A27-93	ASTM A36-94
ASTM A53-93a	ASTM A148-93b	ASTM A193-94b
ASTM A194-94a	ASTM A242-93a	ASTM A307-94
ASTM A325-94	ASTM A354-94	ASTM A449-93
ASTM A490-93	ASTM A500-93	ASTM A501-93
ASTM A502-93	ASTM A514-94a	ASTM A529-94
ASTM A563-94	ASTM A570-92	ASTM A572-94b
ASTM A588-94	ASTM A606-91a	ASTM A607-92a
ASTM A618-93	ASTM A668-93	ASTM A687-93
ASTM A709-94A	ASTM A852-93a	ASTM C33-93
ASTM C330-89	ASTM F436-93	

American Welding Society

AWS D1.1-94	AWS A5.1-91	AWS A5.5-89
AWS A5.17-89	AWS A5.18-93	AWS A5.20-89
AWS A5.23-90	AWS A5.28-90	AWS A5.29-89

Research Council on Structural Connections

Specification for Structural Joints Using ASTM A325
or A490 Bolts, 1988

AISC-1989 Specification for Structural Steel Buildings - Allowable Stress Design and Plastic Design, effective June 1, 1989, as modified.

MODIFICATIONS - The provisions of AISC-ASD 1989, Specification for Structural Steel Buildings - Allowable Stress Design and Plastic Design, shall be subject to the following modifications. The section and paragraph numbers are from that standard.

CHAPTER A GENERAL PROVISIONS

A3 MATERIAL - Add the following after the next to last paragraph of section A3.1a.

"Special Steels other than those listed above may be used in accordance with the provisions of this reference standard when approved by the NYCDOB for such use."

A4 LOADS AND FORCES - Delete this text and substitute the following:

"The provisions of the building code for loads shall apply".

A5 DESIGN BASIS - Delete the text of Subsection 2. Wind and Seismic Stresses and substitute the following:

"The applicable provisions of the Building Code for combinations of loads shall apply."

Reference Standard 10

3.2 MECHANICAL PROPERTIES

Add the date of publication to the following ASTM specifications:

ASTM A370-88
ASTM A6-86b
ASTM A611-85

In paragraph three insert "Reference Standard RS10-6" before the words, "of the AISI Specification...."

4.1 METHOD

In paragraph one delete the words, "of latest adoption"

In paragraph (a) insert "Reference Standard RS 10-5" before "American Institute of Steel Construction."

In paragraph (b) insert "Reference Standard RS 10-6" before "American Iron and Steel Institute."

4.8 SHOP PAINT

Add the following as the first paragraph of this section:

Painting of Open Web Steel Joists.—Painting of Open Web Steel Joists shall meet the requirements of reference standard RS 10-7 for Open Web Steel Joists. The shop coat shall be applied at the place of manufacture. All abrasions shall be touched up at the job site with the same material. Steel joists that remain exposed to the weather or a corrosive atmosphere shall receive an additional coat of metal protection of another color after erection, except for types of structural steels that have been specifically approved for use under exposure to the weather without metal protection.

5.12 INSPECTION

Delete this section.

SPECIFIC MODIFICATIONS-LONGSPAN STEEL JOISTS, LH-SERIES AND DEEP LONGSPAN STEEL JOISTS, DLH-SERIES

102.2 STEEL

Add the date of publication to the following ASTM specifications:

ASTM A36-88c
ASTM A588-88
ASTM A242-87
ASTM A606-85
ASTM A441-85
ASTM A607-85
ASTM A570-88
ASTM A611-85
ASTM A572-88b

102.2 MECHANICAL PROPERTIES

Add the date of publication to the following ASTM specifications:

ASTM A370-88
ASTM A6-86b
ASTM A611-85

103.1 METHOD

In paragraph one delete the words, "of latest adoption."

In paragraph (a) insert "Reference Standard RS 10-5" before, "American Institute of Steel Construction."

In paragraph (b) insert "Reference Standard RS 10-6"

before, "American Iron and Steel Institute."

103.7 SHOP PAINTING

Add the following as the first paragraph of this section:
Painting of Joist Girders.—Painting of Joist Girders shall meet the requirements of reference standard RS 10-7 for Joist Girders. The shop coat shall be applied at the place of manufacture. All abrasions shall be touched up at the job site with the same material. Steel joists that remain exposed to the weather or a corrosive atmosphere shall receive an additional coat of metal protection of another color after erection, except for types of structural steels that have been specifically approved for use under exposure to the weather without metal protection.

104.13 INSPECTION

Delete this section.

SPECIFIC MODIFICATIONS—JOIST GIRDERS

1002.1 STEEL

Add the date of publication to the following ASTM specifications:

ASTM A36-88c
ASTM A588-88
ASTM A242-87
ASTM A606-85
ASTM A441-85
ASTM A607-85
ASTM A570-88b
ASTM A611-85
ASTM A572-88b

1002.2 MECHANICAL PROPERTIES

Add the date of publication to the following ASTM specifications:

ASTM A370-88
ASTM A6-86b
ASTM A611-85

1003.1 METHOD

In paragraph one delete the words, "of latest adoption".

In paragraph (a) insert "Reference Standard RS 10-5" before, "American Institute of Steel Construction".

In paragraph (b) insert "Reference Standard RS 10-6" before, "American Iron and Steel Institute".

1003.1 SHOP PAINTING

Add the following as the first paragraph of this section:
Painting of Joist Girders.—Painting of Joist Girders shall meet the requirements of reference standard RS 10-7 for Joist Girders. The shop coat shall be applied at the place of manufacture. All abrasions shall be touched up at the job site with the same material. Steel joists that remain exposed to the weather or a corrosive atmosphere shall receive an additional coat of metal protection of another color after erection, except for types of structural steels that have been specifically approved for use under exposure to the weather without metal protection.

Reference Standard 10

*** REFERENCE STANDARD RS 10-8

LUMBER AND TIMBER CONSTRUCTION

AF&PA 1991 National Design Specification for Wood Construction-and its 1991 Supplement with 1993 Revisions.

MODIFICATIONS-The provisions of AF&PA-National Design Specifications for Wood Construction shall be subject to the following modifications. The section and paragraph numbers are from that standard.

Part 1- General Requirements for Structural Design

1.4.2 Governed by Codes.

The provisions of the New York City Building Code shall constitute the minimum design loads.

Part IV-Sawn Lumber

4.1.2.1- When the design values specified herein are used, the lumber, including end-jointed or edge-jointed lumber shall be identified in accordance with the provisions of the Building Code for Identification. See Sections 26-251 and 27-618 of the code.

Part XIII-Metal Connector Plates

13.2- Design Values for Metal Connector Plates.

13.2.1- Tests for Design Values.

Tests to determine lateral design values for metal connector plates shall be conducted in accordance with ASTM Standard D1761-88 (Reference 13) or other approved test methods. The strength value of the metal connector plate in tension and shear shall be determined in accordance with ASTM E489-81. Tensile Strength Properties of Steel Truss Plates and ASTM E 767-80, Shear Resistance of Steel Truss Plates. The design value for normal load duration shall be determined by dividing the test load at wood-to-wood slip of 0.03" by 1.6 or by dividing the ultimate test load by 3.0 using the smaller of the two values as the design value (see Reference 43 for additional information). Design values determined in accordance with these test procedures shall be multiplied by all applicable adjustment factors (see Table 7.3.1) to obtain allowable design values.

13.2.3- Testing.

Full scale tests on representative trusses shall be conducted with ASTM E 73-84* Standard Methods of Testing Truss Assemblies.

**1984 version does not exist, "83" probably intended.*

13.2.4- Handling, Installation and Bracing.

Handling, installation and bracing metal plate connected wood trusses shall be in accordance with the recommendations of Truss Plate Institute, TPI-HIB-91, Commentary and Recommendations for Handling, Installing and Bracing Metal Plate Connected Wood Trusses.

Part XVI-Fire Protection

16.1-Scope.

This part is added to provide current State-of-the-Art Requirements for firestopping of concealed spaces above dropped ceilings and above ceilings attached to

open web combustible trusses. These requirements are in addition to Sections 27-327 and 27-345 of the Building Code.

16.2-General.

16.2.1-General Requirement for Firestopping.

The space between the ceiling and the floor or roof above shall be divided by providing firestopping where ceilings are suspended below solid joists or suspended from or attached directly to the bottom of open wood floor trusses in buildings of combustible construction.

16.2.1.1-The space shall be divided into approximately equal areas not greater than 500 square feet in buildings of combustible construction. The firestopping shall generally be provided parallel to the main framing members. The roof trusses of private dwellings with roofs having a slope greater than 15 degrees from the horizontal may be excluded from this requirement.

16.2.1.2-Exception-Where the space above the ceiling is of combustible construction and the building is sprinklered in accordance with reference standard RS 17-2, above and below the ceiling, the firestopping may be omitted.

*****DOB 4-17-96; 455-89 BCR; 288-84 BCR; 510-79 BCR; 394-71 BCR**

** REFERENCE STANDARD RS 10-9

PLYWOOD CONSTRUCTION

1. DEFINITIONS.-

(a) Plywood-Plywood is a laminated board or panel, consisting of a number of veneer sheets bonded together with either a water-resistant or waterproof adhesive that forms a bond stronger than the wood itself.

(b) Plywood component-A plywood component, for purposes of this standard, shall be defined as an element of a structural member formed by the assembly of plywood parts or of plywood parts with parts of wood or other materials so as to form an integral assemblage.

2. CONFORMANCE WITH STANDARD.-Materials, design and fabrication shall conform to Reference Standard RS 10-53, RS 10-54, RS 10-56 or RS 10-57, except that the word "should" in the standards shall be mandatory.

3. EXTERIOR USE.-All plywood when permanently exposed in outdoor applications shall be of exterior type. Plywood used for covering the exterior of outside walls and applied directly to supports shall be at least 3/8 in. nominal thickness, or comply with specifications for 303 Specialty Siding published by the American Plywood Association. Panel joints shall be backed solidly by studs or by nailing pieces at least 2 in. wide (nominal), except over sheathing or where applied as lapped siding, or when otherwise made waterproof. Plywood siding applied over sheathing shall be not less than 1/4 in. thick.

Reference Standard 10

4. ROOF SHEATHING.-Where plywood is used as roof sheathing the spans shall not exceed the values given in Table RS 10-9.1.

TABLE RS 10-9.1a
ALLOWABLE SPANS FOR PLYWOOD FLOOR AND ROOF SHEATHING CONTINUOUS OVER TWO OR MORE SPANS AND FACE GRAIN PERPENDICULAR TO SUPPORTS ^a

Panel Span Rating, ^b Roof/ Floor Span	Thickness (inches)	Roof Maximum Span (inches)	
		Edges Blocked ^c	Edges Unblocked
10/0	5/16	12	12
16/0	5/16, 3/8	16	16
20/0	5/16, 3/8	19.2	19.2
24/0	3/8	20	20
24/0	15/32, 1/2	20	24
32/16	15/32, 1/2, 5/8	30	28
40/20	19/32, 5/8, 3/4	40	32
48/24	23/32, 3/4	48	36

Panel Span Rating, ^b Roof/ Floor Span	Load (psf)		Floor Maximum span ^e (inches)
	Total	Live	
12/0	135	130	0
16/0	80	65	0
20/0	70	55	0
24/0	60	45	0
24/0	60	45	0
32/16	50	35	16 ^f
40/20	40 ^d	35 ^d	20 ^{f,g}
48/24	40 ^d	35 ^d	24

Notes:

^a These values apply for C-D Sheathing Structural I and II and C-C grades only. Spans shall be limited to values shown because of possible effect of concentrated loads.

^b Span rating appears on all panels in the construction grades listed in footnote^b.

^c Edges shall be blocked with lumber or other approved type of edge support.

^d For roof live load of 40 psf or total load of 55 psf, decrease spans by 13 percent or use panel with next greater span rating.

^e Edges of plywood floor sheathing shall have approved tongue-and-groove joints or shall be supported with blocking, unless 1/4-inch minimum thickness underlayment of 1½ inches of approved cellular or lightweight concrete is installed, or finish floor is 25/32-inch wood strip. Allowable uniform load based on deflection of 1/360 of the span is 165 psf.

^f Maximum shall be 24 inches if 25/32 - inch wood strip flooring is installed at right angles to joist.

^g For joists spaced at 24 inches on center, plywood sheathing with span rating numbers 40/20 or greater shall not be used for subfloors except when supporting 1 1/2 inches of lightweight concrete.

5. PLYWOOD SUBFLOORS.-Where plywood is used as structural subflooring the maximum spans shall not exceed the values given in Table RS 10-9.1. If resilient flooring or carpeting is to be applied directly to a plywood subfloor without separate underlayment, the panels shall be underlayment grade, C-C plugged, or any sanded grade of exterior type plywood. The thickness shall not be less than the values prescribed for the given spans and loads shown in Table RS 10-9.2.

6. SPECIAL 1 1/8 IN. PLYWOOD SUBFLOORING FOR 48 IN. SPAN.-

Such material, if conforming to design specifications of the American Plywood Association special 2-4-1 panel,

may be used over girders spaced not more than 48 in. on centers, with edges on 2 in. x 4 in. blocking securely attached to main girders, provided the total floor load does not exceed 65 psf. A tongue and groove joint may be used in lieu of blocking.

7. PLYWOOD WALL SHEATHING.-Plywood may be applied either horizontally or vertically and as indicated in building code provisions for the bracing of exterior walls.

8. FASTENING.-Plywood sheathing and subflooring . Plywood sheathing and subflooring shall have the maximum fastener spacing on framing as prescribed in Table RS 10-9.3.

Reference Standard 10

TABLE RS 10.9.1b
ALLOWABLE LOADS FOR PLYWOOD ROOF SHEATHING CONTINUOUS OVER TWO OR MORE SPANS AND FACE GRAIN PARALLEL TO SUPPORTS^a

	Thickness (inches)	No. of Plies	Span (inches)	Total Load (psf)	Live Load (psf)
Structural 1	15/32	4	24	30	20
	15/32	5	24	45	35
	1/2	4	24	35	25
	1/2	5	24	55	40
	15/32	5	24	25	20
Other grades covered in DOC	1/2	5	24	30	25
	19/32	4	24	35	25
	19/32	5	24	50	40
	PS-1	5/8	24	40	30
	5/8	5	24	55	45

Note:

^a Uniform load deflection limitations: 1/180 of span under live load plus dead load, 1/240 under live load only. Edges shall be blocked with lumber or other approved type of edge supports.

TABLE RS 10-9.2 MINIMUM THICKNESS FOR PLYWOOD COMBINATION SUBFLOOR-UNDERLAYMENT^a
(Plywood continuous over two or more spans and face grain perpendicular to supports)

Species Group	Maximum Spacing of Supports (in.)		
	16	20	24
1	1/2 in.	5/8 in.	3/4 in.
2, 3	5/8 in.	3/4 in.	7/8 in.
4	3/4 in.	1/8 in.	1 in.

Notes:

^a Applicable to underlayment grade, C-C (Plugged) and all grades of sanded exterior type plywood. Spans limited to values shown because of possible effect of concentrated loads. Allowable uniform load based on deflection of 1/360th of span is 100 psf. Plywood edges shall have approved tongue and groove joints or shall be supported with blocking, unless 1/4 - inch minimum thickness underlayment is installed, or finish floor is 25/32-inch wood strip. If wood strips are perpendicular to supports, thickness as shown for 16-and 20-inch spans may be used on 24 - inch span.

Except for 1/2 inch, Underlayment grade and C-C(plugged) panels may be of nominal thickness 1/32 inch thinner than the nominal thicknesses shown when marked with the reduced thickness.

TABLE RS 10-9.3 FASTENING SCHEDULE

Thickness (in.)		Fastener Spacing (in.) ^a	
		Panel Edges	Intermediate Support
Common Nail and Staple Size/ Type			
Roof and Wall Sheathing			
1/2 or less	6d Smooth or deformed.....	6	12
5/8 or greater	8d Smooth or deformed	6	12
5/16, 3/8, 1/2	16 gage galvanized wire staples, 1/8 in. minimum crown. Length of one in. plus plywood thickness except 1 1/4 in. for 5/16 in. plywood...	4	8
Subflooring			
1/2	6d Smooth or deformed.....	6	12
5/8, 3/4, 7/8	8d Smooth or 6d deformed.....	6	12
1, 1 1/8	10d Smooth or 8d deformed.....	6	6
1/2	16 gage galvanized wire staples, 3/8 in. minimum crown.	4	7
5/8	1 5/8 in. long.....	2 1/2	4

Note:

^a Where spans are 48 in., or more, nails shall be spaced at 6 in. at all supports.

9. PLYWOOD SIDING.-Plywood siding shall be applied and nailed as prescribed in Table RS 10-9.4.

TABLE RS 10-9.4 PLYWOOD SIDING

Type of Siding	Plywood ^{b,c} Thickness (in.)	Nail Size	Nail Type	Nail Spacing (in.)	
				Panel Edges ^a	Intermediate Supports
Panel Siding	3/8 ^d	6d	Corrosive resistant box or casing nails	6	12
	1/2, 5/8 and thicker	8d			12
Lap Siding	3/8	6d	Corrosive resistant box or casing nails	6	One nail per stud for width 12 in. or less.
	1/2 and thicker	8d		4	8 in. for width greater than 12 in.

Notes:^aMinimum edge distance of 3/8 in.^bIn direct-to-stud applications 5-ply panels of 1/2 in. nominal thickness or more may be used over studs 24 in. o.c. if texturing does not penetrate through the face veneer. All other panels must be used over studs spaced not more than 16 in. on center.^cSpecial requirement: Nails on ship-lap edges of 5/8 in. and thicker panel siding 3/8 in. from exposed edge and slant driven towards edge; do not set.^dWhen separate sheathing is applied, 3/8 in. panel and 303 siding may be used over supports spaced 24 in. on center 1/4 in. over supports 16 in. on center.

***10. PLYWOOD DIAPHRAGMS.** Plywood diaphragms may be used to resist horizontal forces in horizontal and vertical distributing or resisting elements, provided the deflection in the plane of the diaphragm, as determined by calculations, tests, or analogies drawn therefrom, does not exceed the permissible deflection of attached distributing or resisting elements. Diaphragms to resist earthquake loads may be designed and constructed in accordance with reference standard RS 10-58.

Permissible deflection shall be that deflection up to which the diaphragm and any attached distributing or resisting element will maintain its structural integrity under assumed load conditions; i.e., continue to support assumed loads without danger to occupants of the structure. Connections and anchorages capable of resisting the design forces shall be provided between the diaphragms and the resisting elements. Openings in diaphragms that materially affect the strength of the diaphragms shall be fully detailed on the plans, and shall have their edges reinforced to adequately transfer all shearing stresses. Structural diaphragm shapes shall be limited to the proportions given in Table RS 10-9.5.

*Local Law 17-1995.

TABLES RS 10-9.5 DIAPHRAGM PROPORTIONS

Type	Horizontal Diaphragms- Maximum Span- Width Ratios	Vertical Diaphragms- Maximum Height- Width Ratios
Nailed all edges....	4 : 1	3 1/2 : 1
Blocking omitted at intermediate joints	4 : 1	2 : 1

Design-

Horizontal and vertical plywood diaphragms shall be used at shear values not exceeding those set forth in Tables RS 10-9.6 and RS 10-9.7 and respectively or shall be designed by principles of stress analysis. Plywood thickness for horizontal diaphragms shall not be less than as set forth in Tables RS 10-9.1 and RS 10-9.2 for corresponding joist spacing and loading, except that 1/4 in. may be used where design analysis justifies. All framing members shall be proportioned and spliced where necessary to transmit direct stresses. The width of framing members shall be at least 2 in. nominal. In general, panel edges shall bear on the framing members and butt along their center lines. Nails shall be placed at least 3/8 in. from the panel edges, and spaced not more than 12 in. apart along intermediate supports and 6 in. apart along the panel edge-bearings. All nails shall be firmly driven into the framing members. No unblocked panel less than 12 in. wide shall be used. (See Tables RS 10-9.6 and RS 10-9.7).

11. PLYWOOD COMPONENTS. Plywood components shall be acceptable when designed and fabricated according to procedures in reference standard RS 10-55.

12. STRUCTURAL USE PANELS. Panels shall comply with Reference Standards RS 10-54 and RS 10-56 and shall include those manufactured using only veneer as in regular plywood, with veneer faces and a reconstituted wood core as in composite plywood, or using only reconstituted wood as in structural flakeboard, waferboard, oriented strandboard and particleboard.

13. MARKING OF PANELS. Structural-use sheathing panels shall be marked with a Span Rating symbol as required in RS 10-54 and RS 10-56. The left-hand number shall denote the maximum roof span in inches, and the right-hand number the floor span.

Reference Standard 10

Structural-use panels designated for use as single-layer floor panels shall be marked with a floor Span Rating. Structural-use panels intended for use solely as wall sheathing shall be marked with a stud spacing of 16 o.c. or 24 o.c.

14. PANEL SPANS.—Spans for structural-use panels used for floor or roof sheathing shall not exceed the Span Rating. Live loads on floors or roofs shall not exceed those specified in Tables RS 10-9.1a and RS 10-9.1b.

Spans for structural-use panels for wall sheathing may be applied either horizontally or vertically. Maximum stud spacing shall not exceed 16 inches o.c. for panels with a rated wall span of 16 inches or roof span of 16 or 20

****455-89 BCR; 208-85 BCR; 288-84 BCR**

inches, and 24 inches o.c. for panels with rated wall span of 24 inches or roof span of 24 inches or more.

15. HORIZONTAL SHEAR.—Structural-use panels may be used to resist horizontal forces and shall be assigned shear values equal to those for C-D plywood and other grades in Tables RS 10-9.6 and RS 10-9.7.

16. FASTENINGS.—Structural-use panels shall be fastened to the framing system in accordance with Table RS 10-9.3.

17. FIRE RESISTANCE.—Structural-use panels SHALL NOT BE USED as an element of a fire resistive assembly unless it has been specifically tested and approved for such use.

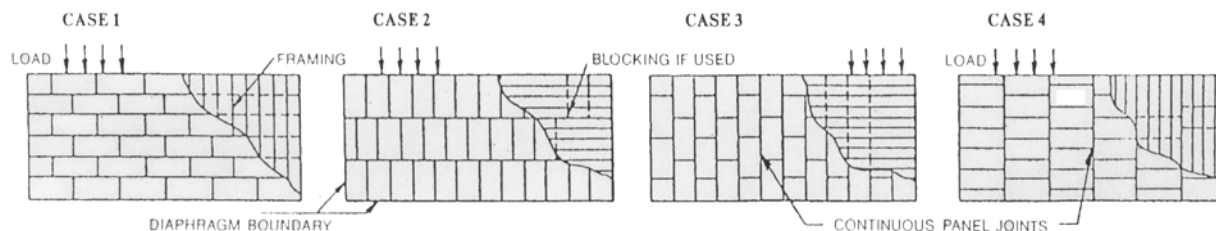
TABLE RS 10-9.6 ALLOW SHEAR FOR WIND FOR HORIZONTAL PLYWOOD DIAPHRAGMS
(lbs. Per st. of horizontal run)

103. PER ST. OF HORIZONTAL PLY										
					Blocked Diaphragms				Unblocked Diaphragms	
					Nail Spacing at Diaphragm Boundaries (all cases) and Continuous Panel Edges Parallel to Load (Cases 3 & 4)				Nails Spaced 6 in. Maximum at Supported End	
					Nail Spacing at Other Plywood Panel Edges				Load Perpendicular to Unblocked Edges and Continous Panel Joints (Case 1)	All Other Config-urations (Cases 2, 3, and 4)
Plywood Grade	Common Nail Size	Minimum Nail Penetration in Framing (in.)	Minimum Nominal Plywood Thickness (in.)	Minimum Nominal Width of Framing Member (in.)	6 in.	4 in.	2 ½ in.	2 in.		
Structural I	6d	1 1/4	5/16	2	185	250	375	420	165	125
			or 1/4	3	210	280	420	475	185	140
	8d	1 1/2	3/8	2	270	360	530	600	240	180
				3	300	400	600	675	265	200
	10d	1 5/8	1/2	2	320	425	640 ^b	730 ^b	285	215
				3	360	480	720	820	320	240
Structural II C-C Exterior, Standard Sheathing and other Grades covered in Product Standard PS 1	6d	1 1/4	5/16	2	170	225	335	380	150	110
			or 1/4	3	190	250	380	430	170	125
			3/8	2	185	250	375	420	165	125
				3	210	280	420	475	185	140
	8d	1 1/2	3/8	2	240	320	480	545	215	160
				3	270	360	540	610	240	180
			1/2	2	270	360	530	600	240	180
				3	300	400	600	675	265	200
	10d	1 5/8	1/2	2	290	385	575 ^b	655 ^b	255	190
				3	325	430	650	735	290	215
			5/8	2	320	425	640 ^b	730 ^b	285	215
				3	360	480	720	820	320	240

Notes:

a These values are for short time loads due to wind and shall be reduced 25 percent for normal loading. Space nails 12 in. on center along intermediate framing members.

b Reduce tabulated values 10 per cent when boundary members provide less than 3 in. nominal nailing surface.



11. PLYWOOD COMPONENTS.—Plywood components shall be acceptable when designed and fabricated according to procedures in reference standards RS 10-57 through RS 10-64, inclusive.

Reference Standard 10

TABLE RS 10-9.7 ALLOWABLE SHEAR FOR WIND FOR VERTICAL PLYWOOD DIAPHRAMS a,b
(lbs. per ft. of vertical run)

(lbs. per ft. of vertical run)												
Plywood Grade	Nail Size (Common or Galvanized Box)	Minimum Nail Penetration in Framing (in.)	Minimum Nominal Plywood Thickness (in.)	Plywood Applied Direct to Framing Nail Spacing at Plywood Panel Edges				Nail Size (Common or Galvanized Box)	Plywood Applied over 1/2 inch Gypsum Sheathing Nail Spacing at Plywood Panel Edges (in.)			
				6	4	2 1/2	2		6	4	2 1/2	2
Stuctural I	6d	1 1/4	5/16	200	300	450	510	8d	200	300	450	510
	8d	1 1/2	3/8	280	430	640	730	10d	280	430	640	730
	10d	1 5/8	1/2	340	510	770	870	—	—	—	—	—
Stuctural II, C-C Exterior, Standard												
Sheathing, Plywood Panel Siding, and other grades covered in Product Standard PS 1	6d	1 1/4	5/16	180	270	400	450	8d	180	270	400	450
	8d	1 1/2	3/8	260	380	570	640	10d	260	380	570	640
	10d	1 5/8	1/2	310	460	690	770	—	—	—	—	—
	Nail Size (Galvanized Casing)							Nail Size (Galvanized Casing)				
Plywood Panel Siding in grades covered in Product Standard PS 1	6d	1 1/4	5/16	140	210	320	360	8d	140	210	320	360
	8d	1 1/2	3/8	160	240	360	410	10d	160	240	360	410

Notes:

a These values are for short time loads due to wind and shall be reduced 25 per cent for normal loading. All panel edges backed with 2-inch nominal or wider framing. Plywood installed either horizontally or vertically. Space nails at 12 in. on center along intermediate framing members.

b For unblocked vertical plywood diaphragms use the values in the last column of Table RS 10-9.6.

*REFERENCE STANDARD RS 10-10A SPECIFICATION FOR ALUMINUM STRUCTURES ALLOWABLE STRESS DESIGN

AA Aluminum Design Manual Part 1-A Specification for Aluminum Structures Allowable Stress Design (Seventh Edition, January 2000).

Modification:

Section 2.3 Loads— is hereby amended to read as follows:

The dead load to be used in the design of the structure is the weight of the structure and all material permanently attached to and supported by the structure.

Static and dynamic live loads, as well as snow, ice, ponding and wind loads shall be based on [appropriate building codes] the New York City Building Code and its appropriate Reference Standards. [Where building codes do not apply, requirements shall be established from performance specifications for the structure.

Allowable stresses provided in *Specification for Aluminum Structures* shall be permitted to be increased by one-third when stresses are produced by wind or seismic loading, acting alone or in combination with the dead load or in combination with dead and live loads. Allowable stresses shall not be increased by one-third if prohibited by the applicable code or specification used to determine the load. Also, the section shall be not less than that required for the dead and other live loads acting alone.]

Combination of loads shall be in accordance with section 27-594 of the Building Code, or, with Reference Standard RS 9-2 if applicable.

In the case of wind and ice loads, the form of the

structure and any of its exposed components (e.g. increased area exposed to wind due to icing) shall be considered.

*DOB 9-2-01;455-89 BCR

*REFERENCE STANDARD RS 10-10B SPECIFICATION FOR ALUMINUM STRUCTURES LOAD AND RESISTANCE FACTOR DESIGN OF BUILDINGS AND SIMILAR TYPE STRUCTURES

AA Aluminum Design Manual Part 1-B Specification for Aluminum Structures Load and Resistance Factor Design of Buildings and Similar Type Structures (Second Edition, January 2000).

Modification:

Section 2.3 Loads— is hereby amended to read as follows:

The nominal loads shall be the minimum design loads stipulated by the [applicable building code or performance specification] New York City Building Code and its applicable Reference Standards. Nominal loads shall be factored and combined in accordance with the [applicable building code or performance specification. In the absence of a code or performance specification, ASCE 7-98, *Minimum Design Loads for Buildings and Other Structures*, shall be used] New York City Building Code and its applicable Reference Standards.

*DOB 9-2-01;455-89 BCR

*REFERENCE STANDARD RS 10-11 SPECIFICATIONS FOR ALUMINUM

Reference Standard 10

MATERIALS

ASTM B209-1988 - Standard Specification for Aluminum and Aluminum-Alloy Sheet and Plate.

ASTM B308-1988 - Standard Specification for Aluminum-Alloy 6061-T6 Standard Structural Shapes, Rolled or Extruded.

ASTM B429-1988 - Standard Specification for Aluminum-Alloy Extruded Structural Pipe and Tube.

**455-89 BCR*

*REFERENCE STANDARD RS 10-12

ASTM C317-1976 Standard Specification for Gypsum Concrete (Reapproved 1981).

**455-89 BCR*

**REFERENCE STANDARD RS 10-13

SPAN TABLES FOR JOISTS AND RAFTERS

AF&PA - SPAN TABLES for JOISTS AND RAFTERS 1993 and its Supplement. Design Values for Joists and Rafters. February 1992.

MODIFICATIONS - The provisions of AF&PA - Span Tables for Joists and Rafters 1993, shall be subject to the following modifications. The section and paragraph numbers are from the standard.

Under the section EXPLANATION OF TABLES

2. LUMBER DESIGN VALUES - Add the following paragraph

AF&PA publication Design Values for Joists and Rafters, February 1992 Supplement, shall be acceptable for determining design values for joists and rafters.

7. LUMBER IDENTIFICATION - Delete the paragraph and substitute the following:

LUMBER IDENTIFICATION - The lumber, including end-jointed or edge-jointed lumber shall be identified in accordance with the provisions of the Building Code for Identification. See Sections 26-251 and 27-618 of the code.

10. DESIGN LOADS - The provisions of the New York City Building Code shall constitute the minimum design loads.

***DOB 4-17-96; 511-79 BCR; 264-73 BCR; 394-71 BCR*

***REFERENCE STANDARD RS 10-14

ACI-214 1977 - Recommended Practice for Evaluation of Strength Test Results of Concrete (Reaffirmed 1983).

****1077-86 BCR; 208-85 BCR; 288-84 BCR*

REFERENCE STANDARD RS 10-15

ACI-506 1966 - Recommended Practice for Shotcreting (Revised 1983).

*REFERENCE STANDARD RS 10-16

ANSI/ASTM-C42 1984a - Standard Method of Obtaining and Testing Drilled Cores and Sawed Beams of Concrete.

**1077-86 BCR; 288-84 BCR; 887-80 BCR*

*REFERENCE STANDARD RS 10-17

ANSI/ASTM-C39 1984 - Standard Test Method for Compressive Strength of Cylindrical Concrete Specimens.

**1077-86 BCR; 288-84 BCR; 887-80 BCR*

†REFERENCE STANDARD RS 10-18

GLUED-LAMINATED TIMBER DESIGN, MANUFACTURING AND CONSTRUCTION

ANSI/AITC A190.1-1992 Structural Glued Laminated Timber and AITC 200-92 Inspection Manual.

MODIFICATIONS - The provisions of ANSI/AITC A190.1-1992 shall be subject to the following modifications. The section and paragraph numbers are from that standard.

Section 3: List of Referenced Publications.

(a) American Institute of Timber Construction
7012 S. Revere Pkwy., Suite 140

Englewood, CO 80112

AITC 117-93 Design Values/Specifications.

AITC 117-93 Manufacturing Standard Specifications for Structural Glued Laminated Timber of Softwood Species.

†DOB 3-8-96; Local Law 17-1995; 288-84 BCR; 512-79 BCR

††REFERENCE STANDARD RS 10-19

ANSI/ASTM-C79 1987-Standard Specification for Gypsum Sheathing Board.

††455-89 BCR; 288-84 BCR; 390-80 BCR

†††REFERENCE STANDARD RS 10-20

AWPA-C2 1988-Standard for the Preservative Treatment of Lumber, Timbers, Bridge Ties and Mine Ties by Pressure Processes.

†††455-89 BCR; 288-84 BCR; 512-79 BCR

##REFERENCE STANDARD RS 10-21

ANSI/ASTM-C192 1981 - Standard Method of Making and Curing Concrete Test Specimens in the Laboratory.

##288-84 BCR; 887-80 BCR

†††REFERENCE STANDARD RS 10-22

AWPA-C9 1985 - Standard for the Preservative Treatment of Plywood by Pressure Process.

†††455-89 BCR; 288-84-BCR; 512-79 BCR

*REFERENCE STANDARD RS 10-23

ANSI/ASTM-A153 1982 - Standard Specification for Zinc Coating (Hot Dip) on Iron and Steel Hardware.

**288-84 BCR; 493-80 BCR; 302-73 BCR*

REFERENCE STANDARD RS 10-24

ASTM-A90 1969 - Tests for Weight of Coating on Zinc-Coated (Galvanized) Iron or Steel Articles.

**REFERENCE STANDARD RS 10-24A

ANSI/ASTM-A586 1986 - Specification for Zinc-coated Parallel and Helical Steel Wire Structural Strand.

***455-89 BCR; 288-84 BCR; 493-80 BCR*

**REFERENCE STANDARD RS 10-24B

ASTM-A603 1988 - Standard Specification for Zinc-Coated Steel Structural Wire Rope

Reference Standard 10

****455-89 BCR; 288-84 BCR; 493-80 BCR**

*****REFERENCE STANDARD RS 10-25**

Delete

*****455-89 BCR; 208-85 BCR; 288-84 BCR**

†REFERENCE STANDARD RS 10-26

ANSI/ASTM-B6 1987 - Standard Specification for Zinc (Slab Zinc).

†455-89 BCR; 288-84 BCR; 493-80 BCR; 302-73 BCR

*****REFERENCE STANDARD RS 10-27**

ASTM-D2277 1987 - Specification for Fiberboard Nail-base Sheathing (Reapproved 1980).

*****455-89 BCR; 208-85 BCR; 288-84 BCR**

†††REFERENCE STANDARD RS 10-28

AWPA-C4 1988 - Standard for Preservative Treatment of Poles by Pressure Processes.

†††455-89 BCR; 288-84 BCR; 512-79 BCR

*****REFERENCE STANDARD RS 10-29**

AWPA-M4 1984 - Standard for the Care of Pressure-Treated Wood Products.

*****455-89 BCR; 208-85 BCR; 288-84 BCR**

#REFERENCE STANDARD RS 10-30

ANSI-A82.1/ASTM-C67 1987 - Standard Methods of Sampling and Testing Brick and Structural Clay Tile.

#455-89 BCR; 288-84 BCR; 390-80 BCR

#REFERENCE STANDARD RS 10-31

ANSI-A98.1/ASTM-C62 1988 - Standard Specification for Building Brick (Solid Masonry Units Made from Clay or Shale).

#455-89 BCR; 288-84 BCR; 390-80 BCR

#REFERENCE STANDARD RS 10-31A

ANSI-A99.1/ASTM-C216 1987a Standard Specification for Facing Brick (Solid Masonry Units Made from Clay or Shale).

#455-89 BCR; 288-84 BCR; 390-80 BCR

#REFERENCE STANDARD RS 10-31B

ANSI/ASTM-C652 1988 Standard Specification for Hollow Brick (Hollow Masonry Units Made from Clay or Shale).

#455-89 BCR; 288-84 BCR; 390-80 BCR

#REFERENCE STANDARD RS 10-32

ANSI-A78.1/ASTM-C73 1985 - Standard Specifications for Calcium Silicate Face Brick (Sand-Lime Brick).

#455-89 BCR; 288-84 BCR; 390-80 BCR

#REFERENCE STANDARD RS 10-33

ANSI-A75.1/ASTM-C55 1985 - Standard Specification for Concrete Building Brick.

#455-89 BCR; 288-84 BCR; 390-80 BCR

#REFERENCE STANDARD RS 10-34

ANSI-A74.1/ASTM-C34 1984 Standard Specification for Structural Clay Load-bearing Wall tile.

#455-89 BCR; 288-84 BCR; 390-80 BCR

#REFERENCE STANDARD RS 10-35

ANSI/ASTM-C56 1971 - Standard Specification for Structural Clay Non-loadbearing Tile 1986.

#455-89 BCR; 288-84 BCR; 390-80 BCR

#REFERENCE STANDARD RS 10-36

ANSI-A81.1/ASTM-C145 1985 - Standard Specification for Solid Loadbearing Concrete Masonry Units.

#455-89 BCR; 288-84 BCR; 390-80 BCR

#REFERENCE STANDARD RS 10-37

ANSI-A79.1/ASTM-C90 1985 - Standard Specification for Loadbearing Concrete Masonry Units.

#455-89 BCR; 288-84 BCR; 390-80 BCR

#REFERENCE STANDARD RS 10-38

ANSI-A80.1/ASTM-C129 1985 - Standard Specification for *Hollow Non-load-bearing Concrete Masonry Units.

#455-89 BCR; 288-84 BCR; 390-80 BCR

***As enacted but "Hollow" probably not intended.**

****REFERENCE STANDARD RS 10-39**

ANSI/ASTM-C52 1954 - Standard Specification for Gypsum Partition Tile or Block (Reapproved 1977).

****288-84 BCR; 390-80 BCR**

#REFERENCE STANDARD RS 10-40

ANSI-A101.1/ASTM-C126 1986 - Standard Specification for Ceramic Glazed Structural Clay Facing Tile, Facing Brick and Solid Masonry Units.

#455-89 BCR; 288-84 BCR; 390-80 BCR

*****REFERENCE STANDARD RS 10-41**

ANSI/ASTM-A116 1988 - Standard Specification for Zinc-Coated (Galvanized) Steel Woven Wire Fence Fabric.

*****455-89 BCR; 288-84 BCR; 493-80 BCR; 302-73 BCR**

†REFERENCE STANDARD RS 10-42

ANSI/ASTM-B227 1970 - Standard Specifications for Hard-Drawn Copper-Clad Steel Wire. (Reapproved 1980)

†208-85 BCR; 288-84 BCR

REFERENCE STANDARD RS 10-43

***FS SS-S-721C 1964 Stone, Architectural, Cast.**

***As enacted but this standard has been cancelled without a replacement.**

††REFERENCE STANDARD RS 10-44

ANSI/ASTM-C494 1986 - Standard Specification for Chemical Admixtures for Concrete.

††455-89 BCR; 288-84 BCR; 887-80 BCR

REFERENCE STANDARD RS 10-45

ACI-ASCE-334 Concrete Shell Structures Practice and Commentary. Report of Committee 334 of the American

Reference Standard 10

Concrete Journal of the American Concrete Institute, proc. V61, M.9, Sept. 1964 (Revised 1982).

#REFERENCE STANDARD RS 10-46

ANSI/ASTM-C270 1988 Specifications for Mortar for Unit Masonry.

#455-89 BCR; 288-84 BCR; 390-80 BCR

#REFERENCE STANDARD RS 10-47

*ANSI/ASTM-C476 1983 Standard Specification for Grout for Reinforced and Non-Reinforced Masonry.

#455-89 BCR; 288-84 BCR; 390-80 BCR

**As enacted but "ANSI/ASTM-C476 1983 Standard Specification for Grout for Masonry."probably intended.*

#REFERENCE STANDARD RS 10-48

ANSI/ASTM-C22 1983 - Standard Specification for Gypsum.

#455-89 BCR; 288-84 BCR; 390-80 BCR

†††REFERENCE STANDARD RS 10-49

ASTM-C143 1978 - Standard Test Method for Slump of Portland Cement Concrete

†††1077-86 BCR

REFERENCE STANDARD RS 10-50

Deleted.

*REFERENCE STANDARD RS 10-51

ANSI/ASTM-C172 1982 - Standard Method of Sampling Freshly Mixed Concrete.

**1077-86 BCR; 288-84 BCR; 887-80 BCR*

**REFERENCE STANDARD RS 10-52

ANSI/ASTM-C31 1987 - Standard Method of Making and Curing Concrete Test Specimens in the Field.

***455-89 BCR; 1077-86 BCR; 288-84 BCR; 887-80 BCR*

***REFERENCE STANDARD RS 10-53

APA 1986-Plywood Design Specifications.

****455-89 BCR; 208-85 BCR; 288-84 BCR*

***REFERENCE STANDARD RS 10-54

APA-PRP-108-1988 - Performance Standards and Policies for Structural-Use Panels.

****455-89 BCR; 208-85 BCR; 288-84 BCR*

***REFERENCE STANDARD RS 10-55

APA-1985 Design and Fabrication Specification of all Plywood-Lumber Components.

****455-89 BCR; 208-85 BCR; 288-84 BCR*

†REFERENCE STANDARD RS 10-56

TECO-1981 - Standards and Policies for Structural-Use Panels.

†208-85 BCR

***REFERENCE STANDARD RS 10-57

DOC PS 1-83-U.S. - Product Standard for Construction & Industrial Plywood. (Revised June 1987).

****455-89 BCR; 208-85 BCR; 288-84 BCR*

*REFERENCE STANDARD RS 10-58

APA Form No. L350C-1989 - Diaphragms - Design/Construction Guide.

APA Form No. E30K-1989 - Residential & Commercial, Design/Construction Guide.

**Local Law 17-1995.*

††REFERENCE STANDARD RS 10-59

Deleted.

††208-85 BCR; 288-84 BCR

REFERENCE STANDARD RS 10-60

Deleted.

####REFERENCE STANDARD RS 10-61

ANSI/ASTM-C173 1978 - Standard Test Method for Air Content of Freshly Mixed Concrete by the Volumetric Method.

###Local Law 65-1990.

####REFERENCE STANDARD RS 10-62

ANSI/ASTM-C231 1982 - Standard Test Method for Air Content of Freshly Mixed Concrete by the Pressure Method.

###Local Law 65-1990

####REFERENCE STANDARD RS 10-63

ANSI/ASTM-C138 1981 - Standard Test Method for Unit Weight Yield and Air Content (Gravimetric) of Concrete.

###Local Law 65-1990

####REFERENCE STANDARD RS 10-64

ANSI/ASTM-C567 1985 - Standard Test Method for Unit Weight of Structural Lightweight Concrete.

###Local Law 65-1990

†††REFERENCE STANDARD RS 10-65

ACI-211.2 1981 - Standard Practice for Selecting Proportions for Structural Lightweight Concrete.

†††1077-86 BCR

#REFERENCE STANDARD RS 10-66

Deleted.

#302-73 BCR

##REFERENCE STANDARD RS 10-67

ANSI-Z97.1 1984 - Safety Performance Specifications and Methods of Test for Safety Glazing Material Used in Buildings.

##455-89 BCR; 714-80 BCR

##REFERENCE STANDARD RS 10-68

SPECIFICATIONS FOR FLAT GLASS

ASTM C1036-1985 - Standard Specification for Flat Glass.

ASTM C1048-1987 - Standard Specification for Heat-Treated Flat Glass-Kind HS, Kind FT Coated and Uncoated Glass.

##455-89 BCR; 714-80 BCR

**REFERENCE STANDARD RS 12
LIGHT, HEAT, VENTILATION AND NOISE CONTROL**

*** LIST OF REFERENCED NATIONAL STANDARDS**

ASHRAE Handbook	HVAC Systems and Application.....	1987
ANSI/ASTM E90	Standard Method for Laboratory Measurement of Air-borne Sound Transmission Loss of Building Partitions.....	1987
ASTM E413	Standard Classification for Determination of Sound Transmission Class.....	1987
ANSI/ASTM E336	Standard Test Method for Measurement of Airborne Sound Insulation in Buildings...	1984
NCMA-TEK 69.A	New Data on Sound Reduction with Concrete Masonry Walls.....	1978
GA-600	Fire Resistance Design Manual Twelfth Edition, as Modified.....	1988
ANSI/ASTM E492	Standard Method of Laboratory Measurement of Impact Sound Transmission through Floor-Ceiling Assemblies using the Tapping Machine.....	1986
ANSI/ISO 1680	Test Code for the Measurement of Airborne Noise Emitted by Rotating Electrical Machinery, Part 1 and Part 2.....	1986
ASHRAE Handbook	Fundamentals.....	1985
ANSI S 1.4	Specification for Sound Level Meters and Supplement ANSI A1.4a-1985.....	1983
ANSI S 12.34	Engineering Methods for the Determination of Sound Power Levels of Noise Sources for Free-Field Conditions over a Reflecting Plane.....	1988
ANSI S 12.30	Guidelines for the Use of Sound Power Standards and for the Preparation of Noise Test Codes.....	1990
ANSI S 12.31	Precision Method for the Determination of Sound Power Levels of Broadband Noise Sources in Reverberation Rooms.....	1990
ANSI S 12.32	Precision Method for the Determination of Sound Power Levels of Discrete Frequency and Narrow Band Noise Sources in Reverberation Rooms.....	1990
ANSI S 1.13	Methods for the Measurement of Sound Pressure Levels (R 1986).....	1971
ANSI S 1.6	Preferred Frequencies and Band Numbers for Acoustical Measurements (R 1990)..	1984
ANSI S 1.11	Specification for Octave-Band and Fractional-Octave- Band Analog and Digital Filters ..	1986
Opinion 76-16	Proceeding on Motion of the Commissioner as to Insulation Standards, PSC Case No. 26913 August 13, 1976.....	1976

***243-90 BCR; 261-86 BCR; 290-84 BCR**

**** REFERENCE STANDARD RS 12-1 HEATING**

1. HEATING CAPACITY - The heating capacity required in each room or space shall be calculated in accordance with the principles set forth in ASHRAE Handbook-1987 HVAC Systems and Applications.

The calculations of heating capacity shall consider the areas and transmission coefficients of all surfaces exposed to outdoor temperatures or to unheated areas, and shall include allowance for air infiltration and wind velocity. In spaces with high ceilings, an allowance shall be made for the effect of stratification so that the prescribed temperature will be maintained at a level 5 feet above the floor.

****243-90 BCR; 253-82 BCR**

***** REFERENCE STANDARD RS 12-2 SOUND TRANSMISSION CLASS RATINGS**

TEST PROCEDURES FOR STC RATINGS-The STC rating of a construction assembly shall be obtained from one of the following methods:

(a) Laboratory test:

ANSI/ASTM E 90 - 1987 Standard Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions.
ASTM E 413 - 1987 - Standard Classification for Determination of Sound Transmission Class.

(b) Field Test:

ANSI/ASTM E 90 - 1987 Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions.

ANSI/ASTM E 336 - 1984 Standard Test Method for Measurement of Airborne Sound Insulation in Buildings, applicable portions of this.

STC TEST DATA - Certified laboratory test data obtained by acceptable laboratories in accordance with ANSI/ASTM E 90 AND ASTM E 413 may be used in obtaining STC ratings.

The following national standards may be accepted for sound transmission class-ratings only:

NCMA-TEK 69.A - 1978 New Data on Sound Reduction with Concrete Masonry Walls.

GA-600 1988 Fire Resistance Design Manual, Twelfth Edition, as Modified.

*****243-90 BCR; 261-86 BCR; 290-84 BCR; 253-82 BCR**

Reference Standard 12

***REFERENCE STANDARD RS 12-3 IMPACT NOISE RATINGS

TEST METHOD FOR INR - The INR of a floor-ceiling construction assembly shall be obtained from the following:

ANSI/ASTM E 492 - 1986 Standard Method of Laboratory Measurement of Impact Sound Transmission through Floor-Ceiling Assemblies using the Tapping Machine.

TEST DATA FOR INR RATINGS - Certified laboratory test data obtained by acceptable laboratories in accordance with ANSI/ASTM E 492 may be used for INR RATING.

***243-90 BCR; 261-86 BCR; 253-82 BCR

*REFERENCE STANDARD RS 12-4 NOISE CRITERION (NC) LEVELS

NC levels shall be as shown in ASHRAE 1989 Handbook-Fundamentals.

*243-90 BCR; 253-82 BCR

***REFERENCE STANDARD 12-5**
TEST PROCEDURES FOR SOUND POWER LEVEL
The sound power levels of exterior mechanical equipment and of fan coil units, grills, registers, diffusers and induction units shall be measured in accordance with the following:

ASHRAE Handbook 1987- HVAC Systems and Applications.

**ANSI/ISO 1680-1986 Test Code for the Measurement of Airborne Noise Emitted by Rotating Electrical Machinery, Part 1 and Part 2.

*243-90 BCR; 253-82 BCR

**As enacted but ANSI never adopted.

****REFERENCE STANDARD 12-6**
ANSI S 1.4-1983 - Specification for Sound Level Meters and Supplement ANSI S 1.4a-1985.

**243-90 BCR; 261-86 BCR; 290-84 BCR

***REFERENCE STANDARD 12-7**
ANSI S 12.34 - 1988 Engineering Methods for the Determination of Sound Power Levels of Noise Sources for Free-Field Conditions over a Reflecting Plane.

ANSI S 12.30 - 1990 Guidelines for the Use of Sound Power Standards and for the Preparation of Noise Test Codes.

ANSI S 12.30† - 1990 Precision Method for the Determination of Sound Power Levels of Broadband Noise Sources in Reverberation Rooms.

ANSI S 12.32-1990 Precision Method for the Determination of Sound Power Levels of Discrete Frequency and Narrow Band Noise Sources in Reverberation Rooms.

ANSI S 1.13-1971 Methods for the Measure of Sound Pressure Levels. *** (R 1986).

*243-90 BCR; 253-82 BCR

†As enacted; but "12.31" probably intended.

***As enacted but "(R 1976)" probably intended.

***REFERENCE STANDARD 12-8

ANSI S 1.6-1984 Preferred Frequencies and Band Numbers for Acoustical Measurements (R 1990).

***243-90 BCR; 261-86 BCR; 253-82 BCR

***REFERENCE STANDARD 12-9**
ANSI S1.11-1986-Specification for Octave-Band and Fractional-Octave Band Analog and Digital Filters.

*243-90 BCR; 253-82 BCR

REFERENCE STANDARD 12-10
OPINION 76-16 PSC 1976 Case No. 26913-Proceeding on Motion of the Commission as to Insulation Standards, August 13, 1976.

REFERENCE STANDARD RS 13
MECHANICAL VENTILATION, AIR CONDITIONING, AND REFRIGERATION SYSTEMS

*** LIST OF REFERENCED NATIONAL STANDARDS**

**NFIPA 90A	Standard for the Installation of Air Conditioning and Ventilating Systems, As Modified....	1996
ANSI/ NFIPA 96	Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment.....	1984
***NFIPA 90B	Standard for the Installation of Warm Air Heating and Air Conditioning and Ventilating Systems, As Modified	1996
ANSI/ NFIPA 91	Standard for the Installation of Blower and Exhaust Systems for Dust, Stock and Vapor Removal Conveying.....	1973
† ANSI/ASHRAE 15	Safety Standard for Refrigeration Systems.....	2001
ANSI Z263.1/ UL 207	Standard for Refrigerant-Containing Components and Accessories Non-Electrical..	1982
ANSI Z262.1/ UL 303	Standard for Refrigeration and Air-Conditioning Condensing and Compressor Units, Revision March 1982.....	1980
ANSI B136.1/ UL 353	Limit Controls, Revision November 1976.....	1974
ANSI Z226.1/ UL 372	Standard for Primary Safety Controls for Gas and Oil-Fired Appliances. Revisions September 10, 1976 and September 3, 1980.....	1975
ANSI B144.1/ UL 465	Standard for Central Cooling Air Conditioners. Revision May 1981.....	1978
ANSI C33.14/ UL 484	Room Air Conditioners.....	1982
ANSI B191.1/ UL 559	Standard for Heat Pumps. Revision October 1981.....	1975
ANSI Z251.1/ UL 883	Standard for Fan-Coil Units and Room Fan-Heaters. Revision February 1982.....	1980
ANSI B124.1/ UL 900	Standard for Test Performance of Air Filter Units. Revision December 1980.....	1977
ANSI/ NFIPA 17	Standard for Dry Chemical Extinguishing Systems.....	1980

Note 1: Wherever in these standards reference is made to NFIPA 70, National Electrical Code, the work so covered shall meet the requirements of the Electrical Code of the City of New York.

Note 2: Wherever in these standards reference is made to the authority having jurisdiction, substitute "to the Commissioner."

* 913-82 BCR

** DOB 5-4-02; Local Law 16-1984

*** DOB 5-4-02

† DOB 4-27-05

***** REFERENCE STANDARD RS 13-1**

NFiPA No. 90 A-96, as modified, Standard for the Installation of Air Conditioning and Ventilation Systems.

Those provisions of ANSI/NFiPA No. 90 A-96 as herein set forth with the modifications thereto shall constitute Reference Standard RS 13-1.

The appendices to ANSI/NFiPA No. 90 A-96 are not part of this Reference Standard. These are for informational purposes only, and are not reproduced here.

Wherever reference is made to the "National Electrical Code" it shall be changed to read "Electrical Code of the City of New York."

The New York State Energy Conservation Construction Code also regulates the design and construction of heating, ventilating, and air conditioning systems in New York City.

**STANDARD FOR THE INSTALLATION OF AIR
CONDITIONING AND VENTILATION SYSTEMS
ANSI/NFiPA No. 90 A-1996, AS MODIFIED**

| Indicates where text deviates from ANSI/NFiPA No. 90A – 1996.
Section numbers are from ANSI/NFiPA No. 90A – 1996.

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CHAPTER 1 - GENERAL

1-1 Introduction. - An air duct system has the potential to convey smoke, hot gases, and flame from area to area and to supply air to aid combustion in the fire area. For these reasons, fire protection of an air duct system is essential to safety, to life and the protection of property. However, an air duct system's fire integrity also enables it to be used as part of a building's fire protection system. (See Section 1-4)

1-2 Scope. - This standard shall apply to all systems for the movement of environmental air in structures that are not otherwise exempted by Section 27-777(b) of the Administrative Code.

1-3 Purpose.

1-3.1 This standard is intended to prescribe minimum requirements for safety to life and property from fire. These requirements are intended to:

(a) Restrict the spread of smoke through air duct systems within a building or into a building from the outside.

(b) Restrict the spread of fire through air duct systems from the area of fire origin whether located within the building or outside.

(c) Maintain the fire-resistive integrity of building components and elements such as floors, partitions, roofs, walls, and floor/roof-ceiling assemblies affected by the installation of air duct systems.

(d) Minimize ignition sources and combustibility of the elements of the air duct systems.

(e) Permit the air duct systems in a building to be used for the additional purpose of emergency smoke control.

1-3.2 Nothing in this standard is intended to prevent the use of new methods or devices, provided that sufficient technical data is submitted to the Department of Buildings to demonstrate that the proposed method or device is equivalent in quality, strength, durability, and safety to that prescribed by this standard.

1-3.3 The provisions of this standard are not intended to be applied retroactively. Where the system is being

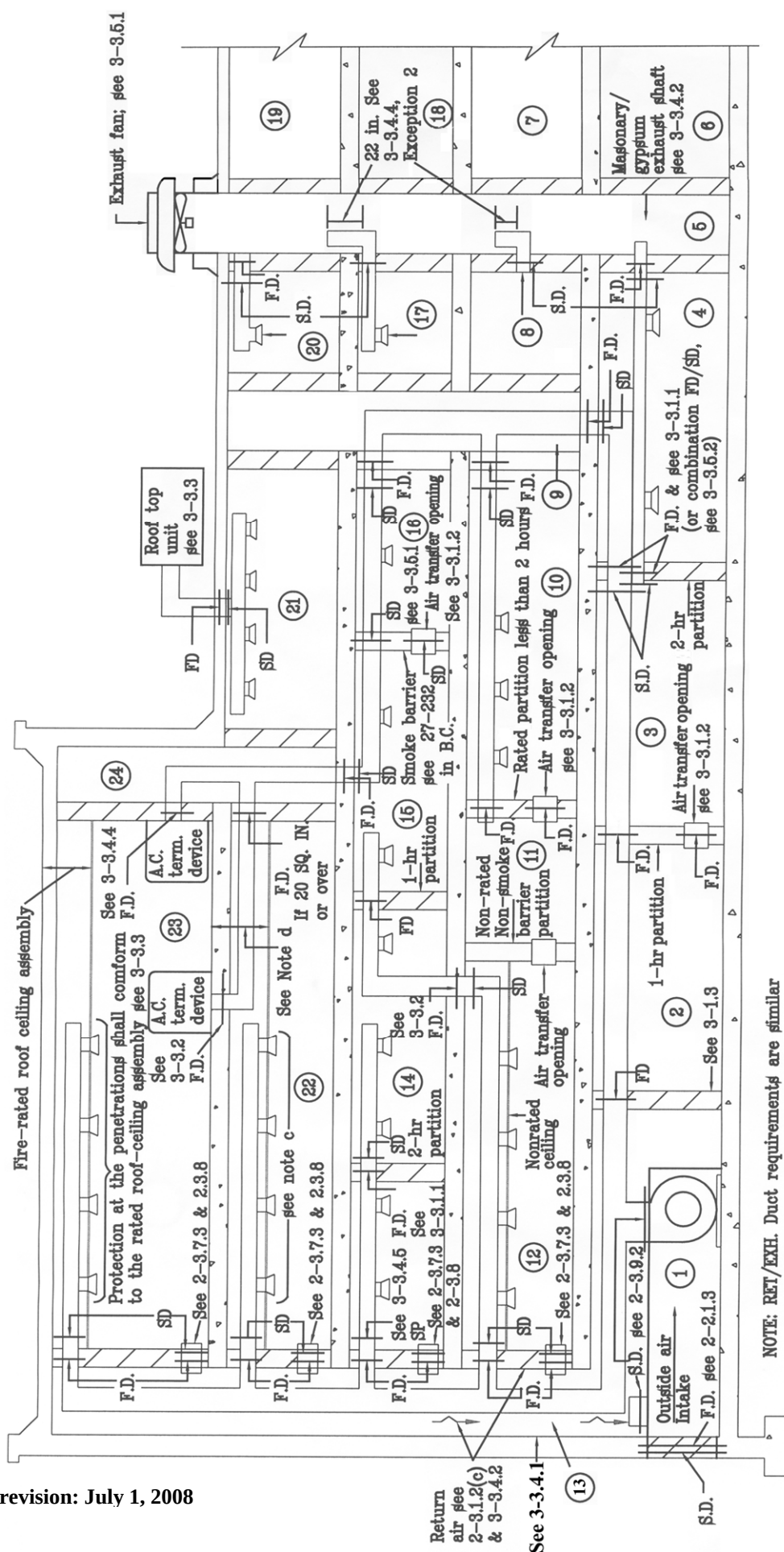


Figure 3-3 Application of Penetration requirements

3-3.4.4 Fire dampers shall be installed at each direct or ducted opening into or out of enclosures required by 3-3.4.1. *Exception No. 1: Where an air duct system serving only one story is used only for exhaust of air to the outside and is contained within its own dedicated shaft.*

Exception No. 2: Where branch ducts connect to enclosed exhaust risers meeting the requirements of 3-3.4.1 or 3-3.4.2 in which the airflow moves upward and steel subducts at least 22 in. (559 mm) in length are carried up inside the riser for each inlet and the riser is appropriately sized to accommodate the flow restriction created by the subduct. (See Figure 3-3)

Exception No. 3: Where such openings are provided for ducts serving air terminal units and the ducts or duct connectors meet all of the following conditions (See Figure 3-3):

(a) They have a cross-sectional area of less than 20 sq. in. (12900 mm²);

(b) They meet the requirements specified in 2-3.1;

(c) They serve air terminal units which directly abut the shaft enclosure or have continuous architectural enclosures constructed the same as the air terminal unit; and

(d) They meet the requirements of 3-4.6.4.

3-3.5 Location of Smoke Dampers.

3-3.5.1 Smoke dampers shall be installed at or adjacent to the point where air ducts pass through required smoke barriers, partitions adjacent to spaces leading from elevators to a street or to the exterior of a building, and any construction required to have a rating of 2 hrs. or more, but in no case shall a smoke damper be installed more than 2 ft. (610 mm) from the barrier or after the first air duct inlet or outlet, whichever is closer to the smoke barrier.

Exception No. 1: Smoke dampers shall not be required on air systems other than where necessary for the proper function of that system where the system is designed specifically to:

(a) Function as an engineered smoke-control system, including the provision of continuous air movement with the air-handling system; or

(b) Provide air to other areas of the building during a fire emergency; or

(c) Provide pressure differentials during a fire emergency.

Exception No. 2: Smoke dampers shall not be required to be located within a prescribed distance of a fire rated enclosure where isolation smoke dampers are used in air-handling equipment. (See 2-3.9.2)

Exception No. 3: Buildings classified in Occupancy Group J-2.

Exception No. 4: Smoke dampers shall not be required in ducts where the air continues to move and the air-handling system installed is arranged to prevent recirculation of exhaust or return air under fire emergency conditions.

3-3.5.2 Where penetration of a smoke barrier is required to be provided with a fire damper, a combination fire and smoke damper equipped and arranged to be both smoke responsive and heat responsive shall be permitted.

3-3.5.3 The above requirements are applicable to new buildings and existing buildings where new fire rated partitions are erected or where existing ducts are being modified or reconfigured in such a way as to require the installation of smoke and/or fire dampers.

3-4 Fire Dampers, Smoke Dampers, and Ceiling Dampers.

3-4.1 Fire dampers used for the protection of openings in walls, partitions, or floors with fire resistance ratings of less than 3 hours shall have a one and one-half-hour fire protection rating in accordance with UL 555/99, *Standard for Safety Fire Dampers*.

3-4.2 Fire dampers used for the protection of openings in walls, partitions, or floors having a fire resistance rating of 3 hours or more shall have a 3-hour fire protection rating in accordance with UL 555/99, *Standard for Safety Fire Dampers*.

3-4.3 Smoke dampers used for the protection of openings in smoke barriers or in engineered smoke-control systems shall be classified in accordance with UL 555S/99, *Standard for Safety Leakage Rated Dampers for Use in Smoke Control Systems*.

3-4.4 Ceiling dampers or other methods of protecting openings in rated floor/roof-ceiling assemblies shall comply with the construction details of the tested floor/roof-ceiling assembly or with listed ceiling air diffusers, or with listed ceiling dampers. Ceiling dampers shall be tested in accordance with UL 555C/96, *Standard for Safety Ceiling Dampers*.

3-4.5 Damper Closure.

3-4.5.1 All fire dampers and ceiling dampers shall close automatically, and they shall remain closed upon the operation of a listed fusible link or other approved heat-actuated device located where readily affected by an abnormal rise of temperature in the air duct.

3-4.5.2 Fusible links shall have a temperature rating approximately 50°F (28°C) above the maximum temperature that normally is encountered when the system is in operation or shut down, but not less than 160°F (71°C).

Exception: Where combination fire/smoke dampers are located within air ducts that are part of an engineered smoke-control system, fusible links or other approved heat-responsive devices shall have a temperature rating approximately 50°F (28°C) above the maximum smoke-control system designed operating temperature, but shall not exceed the UL 555S/99, Standard for Safety Leakage Rated Dampers for Use in Smoke Control Systems degradation test temperature rating of the combination fire/smoke damper or a maximum of 350°F (177°C).

3-4.5.3 A provision for remote opening of combination fire and smoke dampers, where necessary for smoke removal, shall be permitted. Such dampers shall have provisions that allow them to reclose automatically upon reaching the damper's maximum degradation test temperature in accordance with UL 555S/99, *Standard for Safety Leakage Rated Dampers for Use in Smoke Control Systems*.

3-4.5.4 Dampers shall close against the maximum calculated airflow of that portion of the air duct system in which they are installed. Fire dampers shall be tested in accordance with UL 555/99, *Standard for Safety Fire*

Reference Standard 13

Standard Methods of Fire Tests for Flame-Resistant Textiles and Films] RS 7-3.

Closure systems for use with rigid air ducts tested in accordance with UL 181/96, *Standard for Safety Factory-Made Air Ducts and Air Connectors*, shall have been tested and listed in accordance with UL 181A/94, *Standard for Safety Closure Systems for Use with Rigid Air Ducts and Air Connectors*, and used in conformance with the conditions of the listing.

2-3.5.1 Registers shall be constructed of metal or shall conform with the following:

(a) Registers shall be made of a material classified as 94 HB when tested as described in UL 94/96, *Standard for Safety Test for Flammability of Plastic Materials for Parts in Devices and Appliances*.

(b) Floor registers shall resist, without structural failure, a 200-lb (90.7-kg) concentrated load on a 2-in. (51-mm) diameter disc applied to the most critical area of the exposed face of the register. For this test, the register shall be at a temperature not less than 165°F (74°C) and shall be supported in accordance with the manufacturer's instructions.

2-3.5.3 Fittings connecting the registers to the duct system shall be constructed of metal or material that complies with the requirements of Class 0, Class 1, or Class 2 ducts in UL 181/96, *Standard for Safety Factory-Made Air Ducts and Air Connectors*.

4-1.1.3 Construction.

(a) Where the warm air supply is from a warm air furnace, heating panels shall be enclosed on all sides with material that is wholly noncombustible or that possesses a flame spread classification of not over 25 as determined in accordance with [NFPA 255, *Standard Method of Test of Surface Burning Characteristics of Building Materials*] RS 5-5. This enclosing material shall be attached securely to the building structure; joints and seams shall be substantially airtight. Braces and hangers inside the chamber shall be noncombustible.

(b) Where the warm air supply is from a steam or hot water heat exchanger, heating panels shall either comply with 4-1.1.3(a) or shall be enclosed on all sides with material not more flammable than 1-in. (25.4-mm) (nominal) wood boards. This enclosing material shall be attached securely to the building structure; joints and seams shall be substantially airtight. No single vertical heating panel shall serve more than one story.

4-1.3.1 Air filters shall have either a Class 1 or Class 2 rating in accordance with [UL 900, *Standard for Safety Air Filter Units*, 1994] RS 13-15.

4-1.3.3 Liquid adhesive coatings used on filters shall have a flash point not less than 325°F (163°C) in accordance with [ASTM D 93, *Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester*] RS 14-13.

4-1.3.4 All air filters shall be kept free of excess dust and combustible material. Unit filters shall be renewed or cleaned when the resistance to airflow has increased to two times the original resistance or when the resistance has reached a value of recommended replacement by the manufacturer. A permanently installed draft gauge shall be provided for this purpose. Where the filters are of the automatic liquid adhesive type, sludge shall be removed from the liquid adhesive reservoir regularly.

4-1.4 Air-Cooling Equipment.

Mechanical refrigeration used with air duct systems shall be installed in accordance with [ANSI/ASHRAE 15, *Safety Code for Mechanical Refrigeration*] RS 13-6.

4-2 Electric Wiring and Equipment.

Electric wiring and equipment shall be adequate for safe operation and shall be installed in accordance with [NFPA 70, *National Electrical Code*®] the New York City Electrical Code. In addition, a disconnecting means shall be installed within sight and easy reach in the ungrounded leads of each power circuit to electrically operated components that are in unprotected locations and in other locations not readily accessible for service.

4-3.2 Fan Control for Stoker-Fired Furnaces.

Where a warm air furnace equipped with a fan to circulate the air is stoker-fired, it also shall be equipped with an automatic overrun control to start the fan when the air in the furnace bonnet or at the beginning of the main supply duct at a point not affected by radiated heat reaches a temperature not higher than 200°F (93°C) after the stoker and fan (in its normal operation) have been shut down as a result of a satisfied thermostat. If a manual disconnect is installed in the air circulating fan electrical circuit, it shall be installed to deenergize both the fan and the stoker simultaneously. Solid fuel may be used only as permitted by Local Law 93/85.

4-3.4 Thermostatically Controlled, Hand-Fired, Solid-Fuel Burning Furnaces.

Hand-fired, solid-fuel burning furnaces on which the furnace draft is controlled by a thermostat shall be equipped with the following:

(a) A fail-safe 250°F (121°C) limit control installed not more than 10 in. (254 mm) above the top surface of the heat exchanger in a supply plenum that extends at least 12 in. (305 mm) above the top surface of the heat exchanger; and

(b) A barometric draft control operated by draft intensity and permanently set to limit the draft to a maximum intensity of 0.13 in. (32.4 Pa) of water gauge. A fail-safe limit control is a limit control that automatically checks the furnace in the event of power failure or shutoff or that automatically checks the furnace when a temperature of 250°F (121°C) is reached, whether or not power is available.

(c) Solid fuel may be used only as permitted by Local Law 93/85.

4-3.5 Air-Circulating Fan Controls.

Reference Standard 13

Where a hand-fired, solid-fuel burning furnace is equipped with a fan to circulate the air, it shall be equipped with fan controls as required for stoker-fired furnaces by 4-3.2. Solid fuel may be used only as permitted by Local Law 93/85.

* * *

Chapter 5 Referenced Publications – Delete Appendix B - Delete

***DOB 5-4-02; 723-72 BCR**

****REFERENCE STANDARD RS 13-5**

ANSI/NFPA 91-1973-Standard for the installation of blower and exhaust systems for dust, stock, and vapor removal or conveying.

****913-82 BCR**

*****REFERENCE STANDARD RS 13-6**

New material is underlined

Material in [brackets] is existing text to be deleted

**** Indicates where unchanged text appears in the*

Referenced National Standards

Material in bold text or italicized text is as appears in the Referenced National Standards

Modifications – The provisions of ANSI/ASHRAE 15-2001 shall be subject to the following modifications. The section and subsection numbers are from the standard.

* * *

2. SCOPE

Subsection 2.2 is amended to read as follows:

2.2 This standard applies

(a) to the design, construction, test, installation, operation, and inspection of mechanical and absorption refrigeration systems including heat pump systems used in stationary applications,

(b) to modifications including replacement of parts or components if they are not identical in function and similar capacity, and

(c) to substitutions of refrigerant having a different designation, except that substitutions made to a system lawfully installed prior to and maintained and operated since April 27, 2005, shall not trigger the requirement that the system's "Air supply and exhaust ducts to the machinery room shall serve no other area". (§ 8.11.4) for the following replacement refrigerants:

(i) Refrigerants having a safety classification of Group A1.

(ii) R123, provided that the architect or engineer demonstrates to the satisfaction of the Commissioner that:

a. Providing such air supply and exhaust ducts represents a hardship (such as but not limited to existing machinery rooms located in a cellar (sub-basement) with their supply and exhaust ducts serving other areas, etc); and

b. The proposed alternative provides an equivalent level of safety.

3. DEFINITIONS

Add or amend the following definitions:

accepted: acceptable to the Commissioner of the Department of Buildings of the City of New York.

authority having jurisdiction: the Commissioner of the Department of Buildings of the City of New York.

listed: equipment or material[s] included in a list published by an organization [approved, nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner] acceptable to the Commissioner of the Department of Buildings of the City of New York. Listed equipment and materials shall comply with all provisions of the reference standard.

lobby: [a waiting room or large hallway serving as a waiting room.] Refer to §27-370 of the New York City Building Code for the meaning of lobby.

premises: [a tract of land and the buildings thereon.] As defined in Article 2, Subchapter 2 of the New York City Building Code.

tenant: a person or organization having the legal right to occupy a premises.]

The title of Section 4. is amended as follows:

4. BUILDING OCCUPANCY CLASSIFICATION

Subsections 4.1.1 through 4.1.6 are amended as follows:

The occupancy group classifications of building occupancies shall be those defined in the NYC Building Code as follows:

4.1.1 Institutional occupancy [is a premise or that portion of a premise from which, because they are disabled, debilitated, or confined, occupants cannot readily leave without the assistance of others. Institutional occupancies include, among others, hospitals, nursing homes, asylums, and spaces containing locked cells.] shall include Occupancy Groups H-1 and H-2.

4.1.2 Public assembly occupancy [is a premise or that portion of a premise where large numbers of people congregate and from which occupants cannot quickly vacate the space. Public assembly occupancies include, among others, auditoriums, ballrooms, classrooms, passenger depots, restaurants, and theaters.] shall include Occupancy Groups F-1, F-2, F-3, F-4, and G.

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4.1.3 Residential occupancy [is a premise or that portion of a premise that provides the occupants with complete independent living facilities including permanent provisions for living, sleeping, eating, cooking, and sanitation. Residential occupancies include, among others, dormitories, hotels, multi-unit apartments, and private residences.] shall include Occupancy Groups J-1, J-2 and J-3.

4.1.4 Commercial occupancy [is a premise or that portion of a premise where people transact business, receive personal service, or purchase food and other goods. Commercial occupancies include, among others, office and professional buildings, markets (but not large mercantile occupancies), and work or storage areas that do not qualify as industrial occupancies.] shall include Occupancy Groups C and E, except retail stores having an occupant load of more than 100 persons on any floor other than the street floor.

4.1.5 Large mercantile occupancy [is a premise or that portion of a premise where more than 100 persons congregate on levels above or below street level to purchase personal merchandise.] retail stores having an occupant load of more than 100 persons on any floor other than the street floor.

4.1.6 Industrial occupancy [is a premise or that portion of a premise that is not open to the public, where access by authorized persons is controlled, and that is used to manufacture, process, or store goods such as chemicals, food, ice, meat, or petroleum.] shall include Occupancy Groups A, B-1, B-2, D-1 and D-2.

5. REFRIGERATING SYSTEM CLASSIFICATION

Subsection 5.3 is amended as follows:

5.3 Changing Refrigerant. A change in the type of refrigerant in a system shall not be made without the notification of the authority having jurisdiction, the user, and due observation of safety requirements. The refrigerant being considered shall be evaluated for suitability by the architect or engineer. Such evaluation may include, but not be limited to an evaluation of:

- (a) The effects of the substituted refrigerant on materials in the system;
- (b) The possibility of overloading the liquid receiver which shall not be more than 80 percent full of liquid;
- (c) The liability of exceeding motor horsepower, design working pressure, or any other element that would violate any of the provisions of this reference standard;
- (d) The proper size of refrigerant controls;
- (e) The effect of the operation and setting of safety devices;
- (f) The possible hazards created by mixture of the original and the substituted refrigerant;
- (g) The effect of the classification of the refrigerant as provided.

7. RESTRICTIONS ON REFRIGERANT USE

Subsection 7.2 Exception is amended as follows:
Exception:

[(a) Listed equipment containing not more than 6.6 lb. (3 kg) of refrigerant, regardless of its refrigerant safety classification, is exempt from 7.2 provided the equipment is installed in accordance with the listing and with the manufacturer's installation instructions.

(b) Listed equipment for use in laboratories with more than 100 ft² (9.3 m²) of space per person, regardless of the refrigerant safety classification, is exempt from 7.2 provided that the equipment is installed in accordance with the listing and the manufacturer's installation instructions.] Use of a Group A3 or Group B3 refrigerant is prohibited. However, in an Industrial Occupancy, a Group A3 or Group B3 refrigerant may be used in high or low probability systems only when approved by the Commissioner and the Fire Commissioner. Such use will be approved only if the applicant can demonstrate to the satisfaction of the Commissioner and the Fire Commissioner that the use of the refrigerant does not represent a substantial risk to life, limb, health or property.

7.2.2 Condition 3, Exception: is amended as follows:

Exception: The minimum floor area shall not apply where the space is provided with egress directly to the outdoors or into [approved] building exits, meeting the requirements of the New York City Building Code.

Subsection 7.5.2 is amended to read as follows:

7.5.2 Applications for Human Comfort. Group A2, A3, B1, B2, and B3 refrigerants shall not be used in high-probability systems for human comfort.

Exceptions:

(1) [Subsection] 7.5.2 does not apply to sealed absorption and unit systems having refrigerant quantities less than or equal to those indicated in Table 2.

(2) [Subsection] 7.5.2 does not apply to industrial occupancies.

8. INSTALLATION RESTRICTIONS

Subsection 8.2 is amended to read as follows:

8.2 Guards. Moving machinery shall be guarded in accordance with [approved safety standards.³] UL 1995³.

Subsection 8.6 is amended to read as follows:

8.6 Gas Fuel Equipment. Gas fuel devices and equipment used with refrigerating systems shall be installed in accordance with [approved safety standards and the requirements of the authority having jurisdiction] this code.

Subsection 8.7 is amended to read as follows:

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8.7 Air Duct Installation. Air duct systems of air conditioning equipment for human comfort using mechanical refrigeration shall be installed in accordance with [approved safety standards, the requirements of the authority having jurisdiction] this code and the requirements of 8.11.7.

Subsection 8.8 is amended to read as follows:

8.8 Refrigerant Parts in Air Duct. Joints and all refrigerant-containing parts of a refrigerating system located in an air duct carrying conditioned air to and from an occupied space shall be constructed to withstand a temperature of [700°F (371.1°C)] 1,000°F (537.8°C) without leakage into the airstream.

Subsection 8.10.1 is amended to read as follows:

8.10.1 Refrigerant piping crossing an open space that affords passageway in any building shall not be less than [7.25 ft (2.2m)] 7.50 ft (2.3 m) above the floor unless the piping is located against the ceiling of such space and is permitted by the authority having jurisdiction.

Subsection 8.10.3(c) is deleted as follows:

8.10.3 Refrigerant piping shall not penetrate floors, ceilings, or roofs.

Exceptions:

[(c) Penetrations connecting adjacent floors served by the refrigeration system.]

Subsection 8.11.2 is amended to read as follows:

8.11.2 Each refrigerating machinery room shall have a tight-fitting door or doors opening outward, self-closing if they open into the building, and adequate in number to ensure freedom for persons to escape in an emergency. With the exception of access doors and panels in air ducts and air handling units conforming to 8.11.7, there shall be no openings that will permit passage of escaping refrigerant to other parts of the building. All doors of the machinery room shall be provided with the appropriate diamond hazard identification sign in accordance with National Fire Protection Standard No. 704 - 2001.

Subsection 8.11.2.1 first paragraph is amended to read as follows:

8.11.2.1 Each refrigerating machinery room shall contain a detector, located in an area where refrigerant from a leak will concentrate, that actuates an alarm and mechanical ventilation in accordance with 8.11.4 at a value not greater than the corresponding TLV-TWA (or toxicity measure consistent therewith), or 20% of the LFL, whichever is smaller. The alarm shall annunciate visual and audible alarms inside the refrigerating machinery room and outside each entrance to the refrigerating machinery room. The alarms required in this section shall be of the manual reset type with the reset located inside the refrigerating machinery room.

Add the new subsection as follows:

8.11.2.2 Remote Controls. A clearly identified switch of the break-glass type shall provide off-only control of the compressors in the machinery room. A second clearly identified switch of the break-glass type shall provide on-only control of the machinery room ventilation fans. Such switches shall be located outside each entrance to the machinery room and as close to the entrance as practicable, except that when an outside location is impracticable, such switches may be located immediately inside the machinery room provided such location is accessible at all times.

Subsection 8.11.4 is amended to read as follows:

8.11.4 Mechanical ventilation referred to in 8.11.3 shall be by one or more power-driven fans capable of exhausting air from the machinery room at least in the amount given in the formula in 8.11.5. To obtain a reduced airflow for normal ventilation, multiple fans or multispeed fans shall be used. Provision shall be made for inlet air to replace that being exhausted. Openings for inlet air shall be positioned to avoid recirculation. Air supply and exhaust ducts to the machinery room shall serve no other area. The discharge of the air shall be to the outdoors in such a manner as not to cause a nuisance or danger. Also, the discharge of the fans shall not be within ten feet (3 m) of any air intake, building opening, fire escape or exterior stair. Exhaust registers or outlets capable of exhausting the amount required by subsection 8.11.5 shall be located near the floor unless a lighter than air refrigerant is used. When a lighter than air refrigerant is used, the exhaust registers or outlets shall be located near the ceiling. Emergency remote controls for the mechanical means of ventilation shall be provided and located outside the machinery room.

Subsection 8.12 (b) is amended to read as follows:

8.12(b) Doors communicating with the building shall be [approved] accepted, self-closing, tight-fitting fire doors, and shall be provided with the appropriate diamond hazard identification sign in accordance with National Fire Protection Association Standard Number 704 of 2001.

Subsection 8.12 (i) is amended by read as follows:

(i) Remote control of the mechanical equipment in the refrigerating machinery room shall be provided immediately outside the machinery room door solely for the purpose of shutting down the equipment in an emergency. Ventilation fans shall be on a separate electrical circuit and have a control switch located immediately outside the machinery room door.

A clearly identified switch of the break-glass type shall provide off-only control of the compressors in the machinery room. A second clearly identified switch of the break-glass type shall provide on-only control of the machinery room ventilation fans. Such switches shall be located outside

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each entrance to the machinery room and as close to the entrance as practicable, except that when an outside location is impracticable, such switches may be located immediately inside the machinery room provided such location is accessible at all times.

New subsection 8.15 is added as follows:

8.15 All insulation including finishes, coverings, vapor barriers, and adhesives used with refrigeration systems shall meet the requirements of section 27-811 of the New York City Building Code.

9. DESIGN AND CONSTRUCTION OF EQUIPMENT AND SYSTEMS

Subsection 9.3.1.1(a) is amended to read as follows:

9.3.1.1 (a) listed either individually or as part of an assembly [an approved,] a nationally recognized testing laboratory or

Subsection 9.4.1 is amended to read as follows:

9.4.1 Refrigerating systems shall be protected by a pressure-relief device or other [approved] recognized means to safely relieve pressure due to fire or other abnormal conditions.

Subsection 9.7.2.3 is amended to read as follows:

9.7.2.3 Pressure vessels of 10 ft³ (0.285 m³) or more internal gross volume shall use [a single] one or more rupture member(s) or dual pressure-relief valves when discharging to the atmosphere. Dual pressure-relief valves shall be installed with a three-way valve to allow testing or repair. When dual relief valves are used, each valve must meet the requirements of subsection 9.7.5.

Exception: A single relief valve is permitted on pressure vessels of 10 ft³ (0.285 m³) or more internal gross volume when all of the following conditions are met:

- (a) the relief valves are located on the low side of the system, and
- (b) the vessel is provided with shutoff valves designed to allow pumpdown of the refrigerant charge of the pressure vessel, and
- (c) other pressure vessels in the system are separately protected in accordance with subsection 9.7.2.

Subsection 9.7.2.4 is to be deleted in its entirety as follows:

9.7.2.4 One or more relief valves shall be used on pressure vessels of 10 ft³ (0.285 m³) or more internal gross volume if:
(a) the relief valves are located on the lowside of the system,
(b) shut-off valves are installed to isolate the vessels from the rest of the refrigerating system, and
(c) the system is designed to allow pumpdown of the refrigerant charge of the pressure vessel.]

Subsection 9.7.8 is deleted in its entirety and amended to read as follows:

9.7.8 Pressure-relief devices and fusible plugs on any system containing a Group A3 or B3 refrigerant; or any system containing more than 6.6 lb (3 kg) of a Group A2, B1, or B2 refrigerant; and on any system containing more than 110 lb (50 kg) of a Group A1 refrigerant shall discharge to the atmosphere at a location not less than 15 ft (4.57 m) above the adjoining ground level and not less than 20 ft (6.1 m) from any window, ventilation opening, or exit in any building. The discharge shall be terminated in a manner that will prevent the discharged refrigerant from being sprayed directly on personnel in the vicinity and foreign material or debris from entering the discharge piping. Discharge piping connected to the discharge side of a fusible plug or rupture member shall have provisions to prevent plugging the pipe in the event the fusible plug or rupture member functions.]

9.7.8 Discharge of pressure relief devices and fusible plugs on all systems containing a Group A3 or B3 refrigerant or more than one pound of a Group A2, B1 or B2 refrigerant shall be to the outside of the building. On systems containing more than 100 lb (45 kg) of Group A1 refrigerant, discharge of pressure relief devices and fusible plugs shall be to outside of the building. The discharge pipe shall be at least 15 ft (4.6 m) above the adjoining grade level and not less than 20 ft (6 m) from any window, ventilation opening, or exit in any building. The discharge shall be terminated in such a manner as to prevent direct spray of discharged refrigerant on personnel in the vicinity and foreign material or debris from entering the discharge piping. Discharge of systems employing Group A2 or B2 refrigerant shall be acceptable to the Commissioner. Discharge of Group A3 or B3 refrigerant shall be acceptable to the Commissioner and the Fire Commissioner. The relief valve and fusible plug discharge piping shall not have any isolation valves or other restrictions in the line to obstruct the relief flow.

Subsection 9.9.1 is amended to read as follows:

9.9.1 When Required. Pressure-limiting devices shall be provided on all systems operating above atmospheric pressure, except that a pressure-limiting device is not required on any factory-sealed system containing less than 22 lb. (10 kg) of Group A1 refrigerant that has been listed by [an approved,] a nationally recognized testing laboratory and is so identified.

Subsection 9.10.1 is amended to read as follows:

9.10.1 Refrigerant piping, valves, fittings, and related parts having a maximum internal or external design pressure greater than 15 psig (103.4 kPa gage) shall be listed either individually or as part of an assembly or a system by [an approved,] a nationally recognized laboratory or shall comply with ASME B31.5⁶ where applicable.

Subsection 9.11.1, first paragraph is amended to read as follows:

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9.11.1 Every pressure-containing component of a refrigerating system, other than pressure vessels, piping, pressure gages, and control mechanisms, shall be listed either individually or as part of a complete refrigeration system or a sub assembly by [an approved,] a nationally recognized testing laboratory or shall be designed, constructed, and assembled to have an ultimate strength sufficient to withstand three times the design pressure for which it is rated.

Subsection 9.11.2 is amended to read as follows:

9.11.2 Liquid-level-gage glass columns shall have manual and automatic closing shut-off valves. All such glass columns shall be protected against external damage and properly supported.

Exception: Liquid-level-gage glasses of the bull's-eye type.

Subsection 9.12.5, first paragraph is amended to read as follows:

9.12.5 Systems containing [more than 110 lb (50 kg)] 100 lb (45 kg) or more of refrigerant shall have stop valves installed at the following locations:

Subsection 9.15 is amended to read as follows:

9.15 Nameplate. Each unit system and each separate condensing unit, compressor, or compressor unit sold for field assembly in a refrigerating system shall carry a nameplate marked with the manufacturer's name, nationally registered trademark or trade name, identification number, the design pressures, and the refrigerant for which it is designed. The refrigerant shall be designated by the refrigerant number (R number) as shown in Table 1. If the refrigerant is not listed in Table 1, the refrigerant shall be designated in accordance with ANSI/ASHRAE 34.¹ Also include the horsepower of the prime mover or compressor, and the equivalent of such horsepower in kilowatts.

11. GENERAL REQUIREMENTS

Subsection 11.2.1 is amended to read as follows:

11.2.1 Installation Identification. Each refrigerating system erected on the premises shall be provided with a legible permanent sign, securely attached and easily accessible, indicating

- (a) the name and address of the installer,
- (b) the refrigerant number and amount of refrigerant,
- (c) the lubricant identity and amount, [and]
- (d) the field test pressure applied_{1,2} and
- (e) the horsepower of the prime mover or compressor and the equivalent thereof in kilowatts.

Subsection 11.3 is amended to read as follows:

11.3 Charging, Withdrawal, and Disposition of Refrigerants. No service containers shall be left connected to a system except while charging or withdrawing refrigerant. Refrigerants withdrawn from refrigerating systems shall be transferred to [approved containers only] containers meeting the requirements of the Fire Department as specified in Title 27, Chapter

4, Subchapter 17 of the NYC Fire Code. Except for discharge of pressure-relief devices and fusible plugs, incidental releases due to leaks, purging of noncondensibles, draining oil and other routine operating or maintenance procedures, no refrigerant shall be discharged to the atmosphere or to locations such as a sewer, river, stream, or lake.

Subsection 11.4 is amended to read as follows:

11.4 Containers. Containers used for refrigerants withdrawn from a refrigerating system shall be as prescribed in the pertinent regulations of the Department of Transportation and shall be carefully weighed each time they are used for this purpose, and containers shall not be filled in excess of the permissible filling weight_{1,2} and in no case more than 75 per cent of the container capacity.

Section 11.5 is amended to read as follows:

11.5 Storing Refrigerant. The total amount of refrigerant stored in a machinery room [in all containers not provided with relief valves and piping in accordance with 9.7 shall not exceed 330 lb (150 kg).] shall not be more than twenty percent of the normal charge in the system or more than 330 lb (150 kg) in addition to the charge in the system and the refrigerant in a permanently attached receiver. Refrigerant shall be stored in [approved storage] containers_{1,2} meeting the requirements of the Fire Department. Additional quantities of refrigerant shall be stored in [an] a [approved] storage facility_{1,2} meeting the requirements of the New York City Building Code".

Exception: Recovery service containers used for storing refrigerant during periods of system maintenance or replacement may exceed 330 lb (150 kg) provided such containers, (1) are securely fixed in position, and (2) have pressure relief valves piped to the outside in conformance with this standard.

Subsection 11.7 Responsibility for Operation and Emergency Shutdown, second paragraph is amended to read as follows:

Emergency shutdown procedures, including precautions to be observed in case of a breakdown or leak, shall be displayed on a conspicuous card located as near as possible to the refrigerant compressor. These precautions shall address

- (a) instructions for shutting down the system in case of emergency;
- (b) the name, address, and day and night telephone number for obtaining service; and
- (c) the names, addresses, and telephone numbers of all corporate, local, state, and federal agencies to be contacted as required in the event of a reportable incident_{1,2};
- (d) Where such systems are installed in machinery rooms, the instructions shall state that, in case of emergency or refrigerant leakage, the machinery room shall be vacated promptly, the system shut down by means of the required remote controls located outside the machinery room, and the room ventilated.

13. LISTED EQUIPMENT

Section 13 is amended to read as follows:

13. LISTED EQUIPMENT

Equipment listed by [an approved] a, nationally recognized testing laboratory and identified, as part of the listing, as being in conformance with this standard is deemed to meet the design, construction of equipment and factory test requirements sections of this standard for the refrigerants or refrigerants for which the equipment was designed.

APPENDIX E

NORMATIVE REFERENCES

Normative reference Number 4. is amended as follows:

4. [ANSI/NFPA 70-1990, *National Electrical Code*, National Fire Protection Association (NFPA), Quincy, MA 02269] New York City Electrical Code.

*** DOB 4-27-05; 913-82 BCR; Local Law 76-1972.

*REFERENCE STANDARD RS 13-7

ANSI Z263.1/UL 207-1982 Standard for Refrigerant Containing Components and Accessories, Non Electrical.

*913-82 BCR; Local Law 80-1973

*REFERENCE STANDARD RS 13-8

ANSI Z262.1/UL 303 - 1980 Standard for Refrigeration and Air-Conditioning Condensing and Compressor Units. Revision March 1982.

*913-82 BCR; Local Law 80-1973

*REFERENCE STANDARD RS 13-9

ANSI B136.1/UL 353 - 1974 Limit Controls. Revision November 1976.

*913-82 BCR; Local Law 80-1973

*REFERENCE STANDARD RS 13-10

ANSI Z226.1/UL 372 - 1975 Standard for Primary Safety Controls for Gas and Oil-Fired Appliances. Revisions September 10, 1976 and September 3, 1980.

*913-82 BCR; Local Law 80-1973

*REFERENCE STANDARD RS 13-11A

ANSI B144.1/UL 465 - 1978 Standard for Central Cooling Air Conditioners. Revision May 1981.

*913-82 BCR; Local Law 80-1973

**REFERENCE STANDARD RS 13-11B FIELD TEST PROCEDURES FOR LARGE

MECHANICAL LIQUID CHILLING UNITS

1.0 PURPOSE

1.1 The purpose of this procedure is to establish the basis for investigation and testing a mechanical liquid chilling unit, primarily for use with environmental applications, to determine its adequacy for public safety.

2.0 SCOPE

2.1 This procedure applies to mechanical liquid chilling packages consisting of a factory designed and fabricated assembly (not necessarily shipped as one package) of one or more compressors, condensers and liquid coolers with interconnections and appurtenances.

2.2 This procedure applies to any reciprocating, centrifugal or screw type hermetic liquid chilling package or open-drive liquid chilling package driven by an electric motor, steam turbine or other prime mover which cannot be tested in an approved independent testing laboratory. Certification of the inadequacy of existing test facilities shall be obtained in writing from the President, Air Conditioning and Refrigeration Institute and accepted by the Director, MEA Division, prior to commencement of testing.

2.3 All electrical work shall conform with the New York City Electrical Code. Electrical equipment shall be submitted to the Advisory Board of the Bureau of Gas and Electricity for approval.

3.0 REFERENCE STANDARDS

3.1 The equipment shall comply with all applicable requirements of the following standards and codes:

3.1.1 Hermetic and open-drive chilling units.

A. ANSI B9.1 Safety Code for Mechanical Refrigeration.

B. ANSI B144.1 (UL 465) Standard for Safety, Central Cooling Air Conditioners.

3.1.2 Open-drive chilling units.

A. Electric motor drive: ANSI C51.1 (NEMA Publication MG 2) Safety Standard for Construction and Guide for Selection, Installation and Use of Electric Motors and Generators.

B. Steam turbine drive: NEMA Publication SM 21 Multistage Steam Turbines For Mechanical Drive Service of NEMA Publication SM 22 Single Stage Turbines for Mechanical Drive Service.

C. Gas turbine drive: ANSI B176.1 (NFiPA No. 37) Installation and Use of Stationary Combustion Engines and Gas Turbines.

D. Gas or Diesel Engine drive: ANSI B176.1 (NFiPA No. 37) Installation and Use of Stationary Combustion Engines and Gas Turbines.

3.2 Where conflicting requirements might occur between ANSI B9.1 and ANSI B144.1, the requirements of ANSI B9.1 shall govern.

3.3 Where conflicting requirements might occur between ANSI C51.1 and ANSI B144.1, the requirements of ANSI C51.1 shall govern.

3.4 For interpretive and supplemental information necessary to adapt ANSI B144.1 (UL 465) requirements to mechanical liquid chilling packages, refer to Section 6.

4.0 PROCEDURE FOR CERTIFICATION OF COMPLIANCE

4.1 An approved independent testing laboratory, hereinafter the Laboratory, shall be retained to determine

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and certify compliance to referenced standards, and to this procedure: or that a reduced requirement has been met.

4.1.1 Laboratory, as referred to herein, shall be an independent testing laboratory which has been approved by the City of New York for such work and has received an MEA laboratory acceptance number.

4.2 The Laboratory shall review the manufacturer's equipment design to determine what tests are required to meet the reference standards and this procedure.

4.2.1 The Laboratory shall review the manufacturer's test data produced during the manufacturing process and shall direct the performance of final tests in the manufacturer's facility or in the field.

4.2.2 Where tests are performed at a location remote from the manufacturer's factory, it shall be the responsibility of the Laboratory to determine that the equipment involved is adequate for subjection to the specified tests. The Laboratory shall avail itself of applicable design, inspection, and test records from the manufacturer in making this determination.

4.2.3 The Laboratory shall submit a written final test report certifying that the requirements of the referenced standards and this procedure have been met; of which, if any, requirements were not met, and why.

5.0 INSPECTION AND TESTING REQUIREMENTS AND PROCEDURES

5.1 Where testing for compliance to applicable standards or this procedure has been performed by the Laboratory in the manufacturer's facility, it shall not be necessary to repeat the test in the field, provided that the design and testing criteria were met and a report submitted.

5.2 It is not intended that equipment or components intended for subsequent installation and service be in any way damaged, deformed or destroyed as a result of tests specified in the reference standards or in this procedure. When this conflicts with a requirement of a referenced standard, a sample of an equivalent component shall be subjected to the required test and the chiller or component in question be evaluated by engineering analysis. The sample may be tested in the manufacturers facility or elsewhere by the Laboratory.

5.2.1 Results of tests that have been performed on equipment or components of the same model and design, when of equal size or larger, are considered acceptable for use by the Laboratory in evaluation of equipment design by engineering analysis.

5.3 Any component, device, or unit that bears a U. L. label shall be considered to be in compliance with the requirements of the reference standards and of this procedure without further testing, provided that it is applied within its rating and that no modifications have been made following shipment from the manufacturer's facility.

5.4 Any components, device, or unit that bears a C.S.A. label shall be considered to be in compliance with the requirements of the referenced standards and of this procedure without further testing provided that it is applied within its rating and that no modifications have been made following shipment from the manufacturer's facility.

5.5 Any pressure vessel that bears the ASME Code U or N stamp shall be considered to be in compliance with

all applicable portions of the referenced standards and of this procedure without design review or further testing provided no modifications to the vessel have been made after shipment from the manufacturer's facility.

5.6 Any pressure vessel that bears the ASME Code UM stamp shall be considered to be in compliance with the requirements of the referenced standards and this procedure without design review or further testing provided that the Laboratory has determined that the vessel was tested in accordance with applicable standards, and that no modifications to the vessel have been made following shipment from the manufacturer's facility.

5.7 This procedure shall apply only to liquid chiller packages and components of such packages, and does not apply to auxiliary or associated system components furnished by parties other than the chiller manufacturer. The responsibility for determination that such components or devices satisfy the requirements of applicable standards and codes is not within the scope of this procedure.

5.8 It is the responsibility of the Laboratory to insure adequate safeguards for the protection of personnel from hazards associated with testing requirements.

5.9 It shall be the responsibility of the Laboratory to insure that equipment, devices, and facilities be properly protected during performance of specified tests.

6.0 INTERPRETATIONS AND SUPPLEMENTAL INFORMATION

6.1 Substitutions and Additions to UL 465, Standard for Safety, Central Cooling Air Conditioners.

6.1.1 To Section 1.1 add: Liquid chillers as described in this procedure are normally installed in systems classified as "Indirect Systems" as described in Section 4.4 of ANSI B9.1, Safety Code for Mechanical Refrigeration, where there is no direct interface between the refrigerant and the air serving the conditioned space.

6.1.2 In Section 1.3 change maximum voltage to 15,000 volts.

6.1.3 To Section 3.2 add: Where the compressor motor controller and overload protective device are not furnished by the manufacturer of the chiller, the manufacturer shall provide a specification for these components for the customer. The specification shall include information as to the required controller rating, sequencing of start, overload protection trip current and connections to the chiller control system. If a current transformer to provide a signal input circuit to the chiller control system is to be included, the specification is to include the requirements for the current transformer and its shunting device, if any.

6.1.4 To Section 8.19 thru 8.26 add: If the field-wiring enclosure of the motor or that portion of the wiring enclosure to which a field-wiring system (conduit) is to be connected can be readily removed and replaced in the field, an opening or knockout for connection of a wiring system to the motor is not required to be provided. The surface of the enclosure to which the field-wiring system is to be connected shall be of adequate size to accommodate the number and size of conduits which may be required for the installation.

6.1.5 To Section 10.24 add: Soldering lugs or pressure terminal connectors are not required to be provided by the manufacturer for connection of the field wiring to

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hermetic motor power supply terminals. Threaded studs of adequate size and length are to be used. Nuts for the studs shall be provided to adequately secure at least one terminal connector to each threaded stud.

6.1.6 To Section 11 add: Wiring to hermetic motors shall be with copper conductors only unless it can be determined that galvanic corrosion due to condensation at the terminals will not occur.

6.1.7 To Section 12 add:

A signal input circuit derived from a current transformer sensing the motor current and located in the (remote) motor controller is considered to be a National Electric Code Class 1 circuit. It shall be segregated or separate from other circuits.

B. Unless provided with insulation rated for the highest voltage involved, terminals for temperature sensors, when furnished on motors, shall be located in a separate enclosure or shall be separated by substantial barriers from the space provided for field wiring to the power supply connections on the motor.

C. Factory wiring to such sensing devices shall be protected from damage during installation of field wiring to the motor.

6.1.8 To Table 13.1 add the conductor sizes for larger current ratings from Table 250-95 of National Electric Code NFPA No. 70.

6.1.9 To Section 16 add:

A. Insulating materials used inside hermetic motors shall be compatible with the refrigerants and oil used. They shall also be compatible with each other and with other materials used within the motor.

B. Compliance with paragraph (A) is to be judged in the same manner as for materials used in hermetic motor-compressors as judged under the Standard for Sealed (Hermetic Type) Motor Compressors, UL 984.

6.1.10 To Section 23 add:

A. For hermetic motors rated 600 volts or less, the spacings inside the motor shall conform with the requirements in the Standard for Sealed (Hermetic Type) Motor-Compressors, UL 984.

B. For hermetic motors rated more than 600 volts, the spacings shall conform with paragraphs (C) thru (E) inside and outside the enclosure.

C. Except as indicated in paragraph (E), the spacing between uninsulated live parts of different polarity shall not be less than the value indicated in Table 6-1.

TABLE 6-1 MINIMUM SPACING BETWEEN UNINSULATED LIVE PARTS OF DIFFERENT POLARITY

Rating Volts	Through Space Inches	Oversurface Inches
601- 1,000	3/8	1/2
1,001- 2,000	3/4	1 3/8
2,001- 3,000	1	2
3,001- 5,000	3 1/4	4
5,001- 7,500	4	5
7,501- 12,500	5 1/4	7
12,501- 15,000	6	8

D. Except as indicated in paragraph (E), the spacing between uninsulated live parts and dead-metal parts

including the enclosure shall not be less than the value indicated in Table 6-2.

TABLE 6-2 MINIMUM SPACING BETWEEN UNINSULATED LIVE PARTS AND DEAD-METAL PARTS

Rating Volts	Through Space Inches	Oversurface Inches
601- 1,000	3/8	1/2
1,001- 2,000	3/4	1 3/8
2,001- 3,000	1	2
3,001- 5,000	2 1/2	3
5,001- 7,500	3	3 1/2
7,501- 12,500	4 3/8	5
12,501- 15,000	5	5 3/4

E. Linings or barriers of suitable insulating materials may be employed where the spacings are less than the values specified in Tables 6-1 and 6-2 provided that the linings or barriers are securely fastened in place.

F. Spacings inside hermetic type oil pump assemblies shall comply with the spacing requirements for inside hermetic motors. See paragraph (A). Spacings in non-hermetic motors shall comply with the Safety Standard for Electric Motors, NEMA Publication MG-2.

G. A signal input circuit at a low level of voltage or current to the chiller control system which is derived from a current transformer sensing the motor current and located in the (remote) motor controller is not considered to be a low-voltage circuit. The spacings on the basis of the maximum available voltage or current at the component from the signal circuit with the motor operating at rated load current assuming this is a high-voltage circuit, and as described in paragraph (I). Consideration shall also be given to the voltage and current available during starting and stalled rotor conditions.

H. The terms "low-voltage circuit" and "high-voltage circuit" are defined in UL 465, paragraph 2.2.

I. Provision shall be made for limiting the potential (voltage) in the chiller control assembly resulting from an open secondary circuit of a remote current transformer, such as described in paragraph (G) to a potential (voltage) for which the chiller control components in this circuit are acceptable.

J. The open secondary circuit may result from an open remote shunt resistor or from a disconnected or broken conductor at the connection to the chiller control circuit.

6.1.11 For Section 27.5 substitute 8.3.1 of ANSI B9.1 Safety Code for Mechanical Refrigeration.

6.1.12 For Section 27.10 substitute the following: The dial of a pressure gauge permanently connected to the high side of a refrigeration system shall be graduated up to not less than 1.2 times the design pressure of the high side of the system.

6.1.13 In Section 28.5 change maximum setting of pressure limiting device to 90% of the design pressure of the high side of the refrigeration system for positive displacement compressors and 100% of the design pressure of the high side of the refrigeration system for non-positive displacement compressors.

6.1.14 For Section 29 substitute Section 10, Pressure

Reference Standard 13

Relief Protection, of ANSI B9.1 Safety Code for Mechanical Refrigeration.

6.1.15 For Section 34.1 substitute:

A. During the Input Test the chiller shall be run at design operating conditions as stipulated on the equipment submittal drawings.

B. During the Temperature and Pressure Test, the chiller shall be run at the design chilled water leaving temperature and flow rate conditions as stipulated on the equipment submittal drawings and the chiller loaded to the rated current of the motor by adjusting the condenser water or air flow rate and/or temperature. If a variable speed drive is furnished, the compressor is to run at its design operating speed.

6.1.16 To Section 35 add: An input test is not required if the chiller is provided with a current-limiting control for the motor or if the compressor is driven by a prime mover other than an electric motor.

6.1.17 To Section 36.1 and Table 36.1 add: The temperature on the winding of an hermetic motor shall not exceed a value appropriate for the insulation system or for the refrigerant and oil employed.

6.1.18 To Section 39 add: The dielectric withstand test on the main motor may be conducted by the Laboratory at the motor manufacturer's plant if an open drive motor, or the chiller manufacturer's plant if an hermetic motor after final assembly of the motor in its enclosure. During the test low voltage circuits, motor sensor elements, and signal input circuits are to be connected to the enclosure.

6.1.19 To Section 39.1 add:

C. Test potential may be 20% higher for a period of one second when the test is performed in the manufacturer's plant.

D. Test potential shall be 85% of that in A, B, or C when the test is performed in the field.

6.1.20 For Section 51.3 substitute: Parts exposed to high side refrigerant pressure shall withstand, without failure, a pressure equal to five times the factory test pressure for the high side of the refrigeration system.

6.1.21 For Section 51.5 substitute: A refrigerant-

containing component having a marked design pressure shall withstand, without failure, a pressure equal to three times the working pressure.

6.1.22 For Section 51.6 substitute: High side parts of a liquid chiller provided with a pressure limiting device required for compliance with Section 28.1 shall withstand, without failure, a pressure equal to three times the maximum setting to which the pressure limiting device may be readily adjusted by the adjusting means provided for centrifugal and screw equipment and five and one-half times for reciprocating equipment.

6.1.23 For Section 51.13 substitute: Parts exposed to low side refrigerant pressure shall withstand, without failure, a pressure equal to three times the design pressure of the low side of the refrigeration system.

6.1.24 To Section 51.15 add: If results of tests of samples of a refrigerant containing part are not readily available from the manufacturer, the Laboratory shall be responsible for obtaining samples and for testing. Samples subjected to such strength tests may not be used on the equipment being investigated.

6.1.25 For Section 55 substitute the following: Every liquid chilling unit, whether assembled in the manufacturer's plant or erected on the premises, shall be subjected to the Field Test stipulated in Section 12 of ANSI B9.1 Safety Code for Mechanical Refrigeration.

6.2 Deletions.

6.2.1 The following sections of UL 465 Standard for Safety, Central Air Conditioners are not applicable to liquid chilling units described in this procedure since such chillers do not include components located in the air stream serving the conditioned space: 9, 21.2, 21.3, 24.3, 27.8, 32.1, 33, 36.10, 42 and 55.3.

6.2.2 The provisions of Section 5 of NEMA Standards Publication Nos. 21 and 22 covering turbine sound pressure levels are not included as a requirement in this procedure.

6.2.3 The provisions of Section 91 of ANSI B176.1 (NFPA No. 37) covering fire extinguishers are not included as a requirement in this procedure.

****1101-79 BCR**

***REFERENCE STANDARD RS 13-12**

ANSI C33.14/UL 484 - 1982 Room Air Conditioners.

***913-82 BCR; Local Law 80-1973**

***REFERENCE STANDARD RS 13-13**

****ANSI B191.1/UL 559 - 1975 Standard for Heat Pumps. Revision October 1981.**

***913-82 BCR; Local Law 80-1973**

****As enacted but superceded by UL 1995 Heating and Cooling Equipment**

***REFERENCE STANDARD RS 13-14**

****ANSI Z251.1/UL 883 - 1980 Standard for Fan Coil Units and Room Fan-Heater Units. Revision February 1982.**

***913-82 BCR; Local Law 80-1973**

****As enacted but superceded by UL 1995 Heating and Cooling Equipment**

***REFERENCE STANDARD RS 13-15**

ANSI B124.1/UL 900 - 1977 Standard for Test Performance of Air Filter Units. Revision December 1980.

***913-82 BCR; Local Law 80-1973**

***REFERENCE STANDARD RS 13-16**

ANSI/NFPA 17-1980 Standard for Dry Chemical Extinguishing Systems.

*** 913-82 BCR; Local Law 80-1973**

REFERENCE STANDARD RS 14
HEATING AND COMBUSTION EQUIPMENT

***LIST OF REFERENCED NATIONAL STANDARDS**

**NFIPa No. 90B	Standard for the Installation of Warm Air Heating and Air Conditioning and Ventilating Systems, As Modified	1996
AGA/ANSI-Z223.1/NFiPA 54	National Fuel Gas Code, and Addenda ANSI Z223.1a-1987.....	1984
ANSI/NFiPA	Standard for the Installation of Oil Burning No. 31 Equipment.....	1983
ANSI/NFiPA 211	Standard for Chimneys, Fireplaces, Vents, and Solid Fuel Burning Appliances.....	1988
ANSI/ASME	Boiler and Pressure Vessel Code, Sections I, IV and VIII.....	1986
ANSI-Z21.1	Household Cooking Gas Appliances and Addenda Z21.1a-1982, Z21.1b-1984.....	1982
ANSI-Z21.2	Gas Hose Connectors for Portable Indoor Gas-Fired Equipment, and Addenda Z21.2a-1985, Z21.2b-1987.....	1983
ANSI-Z21.3	Hotel and Restaurant Gas Ranges and Unit Broilers.....	1982
ANSI-Z21.5.1	Gas Clothes Dryers, Volume I, Type 1 Clothes Dryers.....	1982
ANSI-Z21.5.2	Gas Clothes Dryers, Volume II, Type 2 Clothes Dryers, and Addenda Z21.5.2a-1981, Z21.5.2b-1982.....	1979
ANSI-Z21.8	Installation of Domestic Gas Conversion Burners.....	1984
ANSI-Z21.10.1	Gas Water Heaters, Volume I. Storage Water Heaters with Input Ratings of 75,000BTU per Hour or less.....	1987
ANSI-Z21.10.3	Gas Water Heaters, Volume III — Storage with Input Ratings above 75,000 BTU per Hour, Circulating and Instantaneous Water Heaters.....	1987
ANSI-Z21.11.1	Gas-Fired Room Heaters, Volume I, Vented Room Heaters, and Addenda Z21.11.1a-1985..	1983
ANSI-Z21.11.2	Gas-Fired Room Heaters, Volume II, Unvented Room Heaters, and Addenda Z21.11.2a-1984.....	1983
ANSI-Z21.12	Draft Hoods and Addenda Z21.12a-1983.....	1981
ANSI-Z21.13	Gas-Fired Low Pressure Steam and Hot Water Boilers, and Addenda Z21.13a.....	1982
ANSI-Z21.15	Manually Operated Gas Valves, and Addenda Z21.15a-1981 Z21.15b-1984.....	1979
ANSI-Z21.17	Domestic Gas Conversion Burner.....	1984
ANSI-Z21.19	Refrigerators Using Gas Fuel, and Addenda Z21.19a-1984.....	1983
ANSI-Z21.20	Automatic Gas Ignition Systems and Components, and Addenda Z21.20a-1987....	1985
ANSI-Z21-21	Automatic Valves for Gas Appliances, and Addenda Z21.21a-1977, Z21.21b-1981.....	1974
ANSI-Z21.22	Relief Valves and Automatic Gas Shut Off Devices for Hot Water Supply Systems....	1986
ANSI-Z21.23	Gas Appliance Thermostats, and Addenda Z21.23a-1985.....	1980
ANSI-Z21.24	Metal Connectors for Gas Appliances.....	1987
ANSI-Z21.27	Hotel and Restaurant Gas Deep Fat Fryers, and Addenda Z21.27a-1975, Z21.27b-1978...	1974
ANSI-Z21.28	Commercial Gas Baking and Roasting Ovens, and Addenda Z21.28a-1975, Z21.28b-1978..	1974
ANSI-Z21.31	Gas Counter Appliances, and Addenda Z21.31a-1978.....	1975
ANSI-Z21.34	Gas-Fired Duct Furnaces, and Addenda Z21-34a-1974, Z21.34b-1974.....	1971
ANSI-Z21.40.1	Gas-Fired Absorption Summer Air Conditioning Appliances, and Addenda Z21.40.1a-1982...	1981
ANSI-Z21.41	Quick-Disconnect Devices for Use with Gas Fuel, and Addenda Z21.41a-1981, Z21.41b-1983.....	1971
ANSI-Z21.42	Gas-Fired Illuminating Appliances, and Addenda Z21.42a-1973, Z21.42b-1981....	1971
ANSI-Z21.44	Gas-Fired Gravity and Fan Type Direct Vent Wall Furnaces, and Addenda Z21.44a-1985...	1985
ANSI-Z21.45	Flexible Connectors of Other than All Metal Construction for Gas Appliances, and Addenda Z21.45a-1987.....	1985
ANSI-Z21.46	Gas-Fired Kettles, Steam Cookers and Steam Generators, and Addenda Z21.46a-1975, Z21.46b-1978.....	1974
ANSI-Z21.47	Gas-Fired Central Furnaces (Except Direct Vent Central Furnaces)	1987
ANSI-Z21.48	Gas-Fired Gravity and Fan Type Floor Furnaces.....	1986
ANSI-Z21.49	Gas-Fired Gravity and Fan Type Vented Wall Furnaces.....	1986
ANSI-Z21.50	Vented Decorative Gas Appliances.....	1986
ANSI-Z21.52	Gas-Fired Single Firebox Boiler, and Addenda Z21.52a-1973.....	1971
ANSI-Z21.54	Gas Hose Connectors for Portable Outdoor Gas-Fired Appliances, and Addenda Z21.54a-1983, Z21.54b-1985.....	1979
ANSI-Z21.55	Gas-Fired Sauna Heaters, and Addenda Z21.55a-1980, Z21.55b-1981.....	1979
ANSI-Z21.56	Gas-Fired Pool Heaters, and Addenda Z21.56a-1987.....	1986

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ANSI-Z21.57	Recreational Vehicle Cooking Gas Appliances, and Addenda Z21.57a-1982, Z21.57b-1984. 1982
ANSI-Z21.58	Outdoor Cooking Gas Appliances..... 1987
ANSI-Z21.59	Gas-Fired High Pressure Steam and Hot Water Boilers..... 1974
ANSI-Z21.60	Decorative Gas Appliances for Installation in Vented Fireplaces, and Addenda Z21.60a-1982, Z21.60b-1984..... 1981
ANSI-Z21.64	Direct Vent Central Furnaces, and Addenda Z21.64a-1986, Z21.64b-1987..... 1985
ANSI-Z21.65	Separated Combustion System Central Furnaces..... 1978
ANSI-Z21.69	Connectors for Movable Gas Appliances, and Addenda Z21.69a-1983, Z21.69b-1985.. 1979
ANSI-Z83.2	Gas Atmosphere Generators..... 1977
ANSI-Z83.3	Gas Utilization Equipment in Large Boilers, and Addenda Z83.3a-1972, Z83.3b-1976.... 1971
ANSI-Z83.4	Direct Gas-Fired Make-Up Air Heaters, and Addenda Z83.4a-1986..... 1985
ANSI-Z83.6	Gas-Fired Infrared Heaters, and Addenda Z83.6a-1984, Z83.6b-1985..... 1982
ANSI-Z83.7	Gas-Fired Construction Heaters..... 1974
ANSI-Z83.8	Gas Unit Heaters, and Addenda Z83.8a-1986..... 1985
ANSI-Z83.9	Gas-Fired Duct Furnaces..... 1986
ANSI-Z83.11	Gas Food Service Equipment- Ranges and Unit Broilers..... 1986
ANSI-Z83.12	Gas Food Service Equipment- Baking and Roasting Ovens..... 1986
ANSI-Z83.13	Gas Food Service Equipment- Deep Fat Fryers..... 1986
ANSI-Z83.14	Gas Food Service Equipment- Counter Appliances..... 1986
ANSI-Z83.15	Gas Food Service Equipment- Kettles, Steam Cookers, and Steam Generators..... 1986
*ANSI-UL-815	Electric Sauna Heating Equipment, January 1986 Revision..... 1983
ANSI-C33.87/UL 174	**Household Electric Cooking Appliances, January 1986 Revision..... 1983
ANSI/UL-197	Commercial Electric Cooking Appliances, September 1986 Revision..... 1982
UL 127	Standard for Factory-Built Fireplaces..... 1988
UL 252	Compressed Gas Regulators, May 1986 Revision..... 1984
ANSI-Z96.2/UL 296	Oil Burners, August 1985 Revision..... 1980
ANSI-B130.1/UL 343	Pumps for Oil-Burning Appliances..... 1986
UL 412	Refrigeration Unit Coolers, December 1984 Revision..... 1980
ANSI/UL 471	Commercial Refrigerators and Freezers, November 1985 Revision..... 1985
ANSI/C33.1/UL 499	Electric Heating Appliances, March 1985 Revision..... 1978
UL 560	Electric Home-Laundry Equipment..... 1986
ANSI/UL 574	Electric Oil Heaters, May 1985 Revision..... 1980
ANSI/UL 737	Standard for Fireplace Stoves..... 1988
UL 586	Test Performance of High Efficiency, Particulates, Air-Filter Units..... 1986
ANSI-Z96.3/UL 726	Oil-Fired Boiler Assemblies, June 1986 Revision..... 1975
ANSI-Z96.1/UL 727	Oil-Fired Central Furnaces, November 1986 Revision..... 1986
ANSI-Z96.4/UL 729	Oil-Fired Floor Furnaces, December 1980 Revision..... 1976
ANSI-Z96.5/UL 730	Oil-Fired Wall Furnaces, December 1980 Revision..... 1974
ANSI-Z96.2/UL 731	Oil-Fired Unit Heaters, January 1985 Revision..... 1975
ANSI-Z95.3/UL 732	Oil-Fired Water Heaters, December 1980, Revision, January 1985 Revision..... 1974
UL 733	Oil-Fired Air Heaters and Direct-Fired Heaters, August 1985 Revision..... 1975
UL 795	Commercial-Industrial Gas-Heating Equipment, February 1986 Revision..... 1973
UL 834	Electric Heating Water Supply, and Power Boilers, October 1983 Revision..... 1980
UL 867	Electrostatic Air Cleaners..... 1981
ANSI-C33.75/UL 875	Electric Dry Bath Heaters, October 1984 Revision..... 1983
UL 1025	Electric Air Heaters, October 1986 Revision..... 1980
UL 1042	Electric Baseboard Heating Equipment, May 1985 Revision..... 1979
ANSI-C33.104/UL10096	Electric Central Air-Heating Equipment, July 1986 Revision..... 1986
UL 1206	Electric Commercial Clothes-Washing Equipment..... 1979
UL 1240	Electric Commercial Clothes-Drying Equipment, July 1984 Revision..... 1979
UL 1261	Electric Water-Heaters for Pools and Tubs, April 1986 Revision..... 1985
UL 1453	Electric Booster and Commercial Storage Tank Water Heaters, May 1983 Revision... 1982
UL 1482	Standard for Room Heaters, Solid Fuel Type (September 1988 Revision..... 1988
ANSI/UL 1555	Electric Coin-Operated Clothes-Washing Machine..... 1982 ^{††}
UL 1556	Electric Coin-Operated Clothes-Drying Equipment, July 1984 Revision..... 1982
ANSI/ASTM-C64	Specifications for Refractories for Incinerators and Boilers (Reapproved 1977)..... 1972
ANSI/ASTM-C401	Classification of Castable Refractories..... 1984
ANSI/ASTM-C612	Standard Specification for Mineral Fiber Block and Board Thermal Insulation..... 1983
ASTM-E84	Method of Test for Surface Burning Characteristics of Building Materials..... 1961

*As enacted but "ANSI-UL-875" probably intended.

**As enacted but "Household Electric Storage Tank Water Heaters" probably intended.

††As enacted but "1983" probably intended.

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^{††}REFERENCE STANDARD RS 14-6

ANSI-Z21.1-1982 - Household Cooking Gas Appliance, and Addenda Z21.1a-1982, Z21.1b-1984.
ANSI-Z21.1-1983 - Gas Hose Connectors for Portable Indoor Gas-Fired Equipment, and Addenda Z21.2a-1985.
ANSI-Z21.3-1982 - Hotel and Restaurant Gas Ranges and Unit Boilers.
ANSI-Z21.5.1-1982 - Gas Clothes Dryers, Volume I, Type 1 Clothes Dryers.
ANSI-Z21.5.2-1979 - Gas Clothes Dryers, Volume II, Type 2 Clothes Dryers, and Addenda Z21.5.2a-1981, Z21.5.2b-1982.
ANSI-Z21.8-1984 - Installation of Domestic Gas Conversion Burners.
ANSI-Z21.10.1-1984 - Gas Water Heaters, Volume I, Storage Water Heaters with Input Ratings of 75,000 BTU per Hour or Less, and Addenda Z21.10.1a-1982, Z21.10.1b-1986.
ANSI-Z21.10.3-1984 - Gas Water Heaters, Volume III Storage with Input Ratings above 75,000 BTU per Hour, Circulating and Instantaneous Water Heaters, and Addenda Z21.10.3a-1985, Z21.10.3b-1985.
ANSI-Z21.11.1-1983 - Gas Fired Room Heaters, Volume I, Vented Room Heaters, and Addenda Z21.11.1a-1985.
ANSI-Z21.11.2-1983 - Gas Fired Room Heaters, Volume II, Unvented Room Heaters, and Addenda Z21.11.2a-1984.
ANSI-Z21.12-1981 - Draft Hoods and Addenda Z21.12a-1983.
ANSI-Z21.13-1982 - Gas-Fired Low Pressure Steam and Hot Water Boilers, and Addenda Z21.13a.
ANSI-Z21.15-1979 - Manually Operated Gas Valves, and Addenda Z21.15a-1981, Z21.15b-1984.
ANSI-Z21.17-1984 - Domestic Gas Conversion Burners.
ANSI-Z21.19-1983 - Refrigerators Using Gas Fuel, and Addenda Z21.19a-1984.
ANSI-Z21.20-1985 - Automatic Gas Ignition Systems and Components.
ANSI-Z21.21-1974 - Automatic Valves for Gas Appliances, and Addenda Z21.21a-1977, Z21.21b-1981.
ANSI-Z21.22-1986 - Relief Valves and Automatic Gas Shut-Off Devices for Hot Water Supply Systems.
ANSI-Z21.23-1980 - Gas Appliances Thermostats, and Addenda Z21.23a-1985.
ANSI-Z21.24-1981 - Metal Connectors for Gas Appliances, and Addenda Z21.24a-1983, Z21.24b-1985.
ANSI-Z21.27-1974 - Hotel and Restaurant Gas Deep Fat Fryers, and Addenda Z21.27a-1975, Z21.27b-1978.
ANSI-Z21.28-1974 - Commercial Gas Baking and Roasting Ovens, and Addenda Z21.28a-1975, Z21.28b-1978.
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ANSI-Z21.47-1983 - Gas-Fired Central Furnaces (Except Direct Vent Central Furnaces), and Addenda Z21.47a-1985, Z21.47b-1986.
ANSI-Z21.48-1986 - Gas-Fired Gravity and Fan Type Floor Furnaces.
ANSI-Z21.49-1986 - Gas-Fired Gravity and Fan Type Vented Wall Furnaces.
ANSI-Z21.50-1986 - Vented Decorative Gas Appliances.
ANSI-Z21.52-1971 - Gas-Fired Single Firebox Boiler, and Addenda Z21.52a-1973.
ANSI-Z21.54-1979 - Gas Hose Connectors for Portable Outdoor Gas-Fired Appliances, and Addenda Z21.54a 1983, Z21.54b-1985.
ANSI-Z21.55-1979 - Gas-Fired Sauna Heaters, and Addenda Z21.55a-1980, Z21.55b-1981.
ANSI-Z21.56-1986 - Gas-Fired Pool Heaters.
ANSI-Z21.57-1982 - Recreational Vehicle Cooking Gas Appliances, and Addenda Z21.57a-1982, Z21.57b-1984.
ANSI-Z21.58-1982 - Outdoor Cooking Gas Appliances, and Addenda Z21.58a-1983, Z21.58b-1985.
ANSI-Z21.59-1974 - Gas-Fired High Pressure Steam and Hot Water Boilers.
ANSI-Z21.60-1982 - Decorative Gas Appliances for Installation in Vented Fireplaces, and Addenda Z21.60a-1982, Z21.60b-1984.
ANSI-Z21.64-1985 - Direct Vent Central Furnaces, and Addenda Z21.64a-1986.
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ANSI-Z83.2-1977 - Gas Atmosphere Generators.
ANSI-Z83.3-1971 - Gas Utilization Equipment in Large Boilers, and Addenda Z83.3a-1972, Z83.3b-1976.
ANSI-Z83.4-1985 - Direct Gas-Fired Make-Up Air Heaters, and Addenda Z83.4a-1986.
ANSI-Z83.6-1982 - Gas-Fired Infrared Heaters, and Addenda Z83.6a-1984, Z83.6b-1985.

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ANSI-Z83.7-1974 - Gas-Fired Construction Heaters.
ANSI-Z83.8-1985 - Gas Unit Heaters, and Addenda Z83.8a-1986.
ANSI-Z83.9-1986 - Gas-Fired Duct Furnaces.
ANSI-Z83.11-1986 - Gas Food Service Equipment - Ranges and Unit Broilers.
ANSI-Z83.12-1986 - Gas Food Service Equipment - Baking and Roasting Ovens.
ANSI-Z83.13-1986 - Gas Food Service Equipment - Deep Fat Fryers.
ANSI-Z83.14-1986 - Gas Food Service Equipment - Counter Appliances.
ANSI-Z83.15-1986 - Gas Food Service Equipment - Kettles, Steam Cookers and Steam Generators.
††† ANSI/UL 815-1983 - Electric Sauna Heating Equipment, January 1986 Revision.
ANSI C33.87/UL 174-1983 - ** Household Electric Cooking Appliances, January 1986 Revision.
ANSI/UL 197-1982 - Commercial Electric Cooking Appliances, September 1986 Revision.
UL 252-1984 - Compressed Gas Regulators, May 1986 Revision.
ANSI Z96.2/UL 296-1980 - Oil Burners, August 1985 Revision.
ANSI B130.1/UL 343-1986 - Pumps for Oil-Burning Appliances.
UL 412-1980 - Refrigeration Unit Coolers, December 1984 Revision.
ANSI/UL 471-1985 - Commercial Refrigerators and Freezers, November 1985 Revision.
ANSI-C33.1/UL 499-1978 - Electric Heating Appliances, March 1985 Revision.
ANSI/UL 574-1980 - Electric Oil Heaters, May 1985 Revision.
UL 560-1986 - Electric Home-Laundry Equipment.
UL 586-1985 - Test Performance of High Efficiency, Particulates Air-Filters Units.
ANSI Z96.3/UL 726-1975 - Oil-Fired Boiler Assemblies, June 1986 Revision.
ANSI Z96.1/UL 727-1986 - Oil-Fired Central Furnaces, November 1986 Revision.
ANSI Z96.4/UL 729-1976 - Oil-Fired Floor Furnaces, December 1980 Revision.
ANSI Z96.5/UL 730-1974 - Oil-Fired Wall Furnaces, December 1980 Revision.
ANSI Z95.2/UL 731-1975 - Oil-Fired Unit Heaters, January 1985 Revision.
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UL 733-1975 - Oil-Fired Air Heaters and Direct-Fired Heaters, August 1985 Revision.
UL 795-1973 - Commercial-Industrial Gas-Heating Equipment, February 1986 Revision.
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UL 1025-1980 - Electric Air Heaters, October 1986 Revision.
UL 1042-1979 - Electric Baseboard Heating Equipment, May 1985 Revision.
ANSI C33.104/UL1096-1986 - Electric Central Air-Heating Equipment, July 1986 Revision.
UL 1206-1979 - Electric Commercial Clothes-Washing Equipment.
UL 1240-1979 - Electric Commercial Clothes-Drying Equipment, July 1984 Revision.
UL 1261-1981 - Electric Water Heaters for Pools and Tubs, April 1986 Revision.
UL 1453-1982 - Electric Booster and Commercial Storage Tank Water Heaters, May 1983 Revision.
† UL 1555-1982 - Electric Coin-Operated Clothes Washing Machine.
UL 1556-1982 - Electric Coin-Operated Clothes-Drying Equipment, July 1984 Revision.
††946-87 BCR
*As enacted but "UL 867-1980" probably intended.
**As enacted but "Household Electric Storage Tank Water Heaters" probably intended.
† As enacted but "UL-1555-1983" probably intended.
††† As enacted but "ANSI/UL 875-1983" probably intended.

*REFERENCE STANDARD RS 14-7

ANSI/ASTM-C64 1972 - Specifications for Refractories for Incinerators and Boilers (Reapproved 1977).
*1045-83 BCR

**REFERENCE STANDARD RS 14-8

ANSI/ASTM-C401 1984 - Classification of Castable Refractories.
**946-87 BCR; 938-80 BCR

*REFERENCE STANDARD RS 14-9

ANSI/ASTM-C64 1972 - Specifications for Refractories for Incinerators and Boilers (Reapproved 1977).
*1045-83 BCR

**REFERENCE STANDARD RS 14-10

ANSI/ASTM-C612 1983 - Standard Specification for Mineral Fiber Block and Board Thermal Insulation.
**946-87 BCR; 938-80 BCR

Reference Standard 16

***TABLE RS 16-1 STANDARDS FOR PLUMBING MATERIALS^a**

Materials	ANSI	Other
Ferrous Pipe and Fittings-		
Cast iron soil pipe and fittings coupling...	None	CISPI 310-1985
Hubless cast iron soil pipe	None	CISPI 301-1985
Cast iron soil pipe and fittings, extra heavy and service weights	None	CS188-66
Cast iron water pipe	A21.6-1962 A21.8-1962	
Cast iron pipe, drainage, vent and waste...	None	FS-WW-P356-1936
Cast iron pipe, pressure (50 lb.) gas and water	None	FS-WW-P360a-1959
Cast iron (threaded) pipe	A40.5-1943	
Cast iron (threaded) fittings	B16.4-1963	
Cast iron drainage fittings	B16.12-1965	
Galvanized pipe and fitting	None	FS-WW-P406(1) 1945
Malleable iron fittings (threaded) 150 lbs.	B16.3-1963	
300 lbs.	B16.3-1963	
Steel pipe, seamless and welded, black and zinc coated (not intended for close coiling)	B36.20-1966	
Steel pipe, seamless and welded, black and zinc coated (suitable for close coiling)	B36.1-1966 B36.19-1965	
Stainless steel pipe	B36.19-1965	
Union, malleable iron or steel	None	*FS-WW-O531a-1957 FS-WW-U536(1)-1953
Wrought-iron pipe	B36.2-1966	
Valves, cast iron, gate 125 and 250 lb. threaded and flanged	None	FS-WW-V58(1)-1946
Pipe fittings, bronze and ferrous (bushings, plugs and locknuts), threaded	None	FS-WW-P471(1)-1946
Nipples, pipe threaded	None	FS-WW-N351a-1956
Non-Ferrous Pipe and Fittings-		
Finished and rough brass plumbing fixture fittings	None	ASME A112.18.1M-79
Brass tube	H36.1-1967	
Brass pipe	H27.1-1963	
Brass or bronze flanges and flanged fittings, 150 and 300 lb.	B16.24-1962	
Brass or bronze screwed fittings, 125 lb and 250 lb.	B16.15-1964	
Cast-bronze solder joint pressure fittings	B16.18-1963	
Cast-brass solder joint drainage fittings	B16.23-1960	
Copper pipe	H26.1-1963	
Copper pipe, threadless	H26.2-1963	
Seamless copper tube	H23.3-1965	
Copper water tube, type K, L	H23.1-1967	
Wrought copper and wrought bronze solder joint fittings	H16.22-1963	

**As enacted but "FS-WW-U531a-1957" probably intended.*

Reference Standard 16

Wrought copper and wrought copper alloy solder joint drainage fittings.....	H16.29-1966	
Lead pipe and traps	None	WW-P325-1944
Unions, brass or bronze, 250 lb.	None	FS-WW-U516-1933
Valves, bronze; angle, check and globe, 125 and 150 lb., threaded and flanged	None	FS-WW-V51a(2)-1954
Valves; bronze, gate, 125 and 150 lb., threaded and flanged	None	FS-WW-V54b-1962
Pipe fittings, bronze and ferrous (bushings, plugs and locknuts), threaded	None	FS-WW-P471(1)-1946
Non-Metallic Pipe and Fittings-		
Asbestos cement (sewer) pipe ^b	None	ASTM-C428-65T
Asbestos cement underdrain	None	ASTM-C508-67T
Clay drain tile	None	ASTM-C4-62
Concrete sewer pipe, reinforced	None	ASTM-C76-65T
Concrete sewer pipe, nonreinforced....	None	ASTM-C14-67
Clay sewer pipe, standard strength	A106.3-1965	ASTM-C13-64T
Vitrified clay sewer pipe, salt-glazed and unglazed extra strength.....	None	ASTM-C200-65T
Vitrified clay sewer pipe, ceramic glazed, extra strength	None	FS-SSP361b-1962
Vitrified clay sewer pipe, perforated, standard strength	A106.1-1962	
Plumbing Fixtures-		
Drinking fountains	Z4.2-1942	
Enameled cast iron plumbing fixtures..	None	ASME 112.19.1M-87
Earthenware (vitreous glazed) plumbing fixtures	None	CS111-43
Formed steel enameled sanitary ware..	None	FS-WW-P541b(2)-1962
Formed metal porcelain enameled sanitary ware	None	FS-WW-P541b(2)-1962
Heaters, water, instantaneous (steam-water converter type)	None	FS-WW-H191-1954
Plumbing fixtures (for) land use	None	FS-WW-P541b(2)-1962
Stainless steel plumbing fixtures	None	ASME A112.19.3M-87
Vitreous china plumbing fixtures	A112.19.2M-82	
Stills, water; portable (without heating device) for U.S.P." distilled water"....	None	FS-RR-S726(1)-1950
Porcelain enameled formed steel plumbing fixtures.	None	ASME A112.19.4M-84
Miscellaneous Materials and Standards-		
Automatic relief valves	Z21.22-1964	
Air gap standards	A40.4-1942	
Backflow preventers	A40.6-1943	
Brass cleanout plugs	None	*FS-WW-P401(3)-1951
Brazing filler metal	None	ASTM-B260-62T
Caulking lead, Type I	None	FS-QQ-L156(1)-1946
Caulking: lead wool and lead pig	None	FS-QQ-C40-1963
Cement lining	A21.4-1964	
Coal-tar, enamel, protective coating....	None	AWWA-C203-62

**As enacted but not applicable for this item.*

Reference Standard 16

P104.10 Sinks.-

(a) **Waste outlets.**-Sinks shall be provided with waste outlets at least 1 1/2 in. in diameter.

(b) **Food waste disposals.**—Sinks equipped with food waste disposals shall have waste outlets at least equal to the opening in the disposals.

**Local Law 74-1995*

P104.11 Dishwashing Machines.-

(a) **General.**-A separate trap shall be provided for a dishwashing machine that drains by gravity.

(b) **Domestic machines.**-Machines having drainage pumps may discharge into the waste outlet piping of an adjacent kitchen sink by means of a wye branch fitting on the inlet side of the sink trap, provided the pump discharge line rises to an elevation above the flood level rim of the sink and is at least 3/4 in. in diameter.

(c) **Water connections.**-Water connections to a dishwasher shall be provided with an air gap or an approved vacuum breaker and check valve.

(d) **Commercial dishwashers.**-Commercial dishwashing machines shall be provided with an adequate supply of 140°F to 160°F wash water, and with rinse water or steam at temperature of at least 180°F for sterilization. Chemical disinfection may be used in lieu of the 180°F water or steam when the method of disinfection meets the requirements of the department of health.

P104.12 Automatic Clothes Washers.-

(a) The water supplies to an automatic clothes washer shall be protected against the hazards of contamination by means of an adequate air gap or a vacuum breaker.

(b) The discharge waste pipe of domestic clothes washers shall be provided with an air break by spilling the discharge into an open standpipe that is provided with a 2 in. trap. The trap shall be properly vented or connected to an indirect waste pipe that may be common to other automatic clothes washers located in a common laundry room.

(c) The discharge waste pipe of commercial clothes washers shall discharge into a trench provided with trapped and vented drains.

P104.13 Laundry Trays.-Each compartment of a laundry tray shall be provided with a waste outlet at least 1 1/2 in. in diameter.

P104.14 Garbage Can Washers.-

(a) The drain outlet receiving the wash from garbage cans shall be at least 3 in. and shall be provided with a removable basket or strainer to prevent discharge of large particles into the building drainage system.

(b) Water supply connections shall be provided with an air gap or an approved backflow prevention device and check valve.

P104.15 Fixture strainers.-Plumbing fixtures except water closets, urinals, or similar fixtures shall be provided with durable crossbars, strainers, or other similar devices installed in the fixture waste outlet. Such strainers shall have waterway areas adequate for rapid fixture drainage.

*P104.16 Drinking Fountains.-

(a) **Construction.**-Drinking fountains shall conform to **ASA-Z4.2-1942.

(b) **Equivalent fixtures.**-A lavatory located in a room with not more than one water closet or urinal will be an acceptable equivalent for a drinking fountain for the purpose of fixture requirements.

(c) **Prohibited drinking fountains.**-No electric coolers that have precooling coils inside of the waste outlets will be permitted except as hereinafter provided. The precoolers must be of double wall construction and mounted in a vertical position directly below a removable strainer in the cooler top and the precooler shall be fully accessible for cleaning with an ordinary bottle brush. Except for a water spreader at the entrance of the precooler drain tube, no internal dimension of the drain passage shall be less than 3/4 in.

** This title not enacted but probably intended.*

*** As enacted but "ANSI-Z4.2-1942." probably intended.*

P104.17 Floor Drains.-

(a) **Location.**-The floor drain shall be located so as to be readily accessible at all times.

(b) **Strainers.**-Floor drains shall be provided with removable strainers, the open area of which shall be at least equal to the cross-sectional area of the drain pipe to which the drain connects. Combination funnel and floor drain strainers will be permitted.

(c) **Size.**-Floor drains shall be of a size to efficiently serve the purpose for which they are intended, but the outlet pipe shall not be less than 3 in. in nominal diameter.

(d) **Provision for evaporation.**-Traps for floor drains shall be of the deep seal type, and shall have a water supply available from a plumbing fixture located in the same room or from a faucet or valved outlet located not more than 3 ft. above the floor drained. Automatic priming devices will be permitted only when an air gap is provided between the potable water supply and the water supply for the drain.

(e) **Traps.**-Machinery or equipment room floor drains that receive clear water only may be connected to a single trap where such trap is located not more than 15 ft. from the farthest drain.

P104.18 Drains for Drip Pipes. -See section P108.11.

P104.19 Funnel Drains.-When the trap is located above the floor, the funnel drain shall be individually vented. Funnel drains shall only be used for clear water wastes.

P104.20 Special Plumbing Fixtures.-

Reference Standard 16

(a) Water connections.-Baptisteries, ornamental and lily pools, aquaria, ornamental fountain basins, swimming pools, and similar constructions, when provided with water supplies, shall be protected from back-siphonage in conformity with the code requirements.

(b) Approval.-Specialties requiring water and waste connections shall be subject to approval by the Commissioner.

Section P105.0 Traps and Cleanouts

P105.1 Fixture Traps.-

(a) Separate traps for each fixture.-Each plumbing fixture shall be separately trapped by a water seal trap placed as close as possible to the fixture outlet, but not more than 2 ft. horizontal developed length from the outlet of the fixture. The vertical distance from the fixture outlet to the trap weir shall not exceed 48 in. No fixture shall be double trapped. Exceptions to the separate trapping requirements are as follows:

- (1) Fixtures having integral traps.
- (2) A combination plumbing fixture may be installed on one trap provided one compartment is not more than 6 in. deeper than the other and the waste outlets are not more than 30 in. apart, and provided the trap is centrally located between the waste outlets.
- (3) One trap may be installed for a three compartment sink, three single laundry trays, or a combination of one sink and two trays immediately adjacent to each other in the same room, provided the trap is centrally located between the three sections.
- (4) A domestic dishwasher located with a developed length of drain not more than 3 ft.-6 in. from the trap serving a kitchen sink or combination sink and tray may be connected to the fixture side of the sink trap. A dishwasher may also be connected as stated in section P104.11(b).
- (5) No trap need be provided at fixtures and equipment that discharge their wastes indirectly into a trapped receptacle through a drainage pipe not exceeding 8 ft. in developed length, measured from the drainage outlet. No traps shall be provided for safety relief apparatus, condenser blow-offs, and similar drain lines.

(b) Fixture trap sizes.-Fixture trap sizes (nominal diameter) shall be sufficient to drain the fixture rapidly and in no case less than the sizes given in Table RS 16-6. No trap shall be larger than the drainage pipe into which it discharges.

(c) Prohibited traps.-The following types of traps are prohibited:

- (1) Traps that depend upon moving parts to maintain their seal.
- (2) Bell, pot, bottle traps, and traps with interior partitions.
- (3) Crown vented traps.
- (4) Traps constructed of masonry.
- (5) Catch basins located within the building.

(d) Design.-All fixture traps, except grease and sediment interceptors, shall be self-scouring. Traps integral with

the fixtures shall have a uniform interior and smooth waterway. Traps shall have no interior partitions except where such traps are integral with the fixture or are designed as interceptors. Slip joints or couplings may be used on the inlet side of the trap and a ground joint union connection may be installed in the trap seal.

(e) Seals.-Each fixture trap shall have a liquid seal of at least 2 in. but not more than 4 in.

(f) Setting and protection.-Traps shall be set level with respect to their water seals and, where necessary, shall be protected from freezing and evaporation.

*****P105.2 Building (House) Traps.**-Shall be installed on all building drains near the foundation wall of the structure, inside of the street line, and on the sewer side of all connections, except the connection used to receive the discharge from a sewage ejector, oil separator or leader on combined systems. If such trap is placed outside of the foundation wall or below a cellar floor, it shall be made accessible in a manhole with a cover, or by extension of the two handholes that shall be provided with cleanouts at the cellar floor or grade. Handhole extensions shall be not more than 18 in. above the centerline of the drain. Building (house) traps shall be the same size as the building house drain connected thereto. Where manufactured cast iron traps are not available AWWA cast iron water pipe or ductile iron may be used for house traps if the trap is made with long turn fittings and TY's.

*****Local Law 63-1976**

Reference Standard 16

made through a fixed air gap. Where the equipment or system is fed through an injector the potable water shall be supplied through a fixed air gap to the suction tank of a booster pump.

P107.15 Refrigeration Unit Condensers and Cooling Jackets.-Where potable water is provided for a refrigerator condenser or cooling jacket the connection must be entirely outside of the piping or tank containing the toxic refrigerant shall be used. The inlet connection shall be provided with check valve and, if the refrigeration units contain more than 20 lbs. of refrigerant, with an approved pressure relief valve set to relieve at 5 psi above the maximum water pressure at the point of installation, adjacent to and at the outlet side of the check valve.

P107.16 Air Conditioning and Refrigeration.-

- (1) Each direct water connection to a refrigeration or air conditioning unit using city water for cooling purposes shall be equipped with a check valve located not more than 2 ft. from the unit.
- (2) Where the refrigeration or air conditioning system in a building is in excess of 1/3 ton, the city water supply to such building shall be metered.
- (3) Where the refrigeration or air conditioning unit using city water is 1/3 ton or less, and the unit is located in a metered premise, the unit shall be connected to the metered supply.
- (4) All systems of refrigeration in excess of 6 tons and/or air conditioning in excess of 3 tons shall be equipped with a water conserving device. Ice cubers and ice flakers shall be exempted from this requirement. The tonnage shall be the combined or total tonnages for all water cooled refrigeration systems for air conditioning or any other purpose installed in any one building.
- (5) In buildings where the tonnage is less than the tonnage specified in (4) above, an approved automatic regulating device shall be installed at each refrigeration unit.
- (6) Where city water is supplied to a water conserving device, other than a combination air and water cooled condenser, the piping supplying such water shall discharge at least 2 in. above the overflow rim of the pan.
- (7) The waste water from all systems having direct connection to the city water supply shall be discharged (outlet of the discharge piping) shall be located at least 1 in. above the overflow rim of said receptacle.
- (8) "Automatic water regulating valve or device" shall mean a self-regulating valve or other device that shall limit the use of city water to 1.5 gpm or less per ton of refrigeration or air conditioning.
- (9) "Water conserving device" shall mean an evaporative condenser, water cooling tower, spray pond, economizer, or similar apparatus that shall not consume city water for make-up purpose in excess of 2 percent of the amount that would normally be used without such device. In addition, 3 percent of the amount of water that would normally be used without such device shall be allowed for purpose of bleeding and wash down.

P107.17 Used Water Return Prohibited.-

Water used for cooling of equipment or other processes shall not be returned to the potable water system. Such water shall be discharged into the drainage system through an air break to a receptacle or fixture.

***P107.18 Protection Against Backflow and Back-Siphonage.**-Unless otherwise provided in this code, protection of the potable water system against backflow and back-siphonage shall be by providing, installing, and maintaining at each outlet one of the following:

- (1) Air Gap: In accordance with ANSI A112.1.2-1942 (R1973).
- (2) Vacuum Breaker: In accordance with ANSI A112.1.1-1971 (ASSE No. 1001-1970).
- (3) Reduced Pressure Principle Back Pressure Backflow Preventer: In accordance with ASSE No. 1013-1974.
- (4) Double Check Valve-Type Back Pressure Backflow Preventer: In accordance with ASSE No. 1015-1972.
- (5) Backflow Preventer With Intermediate Atmospheric Vent: In accordance with ASSE No. 1012-1972.

Vacuum breaking and backflow preventing devices shall be accessibly located, preferably in the same room with the fixture they serve. Installation of vacuum breaking devices in utility or service spaces is also permitted, provided the devices are readily accessible.

**Local Law 69-1977.*

***As enacted but "1970" probably intended.*

P107.19 Approval of Devices.-Before any device for the prevention of backflow or back-siphonage is installed, it shall have first been tested and a test report showing compliance with the applicable standard shall have been filed by an architect or engineer, in accordance with the administrative provisions of the building code.

P107.20 Protection of Potable Water Supply Outlets.-

- (a) Backflow preventers or vacuum breakers shall be installed with any plumbing fixture or equipment in each potable water supply outlet that may be submerged and that cannot be protected by a minimum air gap, or as otherwise provided in this code. All submerged inlets, except for connections to water closet and urinal flushometer valves and ball floats for tank water closets and urinals, shall have a check valve installed between the vacuum breaker and the submerged inlet.
- (b) Type required.-
- (1) CONNECTIONS NOT SUBJECT TO BACK PRESSURE.-Where a water connection is not subject to back pressure, a non-pressure type vacuum breaker shall be installed on the discharge side of the last valve on the line serving the fixture or equipment. A partial list of conditions requiring protective devices of this kind is given in Table RS 16-11. The critical level shall be indicated on the vacuum breaker, or in the event the critical level is not indicated, the lower end of the vacuum breaker body shall constitute the critical level.
- (2) CONNECTIONS SUBJECT TO BACK PRESSURE.-Where a potable water connection is made to a line, fixture, tank, vat, pump, or other equipment with a hazard of backflow or back-siphonage where the water connection is subject to back pressure, a pressure type vacuum breaker and check valve shall be installed.

TABLE RS 16-11 CROSS-CONNECTIONS WHERE PROTECTIVE DEVICES ARE REQUIRED AND CRITICAL LEVEL (C-L) SETTING FOR VACUUM BREAKERS

Fixture or Equipment	Methods of Installation
Dental Units	On models without built-in vacuum breakers - C-L at least 4 in. above flood rim of bowl.
Dishwashing machines	An air gap or with the C-L at least 4 in. above flood level of machine. Install on both hot and cold water supply line and on water supply to detergent or water softening appliances.
Flushometers (closet and urinal)	C-L at least 4 in. above top of fixture supplied.
Garbage can cleaning machine	C-L at least 4 in. above flood level of machine. Install on both hot and cold water supply lines.
Hose outlets, (except outside sillcocks, draincocks at base of water risers or at equipment, and fire hose outlets)	C-L at least 4 in. above highest point on hose line or as permitted by the commissioner.
Laundry machines	C-L at least 4 in. above flood level of machine. Install on both hot and cold water supply lines.
Lawn sprinklers	C-L at least 12 in. above highest sprinkler or discharge outlet. Installed on header at building wall.
Steam tables	C-L at least 4 in. above floor level.
Tanks and vats	C-L at least 6 in. above flood level rim or line.
Trough urinals	C-L at least 30 in. above perforated flush pipe.
Flush tanks	All flush tanks operated by ballcocks shall have a vacuum breaker located not less than 1 in. above the overflow outlet of the flush tank.

P107.21 Preheating Apparatus.-Water supply lines to water preheating apparatus utilizing waste water from the plumbing system shall be equipped with a vacuum breaker located at least 4 in. above the highest elevation of the preheating apparatus or coil, with a check valve between the vacuum breaker and the preheating apparatus. Any hot water boiler supplied through such preheating device and having an independent cold water supply line shall have the cold water supply line equipped with a vacuum breaker and check valve located at least 4 in. above the highest elevation of the boiler.

P107.23 Chemical Solution Tanks or Apparatus.-Direct water supply connections to any tank or apparatus containing any chemical shall be prohibited unless specifically approved by the department of health.

P107.24 Bedpan Washers.-Bedpan washers or similar apparatus not provided with an approved flushometer shall be equipped with a vacuum breaker and check valve. The check valve shall be located between the fixture and the vacuum breaker. Water supply to bedpan washers equipped with an approved flushometer valve shall be provided with a vacuum breaker. Bedpan washers may be equipped with steam connections only when such equipment has been approved.

P107.25 Laboratory Outlets.-Each laboratory outlet provided with a serrated tip or hose end shall be provided with a vacuum breaker.

***P107.26 Hot Water Supply System.**-
(a) Return circulation-where required.

(1) Hot water supply systems, in buildings four stories or more in height, or buildings in which the developed length of hot water piping from the source of hot water supply to the farthest fixture supplied exceeds 50 ft. shall be of the return circulation type, except as otherwise provided in subparagraph (2) of this paragraph. No branch from a noncirculated riser or header shall exceed 50 ft.

(2) A temperature maintenance system with electric heaters and components applied to the domestic hot water piping may be used in lieu of a return circulation system provided:

a. The system conforms to the requirements of national standard ANSI/IEEE 515-1983.

b. The minimum predetermined temperature in the domestic hot water piping is not less than 100°F.

c. The minimum outlet temperature of the hot water supply source is not less than 110°F.

d. All heating cable cores are permanently marked with the manufacturer's batch or serial number for traceability and cable jackets are continuously and permanently marked with manufacturer's name, catalog number, nominal supply voltage and nominal power output in watts per ft. The use of temporary printing or tags shall not be permitted.

e. Test certificates accompany each reel of heating cable and are signed by the manufacturer's quality control officer. The certificates shall indicate the cable type, cable rating in watts per ft., voltage rating, test date, batch number, reel number, length of cable, test voltage and test amperage reading.

f. The system is listed for domestic hot water piping by an accepted nationally recognized independent laboratory that maintains periodic inspections of production of listed equipment and whose listing states that the

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supplying fire department units shall be determined by the fire department. On or before January 31, of each year, the applicable utility shall report to the Department of Buildings and the Fire Department the actual number of emergency shut-off valves installed for the preceding year.

(b) If the outside gas service line valve, emergency shut-off device or method is located below ground, it shall be installed in a protective housing, and a cover, easily identifiable shall be provided for the housing. The cover shall be flush with the surface of the ground and kept clear at all times so as to be accessible for immediate use.

(c) The valve or emergency shut-off device shall be capable of being readily operated by removing the cover of the housing and inserting a portable key or other device over the operating end of the valve or emergency shut-off device.

(d) If the outside gas service line valve is located above ground, it shall be suitably protected to prevent accidental vehicular impact and must be installed in accordance with the code requirements of the state of New York as set forth in 16 NYCRR Part 255.

****Local Law 30-1982**

***Local Law 89-1995**

P115.6 Gas Meter Location.-

(a) When located inside the building, meters shall be located as near as practicable to the point of entrance of the service and, where possible, the meters shall be located in the cellar or basement unless otherwise permitted by the commissioner. The meter location shall be clean, dry, and free of refuse, steam or chemical fumes. Meters shall be adequately protected against extreme cold or heat and shall be readily accessible for reading and inspection. The area in which the meter is located shall be properly ventilated. Notwithstanding the foregoing, outside meter installation shall be permitted in areas where the utility company certifies that dry gas is being distributed.

(b) In a multiple dwelling, no gas meter, other than the replacement of an existing meter shall be located in any boiler room or other room or space containing a heating boiler, in any stair hall, nor in any public hall above the cellar or above the lowest story if there is no cellar. However, in any multiple dwelling where there is an existing gas meter located in any boiler room or other room or space containing a heating boiler, one additional gas meter may be installed in such room or space, provided such additional gas meter is installed adjacent to the existing gas meter and is used in conjunction with the supply of gas for a gas-fired heating boiler or a gas-fired water heater used as a central source of supply of heat or hot water for the tenants residing in such multiple dwelling. Such additional gas meter may be installed only upon the condition that space heaters or hot water appliances in the dwelling units are eliminated.

(c) Gas meter rooms, when provided, shall at all times be kept clear of all rubbish; and shall not be used in any way for storage purposes, including material or equipment of any kind. A legible sign reading "Gas meter room-No storage permitted" shall be permanently and conspicuously posted on the exterior of the meter room door, except that the sign may be posted on the interior of the meter room door in buildings classified in occupancy group J-3. The lettering of such signs shall be of bold type at least one inch in height and shall be properly spaced to provide good legibility. The lettering and background shall be of contrasting colors. Where gas meters and related equipment are not located in a separate room but are located in an open floor area, no combustible material shall be stored or kept within five feet of such equipment; nor shall the gas meter be within three feet of any heating boiler or sources of ignition and, except for buildings in occupancy group J-3, there shall be a physical barrier required if the room is also used for storage purposes or the like.

P115.7 Gas Piping Materials And Fittings.-

(a) Piping materials and piping joints.-All materials used in gas distribution piping systems operating at 1/2 psig or less shall be in accordance with department of buildings' requirements and ANSI Z223.1-1974, National Fuel Code, except for the following modifications:

(1) Screwed fittings shall not be used for pipe size above 4 inches in diameter (see section P115.8(e) for distribution piping pressures over 1/2 psig).

(2) Delete paragraph 1.2.6.1(c) of this standard and substitute: "Plastic pipe, tubing and fittings shall not be used for gas distribution or meter piping."

(b) All materials used in gas distribution piping systems having a gas pressure above 1/2 psig shall conform to ANSI B31.2-1968, Fuel Gas Piping, and department of buildings requirements.

(c) All materials used in gas service and meter piping systems shall be in accordance with the requirements as specified by the utility corporation providing the service; and of the department of buildings.

(d) The permissible stress for gas piping shall be limited to not more than 20% of the yield strength of the piping, including all primary and secondary loads.

(e) Plastic pipe shall be limited to polyolefins and shall conform to ASTM D2513-*1976, Thermoplastic Gas Pressure Pipe, Tubing and Fittings.

(f) The definition of plastic (noun) is a material which contains as an essential ingredient an organic substance of large molecular weight, is solid in its finished state and, at some stage of its manufacture or processing can be shaped by flow. Thermoplastic is defined as a plastic which is capable of being repeatedly softened by increase of temperature and hardened by decrease of temperature.

***As enacted but "1974" probably intended.**

P115.8 Installation Of Gas Piping.-

(a) The installation of gas service piping shall be made in accordance with the requirements of the utility corporation providing the service as regulated by Part 255, of Title 16, of the Official Compilation of Codes, Rules and Regulations of the State of New York. Further, such installation shall meet the requirements of the department of buildings.

(b) Gas service piping outside a structure shall be installed not less than 24 inches below grade, except that a lesser distance of not less than 18 inches may be permitted, provided the piping is adequately protected in accordance with the requirements of this code and the utility corporation supplying service, and the piping is not located below a driveway. Any piping that is exposed to outdoor temperatures or installed underground with a cover of less than 2 feet shall be protected against frost, except that frost protection may be omitted in areas where the utility company certifies that dry gas is being distributed.

(c) The installation of gas meter piping shall be made in accordance with the requirements of this code and the local utility company. Piping containing gas with a pressure exceeding 1/2 psig and the gas service pressure regulator which may be subjected to accidental vehicular impact shall be suitably protected.

(d) Welders installing gas piping within buildings at any pressure shall be qualified for all pipe sizes, wall thicknesses and all positions in accordance with either API 1104-1977, 14th edition, or ASME Section IX Boiler and Pressure Vessel Code, 1980 and requalified on an annual basis. The qualification testing shall be performed by an agency listed with the department of buildings, and the inspector shall have a minimum radiography qualification of Level II in accordance with the American Society of Non-Destructive Testing Recommended Practice Document No. SNT-TC-1A, Supplement A. Copies of the certified welder qualification reports shall be maintained by the responsible welding contractor and shall be made available to the department of buildings upon request.

(e) All welded gas distribution and meter piping main and branch supplies to customer equipment operating in excess of 3 psig inside buildings shall be butt welded; and shall be subject to controlled inspection, as set forth in section C26-106.3.

(f) Radiography shall be performed on all butt welds in gas meter and gas distribution piping operating at pressures exceeding 3 psig, within buildings, in accordance with API 1104-1977 or ASME Section IX Boiler and Pressure Vessel Code 1980.

(g) All requirements for installation of gas distribution piping with pressures of 1/2 psig or less shall be in accordance with P115.7 and Z223.1-1974 Part I, National Fuel Gas Code, subject to the following modifications. Section numbers referred to are those in

that standard.

1.2.10.14 Add the following to this section:

(h) Branches shall be taken off the riser with not less than a two elbow swing:

1.2.10.15 Electrical bonding and grounding.-Delete this section and replace it with the following:

The gas piping system shall not be used for an electrical ground.

(i) Where piping supplies equipment for incidental outside use, the minimum ground cover shall be 18 inches. Where compliance with this requirement would be unusually difficult, a lesser distance may be permitted provided the piping is adequately protected in accordance with the requirements of this code and the department of buildings. In all cases where piping is installed in concrete, screwed fittings shall not be used, and the piping shall be coated to prevent corrosion, and in all cases where corrosive conditions exist, the pipe shall be adequately protected against corrosion.

(j) Concealed piping as defined in sections 1.2.8 and 2.4.8 of Z223.1-1974 shall not include piping installed in pipe shafts. Where piping is installed in a shaft, the shaft shall have a fire protective rating as prescribed in the requirements for fire protection construction of the building code.

(k) All requirements for installation of gas distribution piping with pressure above 1/2 psig shall be in accordance with Z223.1 Part II National Fuel Gas Code. Gas distribution piping operating at a pressure of over 1/2 psig to 3 psig and of a size 4 inches or larger shall be welded. All gas distribution piping operating at a pressure above 3 psig shall be welded. All welding of gas distribution piping shall be subject to controlled inspection as set forth in section C26-103.3.

(1) When the structure is erected on fill or on piles, provisions shall be made to preclude possible damage to the gas distribution piping caused by settlement.

(m) Gas distribution piping operating at pressures above 1/2 psig shall be marked to identify the maximum pressure levels within the piping. All valves shall be suitably tagged to indicate the operating pressure level within the distribution piping. In no case shall there be any inter-connections between distribution piping at different pressure levels. Piping at different pressure levels in the same space shall be color coded.

(n) Gas distribution piping operating at pressure levels above 10 psig shall be located within spaces having a 3 hour fire rating for walls and partitions and a 2 hour fire rating for floors and ceiling. Areas containing gas distribution piping operating at pressure levels above 15 psig shall require and/or comply with all of the following:

(1) A 3 hour fire rating.

(2) A suitable fire protection system as approved by the commissioner.

(3) A combustible gas detection alarm system.

(4) Controlled inspection of the piping system as set forth in C26-106.3.

Reference Standard 16

(5) Gas pipe shafts shall not be located in stairways, shall be sealed to prevent any gas leakage from the shaft, shall conform to high hazard requirements, and shall be vented to the open air at the top.

(6) Compressors and/or turbines using gas at 15 psig or over shall be located in rooms provided with explosion venting in accordance with NFPA Std. No. 68-1978 and compressor, turbine, meter and boiler rooms shall be provided with adequate mechanical and fixed ventilation.

(7) The gas meter room shall be gas tight, shall be entered from the outside only, and shall be vented to the outer air only.

(8) Electrical equipment in meter, compressor and turbine rooms shall conform to the Electrical Code of the City of New York for Class 1 Division 1 occupancies.

(9) Any gas tank used shall conform to section C19-91.0(c) and (d), and compressing of gas shall be under the supervision of a person holding a certificate of fitness in accordance with section C19-91.0(b).

(10) Piping at different pressure levels in the same space shall be color coded.

(11) The concurrence of the fire commissioner shall be obtained for all such high pressure gas installations, operating at 15 psig or over.

(o) Plastic service piping, either insert or direct burial, conforming with section P115.7(c) may be installed subject to the following restrictions:

(1) Wherever plastic insert piping is used, the existing service piping shall act as a mechanical protection between the plastic piping and the surrounding environment. The remaining gas service pipe shall be prepared to the extent necessary to remove any sharp edges, projections, or abrasive material which could damage the plastic during and after insertion. Plastic pipe or tubing shall be inserted into the casing pipe in such a manner as to protect the plastic during the installation. The leading end of the plastic shall be closed before insertion. Care shall be taken to prevent piping from bearing on the end of the casing.

(2) Persons engaged in the installation of the plastic piping shall be formally trained, qualified, and certified by the serving utility company.

*(3) Plastic piping shall not extend more than 3 inches beyond the inner face of the building wall, and shall not be exposed inside the building. Plastic piping may extend into the building a maximum of one foot horizontally and four feet vertically immediately adjacent to the inner face of the building wall when encased in a metallic sleeve and constructed and vented so that uncontrolled gas cannot escape from the metallic sleeve inside the building.

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(4) Joints shall be either mechanical or heat fusion joints, only. Each plastic pipe fusion joint must be made in accordance with written procedures that have been proven by destructive burst test to produce joints at least as strong as the pipe being joined.

a. When plastic pipe, tubing, or fittings of different

material specifications are joined together by heat fusion, a thorough investigation shall be made to determine that the materials are compatible for joining purposes. The joining method used must be compatible with the materials being joined. The recommendations of the manufacturer shall be considered when determining the method to be used.

b. Mechanical joints. When compression type mechanical joints are used, the gasket material in the coupling must be compatible with the plastic. An internal tubular rigid stiffener shall be used in conjunction with the coupling. The tubular stiffener shall reinforce the end of the pipe or tubing and shall extend at least to the outside end of the compression fitting when installed. The stiffener shall be free of rough or sharp edges and shall not be a force fit in the plastic. A split tubular stiffener shall not be used.

(5) Changes in direction with plastic piping may be made with bends, elbows and tees. Bends shall be free of buckles, cracks, or other evidence of damage. No miter joints are permitted. The pipe may be bent or deflected provided the radius shall not be less than the minimum recommended by the manufacturer.

(6) The minimum allowable wall thickness for plastic pipe shall be 0.090 inches.

(7) Plastic pipe shall be laid, and continuously supported, on undisturbed or well-compacted soil to minimize shear stresses. Backfill material for at least 4 inches over the plastic pipe shall be free from large rocks or sharp objects. The trench shall be backfilled to a height of 12 inches above the pipe in 6-inch lifts which shall be hand compacted. The remaining trench shall be backfilled in 12-inch lifts.

(8) Slack for thermal expansion and contraction or for external loading on direct-buried plastic services shall be provided by snaking the pipe from one side of the trench to the other. Where plastic piping is inserted for a distance of 50 feet or more allowances shall be made at the end connections to prevent pull out caused by thermal or by external loading.

(9) External sleeves shall be used on plastic service lines at main connections to minimize shear stresses.

*(10) Plastic pipe shall not be installed in areas where it may be exposed to temperatures below -20°F or above 140°F. Plastic pipe shall not be installed within 35 feet of an underground steam facility, nor in any vault in which a steam facility is located.

(11) The specific plastic pipe, tubing or fitting to be used shall be thoroughly investigated by the user and material serviceability determined for the conditions anticipated. The selected material shall be adequately resistant to the liquids and the chemical atmosphere which may be encountered. Care shall be exercised at all times to protect plastic material from fire, excessive heat, or harmful chemicals.

(12) The design pressure is not to exceed 100 psig for plastic gas service piping.

(13) The design pressure for plastic gas service piping or the nominal wall thicknesses for a given design

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pressure shall be determined by one of the following formulas:

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$$P = \frac{2S \times F}{(R-1)} \quad \text{or} \quad P = \frac{2S \times F}{(D-t)}$$

where:

D = Specified outside diameter, inches

P = Design pressure, psi

S = Long term hydrostatic strength, psi
(Determined in accordance with
ASTM D2513)

t = Specified wall thickness, inches

F = Plastic design factor = .32

R = Standard dimension ratio

(14) Inspection and handling provisions. Plastic piping components are susceptible to damage by mishandling. Gouges, cuts, kinks, or other forms of damage may cause failure. Injurious gouges or grooves shall be removed by cutting out the damaged portion as a cylinder and replacing it with a good piece. Care shall be exercised during handling and installation to prevent such damage. The serving utility shall inspect plastic piping and its components to ensure the absence of imperfections in materials, to ensure sound joints are made, and to ensure conformance with applicable state regulations.

P115.9 Gas Piping Sizes.-Pipe sizes for gas distribution shall be in accordance with ANSI Z223.1-1974, subject to the following modifications. Section numbers referred to are those in that standard.

1.2.4.3 Add the following at the end of this section: "Individual outlets to gas ranges shall not be less than 3/4 in."

Section P116.0 Swimming Pools and Display Pools or Fountains

P116.1 Swimming Pools.-

(a) General requirements.-Swimming pools regulated by the building code shall be designed, installed, and maintained in accordance with the requirements of this reference standard.

(b) Prohibited pools.-The installation of fill and draw pools is prohibited.

(c) Toilet and shower facilities.-

(1) Toilets shall be installed in properly ventilated rooms, and shall be conveniently located so as to facilitate their use before the bathers enter the showers. The number of toilets to be provided shall be predicated upon the maximum number of bathers, both adults and children, who can be accommodated at any one time. There shall be at least one toilet provided for every 50 female bathers, at least one toilet and one urinal provided for every 75 male bathers, and at least one wash basin adjacent to the toilets for every 60 persons.

(2) The number of showers to be provided shall be

predicated upon the maximum number of persons, both adults and children, who can be accommodated at any one time. At least one shower shall be provided for every 50 persons; but in no case shall there be less than two showers. Showers shall be supplied with hot and cold water, and shall be designed so that a proper mixture of hot and cold water can be obtained without the danger of scalding the bather. The entrance to the pool area from the dressing room shall be preceded by the shower room.

(d) Drainage.-

(1) At least one drainage outlet shall be installed in the deepest portion of the pool and shall be of sufficient size to drain the entire pool in 8 hours. The main drain outlets shall be provided with a vortex-and-suction-reducing device consisting of an outlet strainer or grating having a total open area equal to at least four times the area of the pool drain pipe. Or sufficient grating area shall be provided so that the maximum velocity through the grate does not exceed 1 1/2 fps. The minimum width of grating openings shall be 1/2 in. Multiple outlets shall be provided where the width of the pool is more than 30 ft. and such outlets shall not be spaced more than 30 ft. apart nor more than 15 ft. from the side walls. The pool drain connection shall be installed so as to prevent the reversal of flow from the sewer to the pool.

(2) Pool overflows shall be installed and constructed so that the overflow water is returned to the filter by means of overflow (scum) gutters, roll-out or deck level pool drains, or skimmers, along with the water returned to the filter through the main drain.

a. Overflow (scum) gutters shall extend completely around the pool, except at steps or recessed ladders in the shallow portion. The gutter shall be capable of continuously removing 50 percent or more of the recirculated water and returning it to the filter. All overflow gutters shall connect to the recirculation system through a properly designed surge tank. Where vacuum filters are used and are below the pool water level, the filter tank can be used as the surge tank. Piping from the gutter drains of the pool must be designed to rapidly remove the overflow water, but the maximum flow rate should not exceed 6 fps.

1. The gutters shall be designed so that they can be cleaned easily. The opening into the gutter beneath the coping shall be at least 4 in., and the interior of the gutter shall be at least 3 in. wide and 3 in. deep. Where large gutters are used, they shall be designed to prevent entrapment of the bather's arms or legs. They shall be designed in accordance with the standards of American public health service.

2. Overflow outlets or drains shall be installed at intervals sufficient to provide equal removal of the overflow from the entire surface of the pool. The outlet fittings shall connect to the return piping through 2 in.

REFERENCE STANDARD RS 17
FIRE ALARMS, DETECTION AND EXTINGUISHING EQUIPMENT
***LIST OF REFERENCED NATIONAL STANDARDS**

ANSI/NFiPA No. 13	Standard for the Installation of Sprinkler System, as Modified	1989
** ANSI/NFiPA No. 13R	Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height	1994
** ANSI/NFiPA No. 13D	Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.....	1994
ANSI/NFiPA No. 214	Standard for Water-Cooling Towers	1988
*** ANSI/NFPA No. 72	National Fire Alarm Code	1993
ANSI/ASME B16.4	Cast-Iron Threaded Fittings, Class 125 and 250	1985
UL No. 193	Alarm Valves for Fire-Protection Service (Revision 9/88).....	1988
UL No. 260	Dry Pipe and Deluge Valves for Fire Protection Service.....	1988
UL No. 262	Gate Valves for Fire-Protection Service	1988
UL No. 312	Check Valves for Fire-Protection Service (Revision 10/89).....	1988
UL No. 668	Hose Valves for Fire-Protection Service	****1988
UL No. 753	Alarm Accessories for Automatic Water-Supply Control Valves for Fire-Protection Service (Revision 8/89).....	1989
UL No. 789	Indicator Posts for Fire-Protection Service (Revision 3/89).....	1987
UL No. 1091	Butterfly Valves for Fire-Protection Service	1986
UL No. 1468	Direct-Acting Pressure-Reducing and Pressure-Control Valves for Fire-Protection Service...	1985
UL No. 1486	Quick Opening Devices for Dry Pipe Valves for Fire-Protection Service (Revision 7/85)..	1979
UL No. 1726	Automatic Drain Valves for Standpipe Systems (Revision 9/88)	1985
UL No. 1739	Pilot-Operated Pressure-Control Valves for Fire-Protection Service.....	1988
ANSI A21.10/AWWA C110	Ductile-Iron and Grey-Iron Fittings, 3-inch through 48-inch for Water and Other Liquids.	1987
ANSI A21.11/AWWA C111	Rubber Gasket Joints for Ductile Iron and Grey-Iron Pressure Pipe and Fittings.....	1985
*** ANSI/ASTM A234	Specification for Pipe Fittings of Wrought Carbon Steel and Alloy Steel for Moderate and Elevated Temperatures.....	1988
ANSI/NFiPA No. 22	Standard for Water Tanks for Private Fire Protection	1987
UL No. 217	Single and Multiple Station Smoke Detectors including Revision of February 19, 1989...	1989
ANSI/NFiPA No. 74	Standard for the Installation, Maintenance, and Use of Household Fire Warning Equipment, as Modified	1989
ANSI/NFiPA No. 20	Installation of Centrifugal Fire Pumps	1990
ANSI/NFiPA No. 231	Standard of Indoor General Storage	1990
ANSI/NFiPA No. 231C	Standard for Rack Storage of Materials	1986

***310-90 BCR**

****DOB 6-23-99**

*****DOB 1-9-02**

******As enacted but "1989" probably intended.**

***REFERENCE STANDARD RS 17-1
STANDPIPE SYSTEM CONSTRUCTION**

1. Materials for Standpipe Systems-

(a) Pipe-

(1) Pipe for standpipe systems shall be in accordance with table RS 17-1-1, and shall conform to the standards of table RS 16-1, of reference standard RS-16.

(2) Pipe for buried sections of the standpipe system, whether inside or outside of the building, shall be red brass, hard temper type "K" copper tubing, galvanized wrought iron, galvanized steel, cast iron, ductile iron, or approved equivalent material. All such pipe, other than cast iron, shall be adequately wrapped or otherwise

protected against corrosion.

(3) The name of the manufacturer and the pressure to which the pipe was tested shall be permanently and legibly indicated on all pipe used in standpipe systems.

(4) Only new pipe shall be used in standpipe systems.

(b) Fittings-

(1) Fittings used in standpipe systems above ground shall be malleable cast iron, ductile iron or cast steel or approved equivalent conforming to reference standard RS 17-6.

(2) Fittings used in standpipe systems underground shall be cast iron or ductile iron or approved equivalent conforming to reference standards RS 17-7 or RS 17-8.

(3) Pressure ratings shall be cast in or on the fittings. (See table RS 17-1-1 for required ratings.)

***TABLE RS 17-1-1
REQUIRED RATINGS OF PIPE, FITTINGS AND VALVES IN STANDPIPE SYSTEMS FOR VARIOUS
HEIGHTS OF BUILDINGS ^{c,d}**

Distance from Upper Tank Check to 1 st Floor or Fire Pump (ft.)	Class of 2 ½ Hose Outlet Valves	Type of Pipe	Fittings (wwp in psi)	Check and Gate Valves (wwp in psi)
0 to 115	A ^a	Schedule 10 or 40 carbon steel	300	175
115 to 270	A ^a	Schedule 10 or 40 carbon steel	300	250
270 to 425	B ^b	Schedule 40 carbon steel	350	350
425 to 657	B ^b	Schedule 40 carbon steel	500	500
657 to 1,112	B ^b	Schedule 80 carbon steel	800	800
**1,122 and over	B ^b	Schedule 80 carbon steel	1,000	1,000

Notes.-

^aFor installation in buildings not exceeding 300 ft. in height or the uppermost 300 ft. in taller buildings. Valve shall close tightly against 300 psi normal hydraulic pressure and shall withstand a hydraulic test pressure of 750 psi.

^bFor installation in the lower portions of buildings exceeding 300 ft. in height. Valve shall close tightly against 400 psi normal hydraulic pressure and shall withstand a hydraulic test pressure at 1,250 psi.

^cSix inches and larger section and riser control valves shall have a valved bypass.

^dSiamese connections shall be rated for the same pressure as is required for interior fittings and valves.

***310-90 BCR**

****As enacted but "1,112" probably intended**

(4) Fittings used in standpipe systems that are of welded construction shall be of a type conforming to reference standard RS 17-9 for welding purposes.

(5) Approved mechanical couplings such as cut groove, rolled groove and mechanical tees may be used in the standpipe system. Fittings used in conjunction with the coupling shall be designed for use with the coupling.

(c) Valves-

(1) Valves and related products used in fire protection shall be approved and comply with reference standard RS 17-6A.

(2) O. S. & Y. indicating valves (with indicator readily visible from the floor) shall be provided to permit any riser or other section to be shut off while remaining risers or sections continue in use. Valves shall be

flanged, mechanically coupled, or wafer type and with bodies of cast iron, ductile iron, cast steel or approved equivalent material having nonferrous metal seat rings. See Table 17-1-1 for required ratings and Figures RS 17-1-1 and RS 17-1-2 for valve locations.

(3) In single riser systems, or where a single riser extends through an upper portion of the building supplying hose outlet valves more than 150 ft. above the curb level, section valves shall be installed in the single riser at the floor where the single riser starts and at increments of not more than 100 ft. above the first valve. The section valve or valves in the upper section of the riser shall be located so as to divide the riser into increments as shown in figure RS 17-1-1, and RS 17-1-2.

Reference Standard 17

***Delete Table 2-2.1 (b) in its entirety, except for Density Curves and add the following:**

TABLE 2-2.1.1(b)

TABLE AND DESIGN CURVES FOR DETERMINING DENSITY, AREA OF SPRINKLER OPERATION AND WATER SUPPLY REQUIREMENTS FOR HYDRAULICALLY DESIGNED SPRINKLER SYSTEMS

Minimum Water Supply Requirements

Hazard Classification	Sprinklers Only-gpm	Duration in Minutes (See Notes 1, 2, & 3)
Light	See 2-2.1.3	30
Ord.-Gp. 1	See 2-2.1.3	40
Ord.-Gp. 2	See 2-2.1.3	40
Ord.-Gp. 3	See 2-2.1.3	40

For SI Units: 1 gpm = 3.785 L/min.

Notes:

1. In existing buildings only, the Commissioner may authorize reduction of storage to 20 minutes provided there are provisions for acceptable mechanical automatic means of makeup to the storage tank. Where 20 minutes storage cannot be achieved with existing storage facilities, alternative means of supply may be considered by the Commissioner. In any event, no fire reserve storage facility shall have less than 3500 gallons.

The following conditions should be met for determining acceptable automatic means of makeup:

a) Automatic means of makeup for a tank fire reserve should be capable of pumping water into the tank at a rate, for a period of 20-minutes, sufficient to equal the difference between the normal 30-minute demand and the alternate 20-minute demand. The demand required is established by calculations for the most demanding remote area from the riser as shown by examples of Appendix A of NFPA 13-1989 and as now determined by the 30-minute demand.

b) There should be at least two (2) automatic means of makeup, each having the same capacity, so that in the event that a unit must be removed for repairs the other unit can be placed in service.

c) An approved low water alarm is to be provided and located at a point 500 gallons above the fire level reserve.

2. Where there is a requirement for a sprinkler alarm, a central station signal shall be provided.

3. In no case shall existing sprinkler storage capacities be reduced to less than the amount required for comparable new construction.

4. In fully sprinklered buildings the storage capacity of the fire reserve in the tank shall be as required for the sprinkler demand, but shall not be less than 3500 gallons in buildings with a single fire standpipe riser nor less than 5000 gallons in buildings with multiple fire standpipe risers.

5. Storage in light hazard occupancies where not more than 15 percent of the building is of ordinary hazard may have storage capacity predicated on light hazard occupancy provided that any such space shall not exceed 5,000 square feet in area.

***633-83 BCR**

2-2.4.1 to 2-2.4.6 Delete Except 2-2.4.3

2-3 Connections of Water Works Systems.

2-3.1.2 Delete.

2-4 Gravity Tanks.

2-4.2 Add an additional sentence to read as follows: "If any of the sprinkler heads are supplied from domestic water tanks, the combined water supply in the tank shall be at least 5,000 gallons. Further, that the sprinkler supply shall be taken from the lowest level of the tank."

Add 2-4.3 Combined Use. In E, F, G, H and J Occupancies, with only limited ordinary hazard areas, the sprinkler and standpipe reserve may be common to both. Reserve shall be sized for the greater demand.

Interpretations: Limited, may be defined as less than 30% of the floor area.

Add 2-4.3.1 Buildings whose occupancies are more than 85 percent light hazard, may have a light hazard water supply provided the ordinary hazard areas are designed for ordinary hazard requirements in respect to sprinkler spacing and pipe sizing.

Add 2-4.3.2 Combined standpipe and sprinkler systems may be used in D-2 Laboratory Occupancies, E, F, G, H and J. If an automatic fire pump is used as the primary supply, the requirements of 2-5.3 shall be complied with.

2-5 Pumps

Add 2-5.3 Combined Use. In light hazard occupancies with only limited ordinary hazard areas, an automatic fire pump serving the lower 300 feet of the standpipe system may be used as the primary supply to the sprinkler system, provided that a secondary power supply is available to drive the pump; and such power supply shall be automatic switching.

Add 2-5.4 In hydraulically designed sprinkler systems supplied from a gravity tank, the pressure may be increased by means of an automatic, special service fire pump. The pump shall be sized to satisfy the requirements of Table 2-2.1.1(a) or Table 2-2.1.1(b) and shall be arranged in a bypass to permit the portion of the system so supplied to be served by the system's siamese connections.

(a) If the pump is not supplied from the street side of the building service switch, the electrical service and pump operation shall be fully supervised; provided that a secondary power supply is available to drive the pumps and such power supply shall be automatic switching.

*2-5.5 Wiring for fire pumps. When the fire pump feeder conductors are routed through the building(s), they shall be enclosed by two (2) inches of concrete or shall be listed electrical circuit protective systems with a minimum of one-hour fire resistance.

***DOB 7-24-96**

Reference Standard 17

2-6 Pressure Tanks

Delete 2-6.1 to 2-6.3 and substitute:

2-6.1 Acceptability.

2-6.1.1 A pressure tank in accordance with Table 2-2.1.1(a) or 2-2.1.1(b) is an acceptable water supply source. The total available quantity of water in pressure tanks need not exceed 15,000 gallons when there is a secondary source of water supply available from a gravity tank or a street connection acceptable to the Commissioner of Buildings. The maximum gross capacity of a single pressure tank shall be 9,000 gallons and shall include the needed extra capacity to fill dry-pipe or preaction systems when installed.

2-6.1.2 Each tank shall be kept at a maximum of 2/3 full of water and a minimum of 1/3 full of air maintained under a minimum pressure of 75 psig. The water-to-air ratio shall be so proportioned and the tank so located that a minimum pressure of 15 psig will be available on the highest line of sprinklers below the main roof when all the water is being discharged from the tank.

2-6.1.3 The tank supports shall be designed on the basis of the tank being full of water.

2-6.2 The tanks shall be supplied with water through a fixed pipe, independent of the sprinkler piping and at least 2 inch in size. The water supply shall be capable of supplying the tank at a rate of at least 65 gpm without decreasing the pressure in the tank. The tank shall have a fixed water level plate on the end of the tank opposite the gage glass, or equivalent devices, to indicate the level of the water in the tank.

2-6.3 The air compressor shall be provided with automatic controls for maintaining the air pressure. The capacity of the compressor shall be sufficient to build up the tank pressure to 75 psig within 3 hr. or less.

2-6.4 Pressure tanks shall be provided with approved closed circuit high and low water and high and low air pressure alarms.

2-6.5 Pressure tanks shall be located at or above the top level of sprinklers.

2-7 **Delete.**

2-8 **Delete.**

CHAPTER 3-System Components

3-1.1 **Delete**

3-1.1.1 **Delete**

3-1.1.4 **Delete**

3-1.1.5 **Delete**

Add the following, in lieu of the above:

Piping Specifications.

3-1.1 Pipe or tube used in sprinkler systems shall be welded and seamless steel, wrought steel, wrought iron, drawn seamless copper tube or threadless copper pipe.

The chemical and physical properties of wrought steel or wrought iron pipe should be at least equal to those manufactured in accordance with the specifications of the American Society for Testing and Materials for Black and Hot-Dipped Zinc-Coated (Galvanized) Welded and Seamless Steel-Pipe for Ordinary uses.

ANSI/ASTM Designation A120-80; Welded and Seamless Steel Pipe ANSI/ASTM Designation A53-79; ASTM Designation A72-68.

Dimensions for wrought steel or wrought iron pipe should be in accordance with the American Standard for Wrought Steel and Wrought Iron Pipe, ANSI B36.10-1979. Pipe used in sprinkler systems should be designed to withstand a working pressure of not less than 175 psig. It is intended that this sprinkler standard permit the use of "standard wall" pipe as described in ANSI B36.10-1979 for pressure up to 300 psig. Schedule 40 pipe is considered "standard wall" pipe. Schedule 30 pipe is acceptable in sizes 8 inches and larger. However, "light wall" schedule 10 pipe is acceptable in sizes 10 inches and smaller, provided that the piping is designed to withstand a working pressure of not less than 175 psig, when approved.

Tube or threadless pipe used in sprinkler systems shall be drawn seamless copper tube or threadless copper pipe conforming to the chemical and physical properties of one of the following standards issued by the American Society for Testing and Materials:

Seamless Copper Tube ANSI/ASTM *B75-79

Seamless Copper Water Tube ANSI/ASTM B88-76

General Requirements for Wrought Seamless Copper and

Copper-Alloy Tube ANSI/ASTM B251 M-79

Threadless Copper Pipe ANSI/ASTM B302-76

Copper Tube or threadless pipe used in sprinkler systems as specified in the above standards shall be limited to wet systems for light and ordinary hazard occupancies using sprinkler heads having 165° F rating or less, and shall have minimum wall thickness capable of withstanding a working pressure of not less than 175 psig at a service temperature of 300° F for both annealed and drawn tempers.

Copper Water Tube Types K and L ANSI/ASTM B88-76, and Threadless Copper Pipe Type TP, ANSI/ASTM B302-76.

Copper Pipe Type TP, ANSI/ASTM B302-76. Ferrous Piping (Welded and Seamless), ANSI/ASTM A 135-79 Specification for Electric-Resistance Welded Steel Pipe, pursuant to Board of Standards & Appeals Calendar No. 75-77-SA are acceptable.

Other approved types of pipe or tube may be used, but only those investigated and listed for this service by a nationally recognized testing and inspection agency and acceptable to the Commissioner. The use of pipe or tube other than that described above must involve consideration of many factors, e.g.,

**As enacted but "B75-81" probably intended.*

1. Pressure rating.

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distance outside of buildings.

Add 3-9.2.14 Check valves on tank or pump connections, when located underground, may be placed inside of buildings and at a safe distance from the tank riser or pump, except in cases where the building is entirely of one fire area, when it is ordinarily considered satisfactory to locate the check valve over-head in the lowest level.

Add 3-9.2.15 All gate valves controlling water supplied for sprinklers shall be located where readily accessible and when necessary, permanent ladders, clamped treads on risers, chains and wheels, or other accepted means should be provided.

Add 3-9.2.16 Section Valves in Underground Fire Mains. Large yard systems shall have section controlling valves at appropriate points, in order to permit sectionalizing the system in the event of a break, or for the making of repairs or extension (See Standard for Outside Protection, ANSI/NFPA No. 24-87).

Add 3-9.2.17 Floor Valves. Floor control valves shall be provided where required or in special cases where area or height, or number of tenants is excessive, both in manufacturing and mercantile buildings, or where contents are more than ordinarily susceptible to damage. Floor valves shall be located where they are readily accessible. They are to be O.S.&Y. or indicating type located ahead of the inlet of any pressure reducing valve.

Add 3-9.2.18 Indicator Posts for Gate Valves.

Add 3-9.2.18.1 Outside Control shall be provided.

Add 3-9.2.18.2 Where sprinklers are supplied from a yard main, an approved outside indicator post gate valve shall be placed in the connecting pipe at a safe distance from the building.

Add 3-9.2.18.3 Indicator post valves should be located not less than 40 feet from buildings; but where necessary to place a valve close to a building, it should be located at a blank part of the wall.

Add 3-9.2.18.4 When a building has no basement, and an outside post indicator control cannot be furnished, a short post indicator may be installed in a horizontal position in riser with handwheel projecting outside of wall.

Add 3-9.2.19 Pits for Underground Valves. Pits for underground valves except those located at the base of a tank riser, are described in the Standard for Outside Protection (ANSI/NFPA No. 24-87). For pits protecting valves located at the base of a tank riser, refer to RS-10.

Add 3-9.2.20 Securing of Valves. All gate valves in supply pipes to automatic sprinklers, whether or not of indicator or post pattern, shall be sealed open in a satisfactory manner.

Add 3-9.2.21 Valves controlling sprinkler supplied from the standpipe system shall be approved for standpipe service in the pressure zone in which it is installed. They shall be O.S.&Y. or indicating valves and shall be located ahead of the inlet of any pressure reducing valve installed.

3-9.3.4. Delete.

3-11.5.2 Add to first sentence; and subject to the Commissioner's approval.

3-12.3.2 Delete this Section, and substitute the following:

Dry Pipe Valves. The alarm apparatus for a dry-pipe system shall consist of approved low and high air pressure alarm attachments to the dry-pipe valve. When a dry-pipe valve is located on the system side of an alarm valve, the actuating device of the alarms for the dry-pipe valve may be connected to the alarms on the wet-pipe system. Delete Section 3-12.4 and the following, in lieu of the above: 3-12.4 Joints for the connection of copper tube or threadless pipe shall be brazed. Brazing filler metal classes BCuP-3, BCuP-5, BAg-2 *(ANSI/AWS A5.8-77) may be used.

**As enacted but "(ANSI/AWS A5.8-76)" probably intended.*

3-12.6 Delete this section and add; refer to RS 17-3

3-12.7 Delete this section and add; refer to RS 17-3

3-12.8 Delete this section, and substitute the following: Identification Signs. Identification signs shall be provided for outside alarm devices. The sign should be located near the device in a conspicuous position and shall be worded as follows: **"SPRINKLER FIRE ALARM-WHEN BELL RINGS CALL FIRE DEPARTMENT OR POLICE"**.

Add 3-12.9 Drains

Add 3-12.9.1 Where vents are necessary for satisfactory electric alarm switch operations, such vents should be properly piped to a drain.

Add 3-12.9.2 Drains from alarm devices shall be so arranged that there will be no danger of freezing, and so that there will be no overflowing at the alarm apparatus, at domestic connections or elsewhere with the sprinkler drains wide open and under pressure.

Add 3-12.9.3 Drain from retarding chamber and electric alarm switch should preferably discharge through an open cone and be run separate from main system drains to a safe and visible point of free discharge or to sewer or ground drain. Drain from water-motor-operated alarm device may run separately to sewer or ground drain or may be connected to drain from retarding chamber at a point between such sewer and a check valve on this drain, a union or plug being inserted in the drain from the alarm device to permit inspection. Where checks are used they shall be so located as to have the equivalent of at least a four-foot head and shall not be installed in a vertical position.

Add 3-12.9.4 Where drains are conveyed to a sewer, a proper trap shall be provided.

Add 3-12.9.5 Where it is necessary to drain alarm valves outside the wall, an open discharge cone shall be provided inside to break the pipe line so that cold air will not conduct directly into the retarding chamber. Alternately, all drains shall have at least 4 feet of pipe beyond the valves, in a warm area.

3-13 Fittings

Renumber Section 3-13.1.4 to 3-13.1.6

Renumber Section 3-13.1.5 to 3-13.1.7

Add a new Section 3-13.1.4 to read as follows:

3-13.1.4 Fittings used in the assembly of copper tube shall conform to the following standards issued by the American National Standards Institute:

Reference Standard 17

Bronze Flanges and Flanged Fittings

150 to 300 lb. ANSI B16.24-79

Add a new section 3-13.1.5 to read as follows:

3-13.1.5 Fittings used in the assembly of threadless copper pipe (Type TP) shall conform to the following standards:

Cast Bronze, Brazed-Joint Pressure Fittings

Dimensions MIL F-1183 G-78

Chemical and physical properties
ANSI/ASTM B61-80 or

ANSI/ASTM B62-80

Bronze Flanges and Flanged Fittings

150 to 300 lb. ANSI B16.24-79

3-14 Valves.

123-14.1.1 Add the following sentence:

"An approved indicating valve may be used in lieu of an O.S.&Y. gate valve wherever referred to in these modifications except where such valve is to be installed in conjunction with a pressure reducing valve."

3-14.2 Valves Controlling Sprinkler Systems.

Amend 3-14.2.1 Each system shall be provided with a listed indicating valve so located as to control all sources of water supply except fire department connections.

3-14.2.5 Delete.

3-14.2.6 Delete.

3-14.2.7 Delete.

Add 3-14.2.5 Where there is one water supply connection, a check valve shall be installed. Such check valve may be a swing check, an approved fire meter or an approved detector check.

Add 3-14.2.6 Where a system having only one dry-pipe valve is supplied with city water and Fire Department connection, it will be satisfactory to install the main check valve in water supply connection in a vertical position immediately inside of the building after the main indicating valve.

Add 3-14.2.7 Where either a wet or dry pipe sprinkler system is supplied by city water and Fire Department connection and has more than one riser with O.S.&Y. gate valve in each and the whole system is controlled by one outside post indicator valve, it will be satisfactory to install the main check valve in the water supply connection immediately inside building. If the supply is controlled by an underground gate valve with an approved roadway box, the main check valve in the water supply connection should be installed immediately after the O.S.&Y. gate valve inside the building.

Add 3-14.2.8 Where a wet pipe sprinkler system is supplied by city water and a Fire Department connection with only one riser, the alarm valve will be considered as a check valve and an additional check will not be required.

Add 3-14.2.9 A gate valve should be installed on each side of each check valve under conditions other than described in Paragraphs 3-14.2.6, 3-14.2.7, 3-14.2.8. However, this shall not apply to Fire Department Siamese check valves.

Add 3-14.2.10 Where a gravity tank is located on a

tower in the yard, the gate valve on the tank side of the check valve shall be of O.S.&Y. type, the other shall be either an O.S.&Y. valve or an indicator post valve. Where a gravity tank is located on a building both gate valves shall be the O.S.&Y. type; and all fittings inside the buildings, except the drain ice fill line, and heater connections, shall be under the control of a gate valve.

Add 3-14.2.11 In a city connection serving as one source of supply the city valve in the connection may serve as one of the required gate valves. An O.S.&Y. valve or an indicator post valve should be installed on the systems (water supply) side of the check valve.

Add 3-14.2.12 A connection from public water system shall not extend into or through a building unless such connection is under the control of an outside indicator post or O.S.&Y. gate valve or under the control of an inside O.S.&Y. gate valve located near the outside wall of the building.

Add 3-14.2.13 When a pump, located in a combustible pump house or exposed to danger from fire or falling walls, or a tank discharges into a yard main fed by another supply, either the check valve in the connection shall be located in a pit or the gate should be of the indicator post type, located a safe distance outside of buildings.

Add 3-14.2.14 Check valves on tank or pump connections, when located underground, may be placed inside of buildings and at a safe distance from the tank riser or pump, except in cases where the building is entirely of one fire area, when it is ordinarily considered satisfactory to locate the check valve over-head in the lowest level.

Add 3-14.2.15 All gate valves controlling water supplied for sprinklers shall be located where readily accessible and when necessary, permanent ladders, clamped treads on risers, chains and wheels, or other accepted means should be provided.

Add 3-14.2.16 Section Valves in Underground Fire Mains. Large yard systems shall have section controlling valves at appropriate points in order to permit sectionalizing the system in the event of a break, or for the making of repairs or extension. (See Standard for Outside Protection, ANSI/NFPA No. 24)

Add 3-14.2.17 Floor Valves. Floor control valves shall be provided where required or in special cases where area or height, or number of tenants is excessive, both in manufacturing and mercantile buildings, or where contents are more than ordinarily susceptible to damage. Floor valves shall be located where they are readily accessible. They are to be O.S.&Y. type located ahead of the inlet of any pressure reducing valve.

Add 3-14.2.18 Indicator Posts for Gate Valves.

Add 3-14.2.18.1 Outside control shall be provided.

Add 3-14.2.18.2 Where sprinklers are supplied from a yard main, an approved outside indicator post gate valve shall be placed in the connecting pipe at a safe distance from the building.

Add 3-14.2.18.3 Indicator post valves should be located not less than 40 feet from buildings; but where necessary to place a valve close to a building, it should

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power system, regardless of whether the primary source is utility company power or an isolated plant.

(2) If the building has an emergency generator supplying power to any of the loads listed in 27-396.4, the secondary source shall be the generator.

(3) For all other buildings, the secondary source shall be a battery supply provided in accordance with Reference Standard 17-5 for primary batteries. The battery shall be designed for 24-hour supervisory operation of the system, followed by

(a) 6 hour total system load for systems with voice communication capability (A 45 minute period of voice/alarm operation at maximum connected load shall be considered equivalent to 6 hours of total system operation), or

(b) 15 minutes of total system load for systems without voice capability.

(4) Partial systems and/or associated systems may derive their secondary supply from batteries whether or not the building is equipped with an emergency generator. Batteries shall be designed for 24-hour supervisory operation followed by 5 minutes of total system load.

All alterations to any existing approved fire alarm system involving or consisting of the replacement of the Fire Command Station, Fire Alarm Control Panel, Central Processing Unit, Floor Control Units, Remote Control Units, Data Gathering Panels, Terminal Transmission Board, and other similar or equivalent controls or control panels shall be required to comply with Section (C3) above. For systems in buildings which are in compliance with Sections (C)1 or (C2) above, compliance with Section (C3) is optional.

D. ASSOCIATED SYSTEMS

Associated systems listed below shall have their actuation added to the Fire Control Panel:

1. Smoke detection systems.
2. Sprinkler water flow alarms.
3. Thermostatic alarms.
4. Fan shut down for HVAC and automatic smoke exhausters.
5. Stage fire control and deluge systems.
6. Other approved systems.

NOTE: The associated systems listed above shall all be interconnected with the Class "G" fire signal systems and shall have their alarm and common trouble signals indicated at the main control board.

E. WIRING

(1) Power Conductors (Above 75 volts) shall be:

(a) Copper: THHN, THWN/THHN, TFFN, TFN, FEP, RHH, RHW-2, XHH, or XHHW; minimum 600 volts; 90 C; for installation in rigid metallic conduit (RMC), intermediate metallic conduit (IMC) or electric metallic tubing (EMT).

(b) Cable type MI, M.E.A. approved for 2-hour fire resistance rating.

(2) Low Voltage Conductors (75 volts and less) shall be:

(a) Copper; THHN, THWN/THHN, TFFN, TFN, FEP, RHH, RHW-2, XHH, XHHW, minimum 600 volts; 90 C; for installation in rigid metallic conduit (RMC), intermediate metallic conduit (IMC) or electric metallic tubing (EMT)

(b) Minimum wire size No.18 AWG.

(c) Multiconductor cables run in raceways, or exposed as described hereinafter, shall meet the following additional requirements:

- Type FPLP only; minimum insulation thickness 15 mils; minimum temperature 150 C; colored red.

- Red colored jacket overall; minimum thickness 25 mils.

- Cable printing as per UL1424; must bear additional description "ALSO CLASSIFIED NYC CERT. FIRE ALARM CABLE" legible without removing jacket.

(3) Installation of Conductors and Raceway shall be in accordance with the following:

(a) Power conductors shall not be installed in common raceways with low voltage conductors.

(b) Comply with applicable requirements of New York City Electrical Code, except where requirements are exceeded by this Reference Standard.

(c) Conductors other than M.I. cable shall be run in raceway, except as specifically described below.

(d) Multi-conductor cables may be installed without raceway protection where cable is protected by building construction. Where not protected by building construction, cables shall be located 8 feet or more above the finished floor and not subject to physical tampering or hazard. Locations within eight feet of the finished floor that are deemed as "protected by building construction" shall include raised floors, shafts, telephone and communication equipment rooms and closets, and rooms used exclusively for fire alarm system equipment. In any suppression and extinguishing system activated by automatic fire detection, including, but not limited to, pre-action sprinkler, deluge sprinkler, clean air agent, halon, range hood, CO2 and dry chemical, multi-conductor cables shall be installed in RMC, IMC, or EMT.

(e) All wiring within mechanical and elevator equipment rooms shall be run in raceway.

(f) Raceways run within 8 feet of finished floor in garage areas, loading docks, mechanical rooms, and elsewhere where subject to mechanical damage, shall be rigid galvanized steel conduit only.

(g) Where wiring is required to be run in raceway, install conductors in rigid metallic conduit (RMC), intermediate metallic conduit (IMC) or electric metallic tubing (EMT), except that multi-conductor cables may also be run in surface metal raceway. Flexible metallic conduit, not exceeding 36" in length, shall be permitted for final connections to initiating and notification devices. Conductors for other electrical systems shall not be installed in raceways containing REFERENCE STANDARD 17 conductors.

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(h) Where allowed to be run without raceway protection, multi-conductor cables shall be installed as follows:

- Cables shall not depend on ceiling media, pipes, ducts, conduits, or equipment for support. Support independently from the building structure.
- Secure by cable ties, straps or similar fittings, so designed and installed as not to damage the cable. Secure in place at intervals not exceeding 5'-0" on centers and within 12" of every associated cabinet, box or fitting.

(i) Installation of raceways, boxes and cabinets shall comply with the following general requirements.

- Covers of boxes and cabinets shall be painted red and permanently identified as to their use.
- Penetrations of fire-rated walls, floors or ceilings shall be fire stopped.
- Within stairways, raceways within 8 feet of the floor shall not be installed so as to reduce or obstruct the stairway radius.
- Raceways or cables shall not penetrate top of any equipment box or cabinet.

(j) All conduits supplying 120-volt power to the fire command station and/or fire alarm control unit and/or to outlying control cabinets, shall contain a green insulated grounding conductor sized in accordance with the New York City Electrical Code (#10 AWG minimum). The grounding conductor shall be connected to the ground bus or other suitable grounding terminal in each box and cabinet in which it enters. At the fuse cutout panel supplying the fire alarm system, provide a grounding electrode conductor sized and installed in accordance with the New York City Electrical Code (#10 AWG minimum).

(k) For cabinets whose 120-volt supply is not derived from the main fire alarm system cutout panel, provide green insulated separate grounding electrode conductors, sized and installed as per New York City Electrical Code (#10 AWG minimum). In steel-framed buildings, a connection to local steel structure will be acceptable.

(l) Splices and terminations of wires and cables shall be as follows:

- Permitted only in boxes or cabinets specifically approved for the purpose.
- Utilize mechanical connections specifically approved by U.L. 486 A & C for the conductors, or if soldered, first joined so as to be mechanically and electrically secure prior to soldering and insulating. Temperature rating of completed splices shall equal or exceed the temperature rating of the highest rated conductor.

(m) Wiring for audible and visual alarm notification devices shall be arranged so that a loss of a portion of the wiring on a floor will not render more than 60% of the devices of each type inoperative, and the devices shall be so connected to the circuitry (i.e., by means of

alternate circuits) as to maintain at least partial audibility/visibility throughout the entire floor.

F. FIRE SIGNAL SENDING STATIONS, CLASS "G" NON-CODED MANUAL STATION AND THE FIRE SIGNAL CONTROL STATION

1. There shall be at least one (1) fire signal sending station in each story of a building located in each path of escape. Additional stations shall be installed so that no point on any floor shall be more than two hundred feet from the nearest station.

2. Doors of sending stations shall be painted Fire Department "red," and lettered: "Fire Emergency - Open Door to Operate", or words to that effect. The instructions for operating the station shall be prominently displayed on an instruction card or, the lever of the station.

3. All current carrying parts shall be insulated from parts carrying current of opposite polarity with approved insulating material.

4. All pull lever type stations shall be constructed with an outer door and means to protect the pull lever against accidental operations. The wording: "In Case of Fire, Open Door and Pull Down Lever", in raised letters or the equivalent instructions, shall appear on the door.

5. For systems using break-glass or break-rod type stations, at least one extra glass pane or glass rod for each station in the system shall be kept in the building. Break glass stations shall have the glass rod or pane mounted on the surface of the station covers or, mounted internally in such a manner that the glass must be broken to actuate the sending station. Suitable hammers on chains attached to the stations, or other approved means for breaking the glass, shall be provided. Stations accomplishing the "break glass" principle using other approved means shall not be required to provide hammers or spare glass.

6. Non-Coded Stations

a. Non-Coded closed circuit fire signal stations shall be operated by a break-glass or break-rod or pull lever device so arranged that the signal cannot be interfered with except by resetting or replacement of the glass or rod by an authorized person.

b. The construction and materials shall be equivalent to that of the standard approved type coded closed circuit station described in Reference Standard RS 17-3, except that the contacts shall be of sufficient capacity to safely carry the entire operating current of the signal circuit without excessive heating.

7. Stations Testing Devices. Provisions shall be made for a silent test of sending station mechanisms without operating the signalling devices. Such test device shall be designed to prevent any person, except those in authority, from operating the test device and to prevent the possibility of the box being left inoperative after the test.

8. Provisions shall be made to supply an audible as well as visual signal at the fire signal control station from the fire signal station.

G. EVACUATION SOUNDING DEVICES

1. Approved single stroke gongs or dedicated loud speakers shall be provided as the sounding devices. Approved loud speakers shall have heat resistant driven elements and shall conform to Reference Standard RS-17-5. When recessed loud speakers are used, they shall conform to the performance requirements of Reference Standard RS-17-5. The loud speakers, when mounted on walls, shall be mounted upon interior walls in preference to building core walls.

2. Recessed loud speakers, if used, shall be located not more than ten feet from the entrance to each required exit to insure proper evacuation signal reproduction. This spacing is based upon normal eight feet to ten feet ceiling height. Surface mounted loud speakers shall be mounted within ten feet of each egress to insure proper evacuation signal reproduction. For unusual conditions and higher ceilings, the loud speakers shall not be mounted more than twenty feet above the floor.

3. For new fire protective signal systems only, in the entire building when at least twenty-five (25%) percent of the occupants have hearing impairments and in those areas where the ambient noise level exceeds ninety decibels (90 dBA) on the "A" scale, provided in all applicable areas at least one visual evacuation signal. This signal shall be a xenon lamp flasher having a minimum flash intensity of one million candlepower, dissipating for each lamp flash a minimum energy of fifteen joules, and shall be wall mounted at a minimum height of nine feet above the floor. The lamp flasher shall be totally enclosed so that all visible and ultraviolet radiations at or below its center line shall be blocked and so that all visible upward radiation, shall be transmitted. The visual evacuation signal shall flash once every three seconds, repeated twelve times.

4. The evacuation sounding devices may be utilized for other audible purposes, including building security, when means is provided to insure fire evacuation signal priority.

H. FIRE SIGNAL SYSTEM CONTROL STATION

1. Supervising Circuits

a. Class "G" fire protective signal systems shall be supervised, except for the alphanumeric annunciator.

b. The supervising circuit shall be provided with a trouble signal arranged to sound continuously in case of failure of the primary power source or other derangements. The trouble signal shall be so located that it will be within audible range of a responsible person in the building.

c. Trouble signals may be fitted with silencing switches only when the switch is connected in such a manner that the act of silencing the signal by the operation of the switch will automatically transfer the trouble signal to a red lamp on the fire signal control station. When the trouble has been repaired, the alarm signal shall sound until the silencing switch has been reset to operate under normal conditions.

d. The trouble signal shall give a distinctive tone.

2. Protection of Sending and Sounding Devices. In fire protective signal systems, the sending stations and sounding devices shall be enclosed in metal casings, made dust proof and damp proof when necessary, and shall be clearly marked with instructions for use.

3. Standards of Electrical Signal Apparatus. All electricity actuated apparatus used in fire protective signal systems shall be so designed and constructed that it will operate satisfactorily at an input voltage level of twenty (20%) percent below or ten (10%) percent above the normal rated voltage.

4. Insulation

a. Insulating materials used shall be varnished cambric, bakelite, mica or other equivalent insulating material.

b. The use of fiber or paper as an insulating material is prohibited.

c. The insulating materials used shall be capable of withstanding an insulation breakdown test of one thousand volts ac., plus twice the operating voltage applied for one minute.

5. Electromagnets

a. Electromagnetic windings shall be impregnated with an insulating and moisture repelling compound of the silicone or epoxy type.

b. Electromagnetic coils used on alternating current, when composed of enameled wire, shall have additional approved insulation on each wire. The coils may be of the form wound type.

c. A protective cover to prevent mechanical damage shall be provided over the entire coil.

d. Electromagnetic coils shall be fastened to prevent floating.

e. Electromagnetic cores shall be of the best grade of ferrous material so as to reduce to a minimum the possibility of failure due to residual magnetism.

f. Electromagnetic cores for use on alternating current shall be of laminated construction or other approved method to prevent heating and to promote efficiency.

g. Electromagnetic cores of relays shall be treated to prevent corrosion. Paint or varnish shall not be used for this purpose.

h. Nonmagnetic freeze pins shall be used to prevent two magnetic surfaces from making physical contact with each other.

6. Wiring

a. All connections shall be secure and properly protected and, where subject to motion, shall be of approved flexible wire. All wiring of the fire signal control station, the fire station circuits and the supervisory circuits, shall be approved.

b. Binding posts, when used, shall be of such design that the wire is held between two flat surfaces. Binding posts shall be mounted on an approved terminal block or insulating strip. The spaces between the binding posts shall be at least one half inch, unless they are separated by approved barriers.

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c. Digital electronic printed circuit cards, when used, shall be one sixteenth inch thick glass fiber epoxy resin. The cards shall have color coded ejectors used to group cards according to function so that they may be located quickly and shall have plated through holes as feed through on all logic cards. The connection fingers shall be gold, plated over nickel.

7. Overload Protective Devices. The digital electronic circuits shall provide protection of all equipment and circuits by opening up the circuit to the equipment or devices protected. The operation of this overload circuit shall cause the trouble signal to sound at the fire signal control station.

8. The control boards shall operate so that trouble in an individual zone may be shunted out without affecting the operation of the rest of the zones of the system.

9. Provision shall be made for sufficient wire gutter space around the panel. The gutter space shall be a minimum of two inches at the sides, the top and the bottom. The wire in the gutter space shall be properly laced in a neat and workmanlike manner on all control boards.

10. Conduit knockouts shall not be provided in the top of the control board cabinet, unless designed and approved for entry on top.

11. A wiring diagram of the fire protective signal system approved by the Fire Commissioner and the approved card of instruction properly marked, shall be provided and securely fastened within the control board cabinet and at the fire signal control station. When it becomes necessary to mount the diagram outside of the cabinet, the diagram shall be framed under glass or an equivalent material.

12. Control Boards

a. The control boards and amplifiers used for voice communication and alarm shall be located in a safe, moisture and dust free location secure from unauthorized tampering. Otherwise a ventilated cabinet provided with a lock and a key suitably identified, shall be provided.

b. the amplifiers for the Class "G" systems shall have the capacity to deliver sufficient power to operate all evacuation sounding devices and the voice communication systems, and have a fifty (50%) percent reserve power capacity. In addition, the amplifiers shall be wired in such a manner that the imminent failure or actual failure of amplifiers shall shut down the amplifiers and shall indicate a trouble condition. The removal of an amplifier shall be indicated by a trouble signal at the fire signal control station. The opening of the control cabinets shall be supervised by a tamper switch producing a manually resetting trouble alarm at the fire signal control station.

13. Fire Control Station. The Station shall consist of the following equipment:

a. Time delay means in accordance with Section II A. above. At the end of the time delay or, at the time of the by pass, the interior evacuation signal shall sound and all interconnected controls shall operate.

b. Alphanumeric annunciation in accordance with Section II B. above.

c. A key controlled signal cancellation in accordance with Section II C. above.

d. A by-pass means in accordance with Section II D. above.

e. A printer which records system events in accordance with the Equipment Requirements of this standard, located in the Building Engineer's office.

f. Five day week digital electronic clocks to revert the pre-signal operation to normal (zero time delay) operation after normal building hours, and permitting immediate evacuation sounding after signal initiation determined by matching two successive code rounds.

I. PAINTING OF EQUIPMENT

All enclosing cases for fire signal, sprinkler alarm detection and associated systems alarm apparatus shall be painted Fire Department "red", except where approval is given by the Commissioner to deviate from this requirement.

J. INFORMATION DISPLAY SYSTEMS

1. The indicating devices shall describe the purposes they serve. The printed designation on unit or building information display systems indicators shall be legible. All conditions indicated shall remain displayed in accordance with the Equipment Requirements of this standard.

2. A unit information display system shall be so designed that the operation of any station in the unit shall cause a visible and audible signal.

3. Trouble displays shall be so arranged that the indicating device will reset automatically when the cause of the trouble has been removed. The trouble information display system shall be so designed that it will indicate visible and audible trouble signals in the event of trouble occurring on any circuit monitored. The trouble information display system shall be actuated by the operation of supervisory devices.

4. There shall be a silencing means for trouble signals that shall not affect subsequent trouble signals.

5. The information display systems shall be so designed that vibration from without or that caused by a trouble signal within will not operate the indicating devices.

6. All remote information display systems shall be installed in a separate steel cabinet painted Fire Department "red" and provided with approved lock and key. The information display system cabinets shall be marked in white letters at least one inch high with the words: "Fire Signal Information Display System, Zone . . .", or "Fire Signal Trouble Information Display System", whichever the case may be.

7. The information display systems shall be wall mounted and shall have the legend "Fire" in red letters three inches high together with an audible signal, in

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Section 7-1.2 - Delete the second sentence starting from "Delegation."

Section 7-1.2.1 - Delete

Section 7-1.2.2 - Delete and enact three new sections as follows:

Section 7-1.2.2 – Personnel shall be qualified and experienced in the inspection and testing of fire alarm systems and shall meet the following requirements:

(a) Certified by the Buildings and/or Fire Commissioners, or

(b) Trained and qualified personnel of a NYC licensed electrical contracting firm, or

(c) Personnel with National Institute for Certification in Engineering Technologies (NICET) Certification of Level II in fire alarm technology, or

(d) Trained and qualified personnel of firm listed by a national testing laboratory for servicing of fire alarm systems.

Section 7-1.2.3 – Personnel shall be qualified and experienced in the maintenance of fire alarm systems and shall meet the following requirements:

(a) Factory trained and certified, or

(b) Trained and qualified personnel of NYC licensed electrical contracting firm, or

(c) Trained and qualified personnel of firm listed by a national testing laboratory for servicing of fire alarm systems.

(d) Service personnel employed pursuant to (a), (b), and (c) above shall either have a valid NICET Certification of Level II in fire alarm technology or work under the direct supervision of a person having such certification.

Exception: The following are exempt from the above requirements:

(1) Person(s) exclusively performing smoke detector cleaning, having a Certificate of Fitness from the Fire Department and working under the supervision of, or employed by a person(s) having NICET Level II certification.

(2) Person(s) exclusively performing maintenance of fire alarm systems installed and approved prior to 1987, and working under the supervision of, or employed by a person(s) having NICET Level II certification.

(e) If during the course of maintenance either:

(1) total system replacement, or

(2) wiring repair, or

(3) replacement of wiring is (are) indicated, such repair(s) or replacement(s) shall be performed by a person holding a license or a special license in accordance with the provisions of the NYC Electrical Code.

Section 7-1.4 is modified to read as follows:

Section 7-1.4 – Prior to system maintenance or testing, [the system certificate and the] all information regarding the system and Y to the service personnel.

Section 7-1.5.1 - Delete and substitute the following:

Section 7-1.5.1 – The special hazard system and main building system shall be tested concurrently.

Section 7-1.6 B Amend the last sentence to read as follows:

In addition, except for Class "E", "J" and "C" systems, 10 percent of initiating devices that are not directly affected by the change, up to a maximum of 50 devices, shall also be tested and proper system operation verified.

Section 7-2.1 B Delete

Section 7-2.2 – Delete and substitute the following:

Section 7-2.2 – Testing, which involves the disconnection of circuits of 50 volts or more with the exception of audio circuits up to 75 volts, shall be performed in accordance with the New York City Electrical Code by licensed electrical contracting firms meeting the requirements of Sections 7-1.2.3 and 7-1.2.3.1.

Sections 7-3.1 to 7-3.1.2 - Delete

Section 7-3.2 shall be deleted and substitute the following:

Section 7-3.2 Testing – Testing shall be performed in accordance with the requirements of the Fire Prevention Code.

Sections 7-3.2.1 to 7-3.4 - Delete

Section 7-4.1 shall be deleted and substitute the following:

Section 7-4.1 – Fire alarm system equipment shall be periodically maintained in accordance with manufacturers' instructions and the Fire Prevention Code.

Sections 7-4.2 to 7-4.4 - Delete

Sections 7-4.4.1 to 7-4.4.3.2 - Delete

Section 7-5.1 - Delete

Sections 7-5.3 to 7-5.4 - Delete

CHAPTER 8 - REFERENCED PUBLICATIONS

Delete in its entirety.

APPENDIX A - EXPLANATORY MATERIAL

This appendix is not part of Reference Standard RS 17-5, but is included for information purposes only with the exception of the following:

Section A-6-4.4.1 - Delete in its entirety and substitute the following:

Section A-6-4.4.1 – A design which delivers 0.0375 lumens per sq. ft. effective intensity to all occupied spaces where visible notification is required, is considered to meet minimum light intensity requirements of this section. The field of view is based on the focusing capability of the human eye, specified as 120 degrees in the IES Handbook. The apex of this angle is the viewer's eye. In order to ensure compliance with the requirements of Section 6-4.4.1, it has been accepted that this angle be increased to approximately 135 degrees.

Figure A-6-4.4.1 (a) - Delete

Figure A-6-4.4.1 (b) - Delete

Figure A-6-4.4.1 (c) - Delete

Figure A-6-4.4.1 (d) - Delete

Figure A-6-4.4.2 - Delete

APPENDIX B - ENGINEERING GUIDE FOR AUTOMATIC FIRE DETECTOR SPACING

This appendix is not part of Reference Standard RS 17-5, but is included for information purposes only.

**** DOB 1-9-02; 310-90 BCR**

*** REFERENCE STANDARD 17-5A**

Repealed

***310-90 BCR; 1014-80 BCR**

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***REFERENCE STANDARD RS 17-5B**

Repealed

**310-90 BCR; 1014-80 BCR*

†REFERENCE STANDARD RS 17-5C

Repealed

†310-90-BCR; 633-83 BCR

***REFERENCE STANDARD RS 17-5D**

Repealed

**310-90 BCR; 1014-80 BCR*

***REFERENCE STANDARD RS 17-5E**

ANSI/NFPA No. 72E-1990-Standard for Automatic Fire Detectors.

**310-90 BCR; 1014-80 BCR*

***REFERENCE STANDARD RS 17-6**

ANSI B16.4-1985-Cast-Iron Threaded Fittings, Class 125 and 250.

**310-90 BCR; 1014-80 BCR*

****REFERENCE STANDARD RS 17-6A**

Valves and Related Products for Fire Protection Service.

UL193-1988-Alarm Valves for Fire-Protection Service (Revision 9/88).

UL260-1988-Dry Pipe and Deluge Valves for Fire-Protection Service.

UL262-1988-Gate Valves for Fire-Protection Service.

UL312-1988-Gate Valves for Fire-Protection Service (Revision 10/89).

***UL668-1988-Hose Valves for Fire-Protection Service.

UL753-1989-Alarm Accessories for Automatic Water Supply Control Valves For Fire-Protection Service (Revision 8/89).

UL789-1987-Indicator Posts for Fire-Protection Service (Revision 3/89).

UL1091-1986-Butterfly Valves for Fire-Protection Service.

UL1468-1985-Direct-Acting Pressure-Reducing and Pressure-Control Valves for Fire-Protection Service.

UL 1486-1979-Quick Opening Devices for Dry Pipe Valves for Fire-Protection Service (Revision 7/85).

UL1726-1985-Automatic Drain Valves for Standpipe Systems (Revision 9/88).

UL1739-1988-Pilot-Operated Pressure Control Valves for Fire-Protection Service.

***310-90 BCR*

****As enacted but "UL668-1989" probably intended.*

****REFERENCE STANDARD RS 17-7**

ANSI/AWWA C110-1987-Ductile-Iron and Grey-Iron Fittings, 3-Inch through 48-Inch for Water and Other Liquids.

***310-90 BCR; 1014-80 BCR*

†REFERENCE STANDARD RS 17-8

ANSI/†ASTM C111-1985-Rubber-Gasket Joints for Ductile-Iron and Grey-Iron Pressure Pipe and Fittings.

†310-90 BCR; 633-83 BCR

†† As enacted but "AWWA" probably intended.

†REFERENCE STANDARD RS 17-9

ANSI/ASTM A234-1988b-Specification for Pipe Fittings for Wrought Carbon Steel and Alloy Steel for Moderate and Elevated Temperatures.

†310-90 BCR; 633-83 BCR

†REFERENCE STANDARD RS 17-10

ANSI/NFPA No. 22-1987-Standard for Water Tanks for Private Fire Protection.

†310-90 BCR; 633-83 BCR

†REFERENCE STANDARD RS 17-11

UL No. 217-1985-Single and Multiple Station Smoke Detectors including Revision of February †††19, 1989.

†310-90 BCR; 633-83 BCR

†††As enacted but "27," probably intended.

*****REFERENCE STANDARD RS 17-12**

ANSI/NFPA No. 74-1989-Standard for the Installation, Maintenance and Use of Household Fire Warning Equipment, as Modified. The following Sections of this standard are modified to read as follows:

1-1 Scope. Covers the requirements for the proper selection, installation, operation and maintenance of fire warning equipment for use within dwelling units or rooming units.

1.2.6 The installation of wiring and equipment shall be in accordance with the New York City Electrical Code.

2-1.1.1 Smoke detectors shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units, in Occupancy Groups J-2 and J-3, and in Basements and Basement Recreation Rooms in Occupancy Group J-3.

Smoke detectors shall be installed within the sleeping area of hotel or motel units, rooming units or studio dwelling units in Occupancy Group J-1.

4-5.5 Each smoke detector shall have an integral test means to permit the occupant to check that it is operational. A continuous power display indicator light is recommended.

4-2.1.4 A smoke detector installed to protect a sleeping area in accordance with 2-1.1.1, shall be located outside the bedroom but in the immediate vicinity of the sleeping area, except as set forth for rooming units.

5-2.1.6 Smoke detectors shall be located on or near the ceiling, and within fifteen feet of all rooms used for sleeping purposes in J-2 or J-3 occupancies. In all dwelling units, with multiple levels, when any level has only one means of egress, the dwelling unit shall be provided with smoke detectors on all levels.

5-2.1.6.1 If ceiling mounted, the closest edge of the detector shall be a minimum of four inches from any wall.

5-2.1.6.2 If wall mounted, the closest edge of the detector shall be a minimum of four inches and a maximum of twelve inches from the ceiling.

****310-90 BCR; 798-81 BCR*

REFERENCE STANDARD RS-19
SAFETY OF PUBLIC AND PROPERTY DURING CONSTRUCTION OPERATIONS

*** LIST OF REFERENCED NATIONAL STANDARDS**

ANSI A10.3	Power Actuated Fastening Systems- Safety Requirements, as Modified.....	1985
ANSI A10.11	American national standard for personnel and debris nets used during construction, repair and demolition operations, as modified.	1989
**ANSI B30.5	Mobile and Locomotive Cranes - Chapter 5-1 except Section 5-1.9.9	2000
**ANSI B30.5	Mobile and Locomotive Cranes - Chapter 5-1 except Section 5-1.9.9	1994
**ANSI B30.5	Mobile and Locomotive Cranes - Chapter 5-1 except Section 5-1.9.9	1989
**ANSI B30.5	Mobile and Locomotive Cranes - Chapter 5-1 except Section 5-1.9.9	1982
**ANSI B30.5	Mobile and Locomotive Cranes - Chapter 5-1 except Section 5-1.9.9	2004
**ANSI B30.5	Mobile and Locomotive Cranes	1968
**CEN EN 13000	Cranes –Mobile Cranes, except Section 4.2.6	2004

**Local Law 61-1987; 111-90 BCR; 234-90 BCR; 1155-80 BCR*

****DOB 10/1/06**

**** REFERENCE STANDARD RS 19-1**

ANSI A10.3 1985-Power-Actuated Fastening Systems-Safety Requirements, as Modified.

Modifications.-The provisions of ANSI A10.3-1985 shall be subject to the following modifications. The section numbers are from that standard.

Amend section 4.2.2.1 to read as follows:

4.2.2.1 Medium-velocity tools, indirect-acting (piston) type, as defined in section 3, shall (meet the requirements of 4.1) not be accepted.

Delete sections 4.2.2.2, 4.2.2.3 and 4.2.2.4.

Amend section 4.2.3.1 to read as follows:

[†]4.3.2.1. High velocity tools, direct-acting or indirect-acting type, as defined in section 3, shall (meet the requirements of 4.1) not be accepted.

Delete sections 4.2.3.2, 4.2.3.3 and 4.2.3.4.

†As enacted, but "4.2.3.1" probably intended

Add the following new section:

5.6 Selection of load.-No employer shall knowingly furnish to an employee for use in a tool any cartridge or load not suitable for safe use in that tool, whether by reason of excessive power, improper design or poor material. The operator shall use due care to select the proper cartridges or power loads, or other means of controlling the force of the explosion so that it develops no more than the necessary pressure to bring about the desired penetration. In doing so, the operator shall be guided by the manufacturer's specifications.

5.6.1 Proper Load.-When doubt exists (as to proper load), the operator shall make a trial shot to test the surface and the strength of the material to be penetrated. The trial shot shall be made with the lowest power level and then increasing strength until a proper fastening is made. During this test, the operator and all bystanders shall adhere to all safety rules including, but not limited to wearing goggles and hard hats required for the job.

Add the following sentence before the first sentence in section 7.10:

7.10 The operator shall always verify the thickness and type of material into which the stud, pin or fastener is to be driven.

Add the following sections:

9.4 Storage of power loads shall be in accordance with the requirements of Fire Prevention Directive 2-62 R, dated February 21, 1979, Division of Fire Prevention, entitled "Regulations Governing the Use and Storage of Ammunition for the Construction and Alteration of Buildings."

10.3.1 The authorized instructors' card shall list the specific model(s) of powder actuated tool(s) for which training may be given.

10.6 All authorized instructors shall hold a Certificate of Fitness issued by the Fire Department.

11.4.1 The qualified operator's card shall list the specific model(s) of powder actuated tool(s) which may be used.

11.6 All qualified operators shall hold a Certificate of Fitness issued by the Fire Department.

12. Materials and Equipment Acceptance Division.

12.1. Powder-actuated tools using ammunition (power loads) accepted by the Materials and Equipment Acceptance Division and shall be accompanied by such a label.

12.2 Labeling.-The MEA acceptance label may be attached to the tool box or to the operator's manual in lieu of attaching it to the tool but, in any event must be kept available for inspection.

13. Fire Department Requirements.

13.1 The requirements of Fire Department, Division of Fire Prevention, Directive 2-62 R, dated February 21, 1979, entitled "Amended Regulations Governing the Use and Storage of Ammunition for the Construction and Alterations of Buildings" shall be complied with.

13.1.1. The following is extracted from such regulations:

a. Powder actuated tools utilizing ammunition (power loads) shall be used only by a person holding a

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Certificate of Fitness issued by the Fire Department upon a submission of evidence that person has satisfactorily completed a training program in the safe use of such equipment, acceptable to the Fire Department.

b. No powder actuated tool utilizing ammunition (power loads) shall be used unless the Certificate of Fitness holder establishes a safe zone behind the work area by the use of a one-quarter inch steel back-up plate and/or maintenance of an area clear of all people.

****111-90 BCR**

*****RS 19-2 POWER OPERATED CRANES AND DERRICKS**

1.0 Scope.-This standard applies to the construction, installation, inspection, maintenance and use of power operated cranes and derricks used for hoisting and/or rigging purposes; or used for the construction, alteration, demolition, excavation and maintenance purposes, including highways or sewers; or used for the installation of piles; or used for the hoisting or lowering of any article on the outside of any building or structure.

1.1 Exemptions.-Exempt from the requirements of this reference standard are the following:

1.1.1 Cranes or derricks used in industrial or commercial plants or yards and floating cranes, floating derricks and cranes and derricks used on floating equipment. Also augers, churn-drills and other drilling equipment. Operators of such equipment shall be exempt from any licensing requirements.

1.1.2 Operators of cranes described in section C26-1909.4(a)(3) and (4) of the administrative code shall be exempt from any licensing requirements where the cranes are used in connection with the installation or maintenance of street lighting or public utility overhead power distribution systems.

1.1.3 Derricks having a maximum rated capacity not exceeding one ton.

2.0 Definitions.-

2.1 ACCESSORY.-A secondary part of assembly of parts which contributes to the overall function and usefulness of a machine.

2.2 APPOINTED.-Assigned specific responsibilities by the employer or by the employers representative.

2.3 ANGLE INDICATOR (boom).-An accessory which measures the angle of the boom to the horizontal.

2.4 AUXILIARY HOIST.-(See Whipline).

2.5 AXIS OF ROTATION.-The vertical axis around which the crane superstructure rotates.

2.6 AXLE.-The shaft or spindle with which or about which a wheel rotates. On truck and wheel mounted cranes it refers to an automotive type of axle assembly including housing, gearing, differential, bearings and mounting appurtenances.

2.7 AXLE (bogie).-Two or more automotive type axles mounted in tandem in a frame so as to divide the load

between the axles and permit vertical oscillation of the wheels.

2.8 BASE (mounting).The base or carrier on which the rotating superstructure is mounted such as a truck, crawler or platform.

2.9 BOOM. A timber or metal section or strut. The heel (lower end) is affixed to a base, carriage or support, and the upper end supports a cable and sheaves where the load is lifted by means of wire rope and hook.

2.10 BOOM ANGLE. The angle between the longitudinal centerline of the boom and the horizontal. The boom longitudinal centerline is a straight line between the boom foot pin (heel pin) centerline, and boom point sheave pin centerline.

2.11 BOOM HARNESS. The block and sheave arrangement on the boom point to which the topping lift cable is reeved for lowering and raising the boom.

2.12 BOOM HOIST.-A hoist drum and rope reeving system used to raise and lower the boom.

2.13 BOOM POINT.-The outward end of the top section of the boom.

2.14 BOOM STOP.-A device used to limit the angle of the boom at the highest position.

2.15 BRAKE.-A device used for retarding or stopping motion by friction or power means.

2.16 CAB.-A housing which covers the rotating superstructure machinery and/or operators station.

2.16.1 CABLEWAY.-A power operated system for moving loads in a generally horizontal direction in which the loads are conveyed on an overhead cable, track or carriage.

2.16.2 CLIMBER CRANE.-A crane erected upon and supported by a building or other structure which may be raised or lowered to different floors or levels of the building or structure.

2.17 CLUTCH.-A friction, electromagnetic, hydraulic, pneumatic or positive mechanical device for engagement of power.

2.18 COUNTERWEIGHT.-Weight used to supplement the weight of the machine in providing stability for lifting working loads.

2.19 CRANE.-A power operated machine for lifting or lowering a load and moving it horizontally which utilizes wire rope and in which the hoisting mechanism is an integral part of the machine.

2.20 CRAWLER CRANE.-A crane consisting of a rotating superstructure with power plant, operating machinery and boom, mounted on a base, equipped with crawler treads for travel.

2.21 DERRICK.-An apparatus consisting of a mast or equivalent members held at the top by guys or braces, with or without a boom, for use with a hoisting mechanism and operating rope, for lifting or lowering a load and moving it horizontally.

2.21.1 A-FRAME DERRICK.-A derrick in which the boom is hinged from a cross member between the

bottom ends of two upright members spread apart at the lower ends and joined at the top; the boom point secured to this junction of the side members, and the side members are braced or guyed from the junction point.

2.21.2 BASKET DERRICK.-A derrick without a boom, similar to a gin pole with its base supported by ropes attached to corner posts or other parts of the structure. The base is at a lower elevation than its supports. The location of the base of a basket derrick can be changed by varying the length of the rope supports. The top of the pole is secured with multiple reeved guys to position the top of the pole to the desired location by varying the length of the upper guy lines. The load is raised and lowered by ropes through a sheave or block secured to the top of the pole.

2.21.3 BREAST DERRICK.-A derrick without a boom. The mast consists of two side members spread farther apart at the base than at the top and tied together at top and bottom by rigid members. The mast is prevented from tipping forward by guys connected to its top. The load is raised and lowered by ropes through a sheave or block secured to the top crosspiece.

2.21.4 CHICAGO BOOM DERRICK.-A boom which is attached to a structure, an outside upright member of the structure serving as the mast, and the boom being stepped in a fixed socket clamped to the upright. The derrick is complete with load, boom and boom point swing line falls.

2.21.5 GIN POLE 2 DERRICK.-A derrick without a boom. Its guys are so arranged from its top to permit leaning the mast in any direction. The load is raised and lowered by ropes reeved through sheaves or blocks at the top of the mast.

2.21.6 GUY DERRICK.-A fixed derrick consisting of a mast capable of being rotated, supported in a vertical position by guys, and a boom whose bottom end is hinged or pivoted to move in a vertical plane with a reeved rope between the head of the mast and the boom point for raising and lowering the boom, and a reeved rope from the boom point for raising and lowering the load.

2.21.7 SHEARLEG DERRICK.-A derrick without a boom. The mast, wide at the bottom and narrow at the top, is hinged at the bottom and has its top secured by a multiple reeved guy to permit handling loads at various radii by means of load tackle suspended from the mast top.

2.21.8 STIFFLEG DERRICK.-A derrick similar to a guy derrick except that the mast is supported or held in place by two or more stiff members, called stifflegs, which are capable of resisting either tensile or compressive forces. Sills are generally provided to connect the lower ends of the stifflegs to the foot of the mast.

2.22 DRUM.-The cylindrical members around which ropes are wound for raising and lowering the load or boom.

2.23 DYNAMIC (loading).-Loads introduced into the machine or its components by forces in motion.

2.23.1 ENGINEER.-The word engineer as used in these regulations shall mean a licensed professional engineer except that the certifications for matters relating to crane design may be made by an engineer licensed by any state or foreign jurisdiction or upon proof, to the satisfaction of the commissioner, of his professional competence.

2.23.2 FOLDING BOOM.-A boom constructed of hinged sections which is articulated in a folding manner and may be folded for storage or transit.

2.24 GANTRY (A-Frame).-A structural frame, extending above the superstructure of a mobile crane, to which the boom supports ropes are reeved.

2.25 GUDGEON PIN.-A pin connecting the mast cap to the mast, allowing rotation of the mast.

2.26 GUY.-A rope used to steady or secure the mast or other members in the desired position.

2.26.1. HOISTING MACHINE.-A power operated machine used for lifting or lowering a load, utilizing a drum and wire rope, excluding elevators. This shall include but not be limited to a crane, derrick, and cableway.

2.26.2 HYDRAULIC BOOM.-A boom which is operated by means of a hydraulic system.

2.27 JIB.-An extension attached to the boom point to provide added boom length for lifting specified loads. This jib may be in line with the boom or offset to various angles.

2.27.1 LAY.-That distance measured along a cable in which one strand makes a complete revolution around the cable axis.

2.28 LOAD (working).-The external load, in pounds, applied to the crane or derrick, including the weight of auxiliary load attaching equipment such as load blocks, shackles, and slings.

2.29 LOAD BLOCK (upper).-The assembly of hook or shackle, swivel, sheaves, pins, and frame suspended from the boom point.

2.30 LOAD BLOCK (lower).-The assembly of hook or shackle, swivel, sheaves, pins and frame suspended by the hoisting ropes.

2.31 LOAD HOIST.-A hoist drum and rope reeving system used for hoisting and lowering loads.

****2.31.1 LOAD INDICATOR.**- A device that measures the weight of the load.

2.32 LOAD RATINGS.-Maximum loads that may be lifted by a crane or derrick at various angles and positions as approved by the department.

2.33 MAST.-The upright member of a derrick.

2.33.1 MOBILE CRANE.-A crawler crane; a truck crane; or a wheel mounted crane.

2.34 OUTRIGGERS.-Extendable or fixed metal arms, attached to the mounting base, which rests on supports at the outer ends.

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****2.34.1 QUALIFIED PERSON.** - A person who by possession of a recognized degree, certificate or professional standing or who by knowledge, training and experience has successfully demonstrated his/her ability to solve or resolve problems related to the subject matter, the work, or the project.

****2.34.2 RATED CAPACITY INDICATOR.** - A device that automatically monitors radius, load weight, and load rating and warns the crane operator of an overload condition.

****2.34.3 RATED CAPACITY (LOAD) LIMITER.** - A device that automatically monitors radius, load weight, and load rating and prevents movements of the crane which would result in an overload condition.

2.35 REEVING.-A rope system in which the rope travels around drums and sheaves.

2.36 ROPE.-Refers to wire rope unless otherwise specified.

2.37 SIDE LOADING.-A load applied at an angle to the vertical plane of the boom.

2.38 SILL.-A member connecting the foot block and stiffleg or a member connecting the lower ends of a double member mast.

2.39 STANDING (GUY) ROPE.-A supporting rope which maintains a constant distance between the points of attachment to the two components connected by the rope.

2.40 STRUCTURAL COMPETENCE.-The ability of the machine and its component to withstand the stresses imposed by applied loads.

2.41 SUPERSTRUCTURE. The rotating upper frame structure of the machine and the operating machinery mounted thereon.

2.42 SWING. Rotation of the superstructure for movement of loads in a horizontal direction about the axis of rotation.

2.43 SWING MECHANISM. The machinery involved in providing rotation of the superstructure.

2.44 TACKLE. An assembly of ropes and sheaves arranged for hoisting and pulling.

2.44.1 TELESCOPIC BOOM. A boom constructed of sections of diminishing cross sections in which the sections fit within each other. The boom may be extended in a manner similar to a telescope.

2.44.2 TOWER CRANE.-A crane in which a boom, swinging jib or other structural member is mounted upon a vertical mast or tower.

2.45 TRANSIT.-The moving or transporting of a crane from one job site to another.

2.46 TRAVEL.-The function of the machine moving from one location to another, on a job site.

2.47 TRAVEL MECHANISM.-The machinery involved in providing travel power.

2.48 TRUCK CRANE.-A crane consisting of a rotating superstructure with power plant, operating machinery and boom, mounted on an automotive truck equipped

with a power plant for travel.

2.48.1 TRUCK MOUNTED TOWER CRANE.-A tower crane which is mounted on a truck or similar carrier for travel or transit.

****2.48.2 TWO-BLOCKING.** - A condition in which the lower load block or hook assembly comes into contact with the upper load block or boom point sheave assembly.

2.49 WHEEL BASE.-Distance between centers of front and rear axles. For a multiple axle assembly the axle center wheel base measurement is taken as the midpoint of the assembly.

2.50 WHEEL MOUNTED CRANE (wagon crane).-A crane consisting of a rotating superstructure with power plant, operating machinery and boom, mounted on a base or platform equipped with axles and rubber tired wheels for travel. The base is usually propelled by the engine in the superstructure, but it may be equipped with a separate engine controlled from the superstructure. Its function is to hoist and swing loads at various radii.

2.51 WHIPLINE (auxiliary hoist).-A separate hoist rope system of lighter load capacity and higher speed than provided by the main hoist.

2.52 WINCH HEAD.-A power driven spool for handling of loads by means of friction between fiber or wire rope and spool.

****3.0 Filing Applications for Approval and Operation of Cranes and Derricks. -**

****3.1 Certificate of approval.** -The application for a certificate of approval required by Subchapter 19, Article 10 of the New York City Building Code shall be filed by an engineer and shall include the following information:

1. Affidavit of compliance from the manufacturer as detailed in section 3.2 below,
2. Operator's manual showing all configurations for which the engineer is seeking approval, general equipment specifications and manufacturer's recommended maintenance procedures,
3. An advertising brochure or drawing showing the general configuration and specifications for which the engineer is seeking approval,
4. Load rating chart with chart number and page numbers for identification,
5. Certification from the engineer that he/she has reviewed the manufacturer's design calculations and testing or has prepared sufficient calculations, as prescribed in section 3.2 below and found that the design of the derrick or crane conforms to the New York City Building Code, and
6. Any supporting data, drawings, or calculations upon request.

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Exception: Third party certification: In lieu of the engineer's certification of the design calculations, the engineer may submit a third-party certification by a competent individual or organization, other than the manufacturer, acceptable to the commissioner stating that the tests specified in section 4.2 below were monitored and certified.

****3.2 Affidavit of compliance.** - The affidavit of compliance from the manufacturer shall include the following:

1. List of all components; maximum boom length, maximum jib(s) length, maximum length of all other attachments,
2. List of all counterweight combinations,
3. List of standards used in the design of the boom and/or mast,
4. List of standards used in the design of the jib and/or extensions,
5. List of standards used in the design of the boom support system,
6. List of standards used in the design of the counterweight support system and attachments,
7. List of standards used in the design of the rope,
8. List of standards used in design of overturning stability,
9. List of standards used in the prototype testing, and
10. List of material(s) and material specifications used in the components listed in Numbered Items 3-7 above.

Exception to required items: Numbered items 2, 6, 8, and 9 above are not required for derricks.

****4.0 Design, construction, and testing of mobile cranes.** -

****4.1 Design and construction of mobile cranes.** -

****4.1.1 Design and construction of mobile cranes manufactured and submitted prior to October 1, 2006.** Mobile cranes, and their components, manufactured and submitted prior to October 1, 2006 shall, in their entirety, be designed and constructed in accordance with ANSI B30.5 – 1968.

****4.1.2 Design and construction of mobile cranes manufactured and submitted on or after October 1, 2006.** Mobile cranes, and their components, manufactured and submitted on or after October 1, 2006, shall, in their entirety, be designed and constructed in accordance with one of the following standards:

1. ANSI B30.5 – 2004 Chapter 5-1 except Section 5-1.9.9
2. CEN EN 13000 (2004) except Section 4.2.6

****4.1.3 Design and construction of mobile cranes manufactured prior to October 1, 2006 but**

submitted after October 1, 2006. Mobile cranes, and their components, submitted on or after October 1, 2006, but manufactured before October 1, 2006, shall, in their entirety, be designed and constructed in accordance with one of the following standards:

1. ANSI B30.5 – 2004 Chapter 5-1 except Section 5-1.9.9
2. ANSI B30.5 – 2000 Chapter 5-1 except Section 5-1.9.9
3. ANSI B30.5 – 1994 Chapter 5-1 except Section 5-1.9.9
4. ANSI B30.5 – 1989 Chapter 5-1 except Section 5-1.9.9
5. ANSI B30.5 – 1982 Chapter 5-1 except Section 5-1.9.9
6. CEN EN 13000 (2004) except Section 4.2.6
7. Such other standard as the Commissioner deems appropriate.

****4.2 Prototype testing of mobile cranes.** -

****4.2.1 Prototype testing of mobile cranes submitted prior to October 1, 2006.** A prototype of each mobile crane, and their components, submitted before October 1, 2006 shall be tested for strength and stability in accordance with ANSI B30.5-1968. Lattice boom cranes shall also be tested in accordance with SAE J987 and all mobile cranes with lattice or hydraulic booms shall also be tested in accordance with SAE J765.

****4.2.2 Prototype testing of mobile cranes submitted on or after October 1, 2006.** A prototype of each mobile crane, and their components, submitted on or after October 1, 2006 shall meet the prototype testing requirements in Test Option A or Test Option B as outlined below:

1. Test Option A:

- (a) The following applies to equipment with cantilevered booms (such as hydraulic boom cranes): All tests listed in SAE J1063 - 1993, Table 1, shall be performed to load all critical structural elements to their respective limits. All the strength margins listed in SAE J1063 - 1993, Table 2 shall be met.
- (b) The following applies to equipment with pendant supported lattice booms: All the tests listed in SAE J987 - 2003, Table 1, shall be performed to load all critical structural elements to their respective limits. All the strength margins listed in SAE J987 - 2003, Table 2 shall be met.
- (c) Load rating charts shall be established by tests performed in accordance with

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SAE J765-1990, Crane Load Stability Test.

2. Test Option B:

- (a) The following applies to equipment with cantilevered booms (such as hydraulic boom cranes): The analysis methodology, such as computer modeling, must demonstrate that all load cases listed in SAE J1063 - 1993 meet the strength margins listed in SAE J1063-1993 Table 2.
- (b) The following applies to equipment with pendant supported lattice booms: The analysis methodology, such as computer modeling, must demonstrate that all load cases listed in SAE J987 - 2003 meet the strength margins listed in SAE J987- 2003 Table 2.
- (c) The analysis methodology, such as computer modeling, must demonstrate that the load chart ratings meet the requirements of SAE J765 - 1990.
- (d) Analysis verification. The physical testing requirements under SAE J1063 - 1993 and SAE J987 - 2003 must be met unless the reliability of the analysis methodology, such as computer modeling, has been demonstrated by a documented history of verification through strain gauge measuring or strain gauge measuring in combination with other physical testing. The physical testing requirements of SAE J765 - 1990 must be met unless the reliability of the analysis methodology, such as computer modeling, has been demonstrated by physical testing.

****Section 5, 6 and 7 are deleted in their entirety**

8.0 Certificate of On-Site Inspection.-

8.1 Use of cranes and derricks at job sites. -

8.1.1 In order to operate a crane or derrick at a job site, a certificate of on-site inspection is required as stipulated in C26-1909.4(d). The owner of the premises, building or structure, or his designated representative, shall file an application in quadruplicate at the department office in the borough where the premises is located. Such application shall be accompanied by plans showing proposed locations of the crane or derrick, pertinent features of the site such as assumed soil bearing values, ground elevations and slopes, vaults or other subsurface structures, supporting platforms or structures, and the swing of the crane or derrick. Also, a document shall be submitted, signed by a licensed engineer or registered

architect which shall include the following information where the crane or derrick is to be supported by soil:

- (a) That he has inspected the soil at the proposed location or locations of the crane or derrick;
- (b) His estimate of the soil bearing value;
- (c) That he has explored the existence of any sheeting or retaining walls supporting soil adjoining any excavation which may be affected and certifies as to its adequacy;
- (d) If the crane or derrick is to be on the street, that he has explored the existence of vaults or other subsurface structures which could impair the bearing value of the street or sidewalk;
- (e) That the load imposed upon the soil by the crane or derrick including supporting platform, does not exceed such bearing value under any condition of loading.

8.1.2 Where a crane not exceeding 160 feet in height, including jibs and any other extensions to the boom is to be used for a period not exceeding 24 hours, or a crane not exceeding 50 feet in height, including jibs and any other extensions to the boom with a maximum rated capacity of 20 tons, is to be positioned on the roadway or sidewalk, a certificate of on-site inspection shall be required. However, the requirements relating to plans and a document of a licensed professional engineer or registered architect enumerated in 8.1.1 of this reference standard shall not apply nor shall the three regular working day provisions of section C26-1909.4(d) be applicable under the following conditions:

(1) That a prototype approval has been obtained showing the means required to distribute the weight of the crane and the maximum working loads.

(2) A statement from the owner of the structure, building or premises or his authorized agent that he visited the site and that there are no excavations or retaining walls and that no vaults or subsurface construction exists at the site.

8.1.3 A certificate of on-site inspection shall not be required under the following conditions:

* 8.1.3.1 For a crane not exceeding 160 feet in height including jibs and any other extensions to the boom, which is to be used for a period not exceeding 48 hours and operating entirely within the property lines and in such locations which are at least a boom length, including jibs and any extensions thereof, distant from all lot lines.

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8.1.3.2 For service cranes and clamshells operated entirely within the property lines and within such locations which do not involve the moving of any loads over the roadway or sidewalk. This exemption shall apply only to cranes with a boom length, including jibs and any extension thereof, not exceeding 110 feet.

* 8.1.3.3 For the use of cranes as provided for in 8.1.3.1 and 8.1.3.2, notice of the operation of the crane at the job site shall be given to the division of cranes and derricks, department of buildings, by telephone and confirmed in writing. It shall be the responsibility of an

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appointed person to provide firm and uniform footing and, when necessary, provide substantial timbers, cribbing or other structural members sufficient to distribute the load so as not to exceed the safe bearing capacity of the underlying material.

**Local Law 50-1973*

8.2 Cranes or Derricks Supported by a Building or Structure.-

8.2.1 Where the crane or derrick is supported by a building or a structure, the statement by the licensed engineer or registered architect referred to in 8.1.1 shall include the means of supporting and bracing the equipment. The swing of the crane or derrick shall be shown on the plans to insure clearance during operation. Computations shall be submitted with the application showing all reactions imposed on the structure by the crane or derrick, including those due to impact and wind. Such computations shall verify that the stability of the building or structure will not be impaired when the crane or derrick is in operation and that no structural members will be overstressed due to forces induced by the crane or derrick.

8.2.2 Concrete Structures.-If the structure is a concrete structure, test reports of the compression strength of the concrete shall be submitted to insure that the concrete supports of the crane or derrick have developed sufficient strength to support the crane or derrick before it is installed.

The means for establishing concrete strength before imposing crane or derrick loads upon the structure shall be indicated on the application.

8.2.3 All anchorages for cranes and derricks shall be approved by an appointed person.

8.3 Use of Pile Drivers and Clamshells.-

8.3.1 A certificate of on-site inspection shall not be required for pile drivers or clamshells operating entirely within the lot lines under the following conditions:

8.3.1.1 Where pile driving equipment is designed or supported on a platform so that the soil bearing pressure does not exceed 500 pounds per square foot, a certificate of on-site inspection shall not be required.

8.3.1.2 Where clamshells are operating on construction sites and are at least the depth of excavation height from the edge of the excavation and where the soil bearing pressure does not exceed 500 lbs. per square foot, a certificate of on-site inspection shall not be required.

8.3.1.3 Where the pressure on the soil is in excess of 500 pounds per square foot but does not exceed 2,500* pounds per square foot, a pile driver or clamshell may be operated without a certificate of on-site inspection under the following conditions:

(1) That borings have been filed with the department in the construction application under which the work is being performed, and

(2) An amendment is filed to such application by an engineer or architect certifying that on the basis of the

borings, the soil is adequate to support the load to be imposed thereon by the subject equipment.

8.4 The Requirements of 8.1.1, 8.2 and Sections C26-1909.4(d) Shall also Apply to Cableways.-

† 8.5 Notwithstanding the provisions of 8.0 through 8.4 where a crane is operated on the sidewalk or roadway, a permit from the department of highways shall be obtained and the pressure on such surface shall not exceed 3500 pounds per square foot. The pressure shall be distributed on the roadway by means of timber platforms extending not less than twelve (12) inches beyond the base of the outriggers on all sides and sufficiently thick to uniformly distribute the pressure as required above of all the loads including the weight of the crane. The timber mats shall have a minimum thickness of two (2) inches. All cranes equipped with steel tracks shall be supported by timber platforms not less than six inches thick and covering the entire base of the crane.

† Local Law 73-1969; 479 -77 BCR

9.0 Unsafe Hoisting Machines.-

9.1 When it is found that equipment is dangerous or unsafe a notice or order to stop work may be issued by the commissioner, or his authorized representative. Such notice or order may be given to the owner or lessee of the equipment involved, or to the agent of any of them, or to the person or persons executing the work or operating the equipment in writing. If the operation of the hoisting machine is not discontinued, the inspector shall report same to his superior and an engineer shall be sent to reinspect. Upon confirmation of the unsafe condition by the engineer, the hoisting machine shall be red tagged. All persons shall be prohibited from using the said equipment until the danger is removed or the unsafe condition is rectified. An unsafe notice shall not be removed from the equipment, except by an authorized inspector or representative of the department of buildings.

10.0 Annual Renewal of Certificate of Operation.-

Application for renewal of a certificate of operation, as stipulated in C26-1909.4 (c), shall be accompanied by inspection and maintenance records in accordance with 15.1 and 18.1. Upon approval of the application, a new certificate of operation shall be issued after a satisfactory inspection by a department inspector.

***Section 11 and 12 are deleted in their entirety*

13.0 Load Ratings Where Structural Competence Governs Lifting Performance.-

****13.1** Load ratings for climber, tower cranes and derricks are governed by structural competence. Therefore, the limitation on crane loading must be such that no structural member is overstressed, and load rating charts shall be subject to this limitation.

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13.2 Load Rating Chart.-

****Section 13.2.1 and 13.2.2 are deleted in their entirety**

****Section 13.2.3 is renumbered as follows**

****13.2.1** Tower and climber cranes.- A substantial, durable and clearly legible rating chart shall be provided with each tower and climber crane and securely affixed in the cab. The chart shall include load ratings approved by the department for specific lengths of components, counterweights, swing, and radii.

****Section 14 is deleted in its entirety**

15.0 Inspection Required by Owner for Cranes and Derricks.-

15.1 Certification and inspections required.-The owner of a crane or derrick when applying for a certificate of approval in accordance with 3.0 shall certify that all applicable regulations regarding inspection and maintenance will be complied with. All inspections required by the owner shall be performed only by appointed personnel. The inspections shall be performed to provide information requested in a department supplied chart and all deficiencies shall be corrected. No record of information not required by such chart shall be required to be maintained in writing.

15.2 Inspection classification.-Inspection procedure for cranes and derricks in regular service is divided into two general classifications based upon the intervals at which inspection should be performed. The intervals in turn are dependent upon the nature of the critical components of the crane or derrick and the degrees of their exposure to wear, deterioration or malfunction. The two general classifications are herein designated as "frequent" and "periodic" with respective intervals between inspections as defined below:

15.2.1 Frequent inspection.-Daily to monthly intervals.

15.2.2 Periodic inspection.-1 to 12 month intervals or as specifically recommended by the manufacturer.

***15.3 Frequent inspection.**-Items such as the following shall be inspected for defects at intervals as defined in 15.2.1 or as specifically indicated, including observation during operation for any defects which might appear between regular inspections. Any defects revealed by inspection shall be corrected. Where such defects constitute a safety hazard, the crane or derrick shall not be operated until such defects are corrected.

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15.3.1 All control mechanisms for maladjustment interfering with proper operation.-Daily.

15.3.2 All control mechanisms for excessive wear of components and contamination by lubricants or other foreign matter.

15.3.3 All safety devices for malfunction.

15.3.4 Deterioration or leakage in air or hydraulic systems.-Daily

***15.3.5** Crane or derrick hooks with deformations or cracks.-Refer to 17.3.3(c).

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15.3.6 Rope reeving for non-compliance with crane or derrick manufacturer's recommendations.

15.3.7 Electrical apparatus for malfunctioning, signs of excessive deterioration, dirt, moisture accumulation, weatherproofing and grounding.

15.3.8 Tension in derrick guys.-Daily.

15.3.9 Plumb of derrick mast.

15.3.10 Hoist brakes, clutches and operating levers.-Check daily for proper functioning before beginning operations.

***15.4 Periodic inspections of cranes and derricks.**-Complete inspections of the crane or derrick shall be performed at intervals as generally defined in 15.2.2, depending upon its activity, severity of service, and environment, or as required by 15.5.1 or 15.5.2. These inspections shall include the requirements of 15.0, and in addition, items specifically indicated below. Any defects revealed by inspection shall be corrected. Where such defects constitute a safety hazard the crane or derrick shall not be operated until such defects are corrected.

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15.4.1 Deformed, cracked or corroded members in the crane or derrick structure and boom.

15.4.2 Loose bolts or rivets.

15.4.3 Cracked or worn sheaves and drums.

15.4.4 Worn, cracked or distorted parts such as pins, bearings, shafts, gears, rollers and locking devices.

15.4.5 Excessive wear on brake and clutch system parts, linings, pawls and ratchets.

15.4.6 Load, boom angle and other indicators over their full range, for any significant inaccuracies.

15.4.7 Gasoline, diesel, electric or other power plants for improper performance or non-compliance with safety requirements.

15.4.8 Excessive wear of chain drive sprockets and excessive chain stretch.

15.4.9 Crane or derrick hooks.-Magnetic particle or other suitable crack detecting inspection should be performed at least once each year by an inspection agency retained by the owner and approved by the department. Certified inspection reports are to be made available to the department upon request.

15.4.10 Travel steering, braking and locking devices, for malfunction.

15.4.11 Excessively worn or damaged tires.

15.4.12 Derrick gudgeon pin for cracks, wear and distortion each time the derrick is to be erected.

15.4.13 Foundation or supports shall be inspected for continued ability to sustain the imposed loads.

15.5 Cranes or derricks not in regular use.-

****15.5.1** A crane or derrick which has been idle for the period of one month or more, but less than six months, shall be given an inspection by the owner conforming with requirements of 15.3 and 18.1.1 before an application for a certificate of on-site inspection in

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accordance with 27-1057(d) is submitted to the department.

****15.5.2** A crane which has been idle for the period of over six months, shall be given a complete inspection by the owner conforming with requirements of 15.3, 15.4 and 18.1.2 before an application for a certificate of on-site inspection in accordance with 27-1057(d) is submitted to the department.

16.0 Testing Required for Cranes and Derricks, Manufactured After April 1, 1970, by Manufacturer or Owner.-

16.1 Operational test.-

16.1.1 In addition to prototype tests and quality control measures, each new production crane and derrick shall be tested by the manufacturer to the extent necessary to insure compliance with the operational requirements of this section, including functions such as the following:

- (a) Load hoisting and lowering mechanisms.
- (b) Boom hoisting and lowering mechanisms.
- (c) Swinging mechanism.
- (d) Traveling mechanism.
- (e) Safety devices.

16.1.2 Where the complete production crane or derrick is not supplied by one manufacturer such tests shall be conducted at final assembly.

6.1.3 Operational test and production test results certified by the manufacturer or a licensed professional engineer shall be made available to the department with each application for a certificate of approval for a crane or derrick, in accordance with 3.0.

16.1.4 For all cranes and derricks, where electrically powered, the trip setting of hoist limit switches shall be determined by tests with an empty hook traveling in increasing speeds to the maximum speed. The activating mechanism of the limit switch shall be located so that it will trip the switch under all conditions in sufficient time to prevent contact of the hook or load block with any part of the derrick or crane.

17.0 Maintenance of Cranes and Derricks.-

17.1 Preventive maintenance.-

17.1.1 A preventive maintenance program based on the crane or derrick manufacturer's recommendations shall be established. Dated and detailed records shall be readily available to the department.

17.1.2 It is recommended that replacement parts be obtained from the original equipment manufacturer.

17.2 Maintenance procedure.-

17.2.1 Before adjustments and repairs are started on a crane or derrick, the following precautions shall be taken as applicable:

- (a) Crane or derrick placed or arranged where it will cause the least interference with other equipment or operations in the area.
- (b) All controls at the "off" positions.

(c) Starting means rendered inoperative.

(d) Warning or "out of order" signs placed on the crane or derrick and hoist.

(e) Power plant stopped or disconnected at take-off.

(f) Boom lowered to the ground if possible or otherwise secured against dropping.

(g) Lower load block lowered to the ground or otherwise secured against dropping.

17.2.2 After adjustment and repairs have been made, the crane or derrick shall not be operated until all guards have been reinstalled, safety devices reactivated and maintenance equipment removed.

17.3 Adjustments and Repairs.-

***17.3.1** Any unsafe conditions disclosed by the inspection requirements of 15.0 shall be corrected before operation of the crane or derrick is resumed. Adjustments and repairs shall be done only by competent personnel.

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17.3.2 Adjustments shall be maintained to assure correct functioning of components. The following are examples:

- (a) All functional operating mechanisms.
- (b) Safety devices.
- (c) Control systems.
- (d) Power plants.
- (e) Tie downs or anchorages.
- (f) Signal system.
- (g) Guys.

††17.33 Repairs or replacements shall be provided promptly as needed for safe operation. The following are examples:

†† As enacted but "17.3.3" probably intended

(a) All critical parts of functional operating mechanisms which are cracked, broken, corroded, bent or excessively worn.

(b) All critical parts of the crane or derrick structure which are cracked, bent, broken or excessively corroded.

*****(c) Crane or derrick hooks showing defects described in 15.3.5 shall be discarded. Repairs by welding or reshaping are not acceptable unless written approval of the department is obtained.

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(d) Pitted or burned electrical contacts should be corrected only by replacement and in sets. Controller parts should be lubricated as recommended by the manufacturer.

17.3.4 All replacement parts or repairs shall have at least the original safety factor and be in accordance with the specifications of the manufacturer. Approval of the department shall be required for the replacement or repair of main structural members as enumerated in 1 and 2 of 3.1.1 for which no fee will be required.

17.4 Lubrication of Cranes and Derricks.-

17.4.1 All moving parts of the crane or derrick and hoist for which lubrication is specified, including rope and chain, shall be regularly lubricated. Lubricating systems

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shall be checked for proper delivery of lubricant. Particular care should be taken to follow manufacturer's recommendations as to point and frequency of lubrication, maintenance of lubricant levels and types of lubricants to be used. Lubrication shall be performed under the supervision of the crane operator, oiler or maintenance engineer.

*17.4.2 Machinery shall be stationary while lubricants are being applied and protection provided as called for in 17.2.1(b) through 17.2.1(e) inclusive, unless such machinery is equipped for automatic lubrication.

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18.0 Rope Inspection, Replacement and Maintenance by Owner for Cranes and Derricks.-

****18.1 Rope Inspection. -**

****18.1.1 Frequent Inspection. -**

****18.1.1.1** All ropes in continuous service shall be visually inspected once every working day. A visual inspection shall consist of observation of all rope that can reasonably be expected to be in use during the day's operation. This visual inspection shall be directed towards discovering gross damage that may be an immediate hazard, including the following:

- (a) Distortion of the rope such as kinking, crushing, unstranding, birdcaging, main strand displacement, or core protrusion. Loss of rope diameter in a short rope length or unevenness of outer strands should provide evidence that the rope or ropes must be replaced.
- (b) General corrosion
- (c) Broken or cut strands
- (d) Number, distribution and type of visible broken wires (See Section 18.2.2 for further guidance)
- (e) Core failure in rotation-resistant ropes. When such damage is discovered, the rope shall be either removed from service or given an inspection as detailed in Section 18.1.2

****18.1.1.2** Care shall be taken when inspecting sections of rapid deterioration such as flange points, crossover points, and repetitive pickup points.

****18.1.1.3** Care shall be taken when inspecting the following types of rope:

- (a) Rotation-resistant rope.
- (b) Boom hoist rope.

****18.1.2 Periodic Inspection. -**

****18.1.2.1** There shall be periodic inspections performed at least annually. The inspection frequency shall be determined by a qualified person and shall be based on such factors as expected rope life as determined by experience on the particular installation or similar installations, severity of the environment, percentage of capacity lifts, frequency rates of operation, and exposure to shock loads. Inspections need not be at equal calendar intervals and should be more frequent as the rope approaches the end of its useful life.

****18.1.2.2** In the event a periodic inspection is not feasible within a 12-month period due to existing set-up and configuration of the equipment or due to site conditions, such periodic inspection shall be performed as soon as it becomes feasible but no longer than an additional 6 months for running ropes and, for standing ropes, at the time of disassembly. Written notification and approval of the commissioner must be obtained prior to extending the use of the rope beyond the 12-month inspection period.

****18.1.2.3** Periodic inspections shall be performed by a qualified person. This inspection shall cover the entire length of rope. Only the surface wires of the rope shall be inspected. Any deterioration resulting in an appreciable loss of original strength shall be noted and determination made as to whether further use of the rope would constitute a hazard. The periodic inspection shall include examination of the following:

- (a) points listed in Section 18.1.1.1
- (b) reduction of rope diameter below nominal diameter due to loss of core support, internal or external corrosion, or wear of outside wires.
- (c) severely corroded or broken wires at end connections
- (d) severely corroded, cracked bent, worn or improperly applied end connections

****18.1.2.4** Care shall be taken when inspecting sections of rapid deterioration, such as the following:

- (a) sections in contact with saddles, equalizer sheaves, or other sheaves where rope travel is limited
- (b) sections of the rope at or near terminal ends where corroded or broken wires may protrude.

****18.1.2.5** All rope that has been idle for a period of six months or more shall be given a periodic inspection before it is placed into service.

****18.2 Rope Replacement. -**

****18.2.1** When a rope reaches any one of the specified removal criteria, it may be allowed to operate to the end of the work shift, based on the judgement of a qualified person. The rope shall be replaced after that work shift, at the end of the day, or at the latest time prior to the equipment being used by the next work shift.

****18.2.2** Removal criteria for rope replacement shall meet manufacturer's specification or as follows:

- (a) Broken Wires
 - (1) in running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay.

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- (2) In rotation-resistant ropes, two randomly distributed broken wires in six diameters or four randomly distributed broken wires in 30 rope diameters.
- (3) One outer wire broken at the point of contact with the core rope that has worked its way out of the rope structure and protrudes or loops out from the rope structure. Additional inspection of this section is required.
- (4) Kinking, crushing, birdcaging, or any other damage resulting in distortion of the rope structure.
- (5) Evidence of heat damage from any cause
- (6) Reductions from nominal diameter of more than the following:
 - (a) 1/64 in. for diameters up to and including 5/16 in.
 - (b) 1/32 in. for diameters up to and including 1/2 in.
 - (c) 3/64 in. for diameters up to and including 3/4 in.
 - (d) 1/16 in. for diameters up to and including 1 1/8 in.
 - (e) 3/32 in. for diameters up to and including 1 1/2 in.
- (7) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection.

****18.2.3** Replacement rope shall have strength rating at least as great as the original rope furnished or recommended by the crane manufacturer. Any deviation from the original size, grade, or construction shall be specified by the rope manufacturer, the crane manufacturer, or a qualified person.

****18.2.4** Discarded rope shall not be used for slings.

18.3 Rope Maintenance.-

18.3.1 Rope shall be stored to prevent damage or deterioration.

18.3.2 Unreeling or uncoiling of rope shall be done as recommended by the rope manufacturer and with extreme care to avoid kinking or inducing a twist.

18.3.3 Before cutting a rope, seizings shall be placed on each side of the place where the rope is to be cut to prevent unlaying of the strands. On preformed rope, one seizing on each side of the cut is required. On non-

preformed ropes of 7/8 inch diameter or smaller, two seizings on each side of the cut are required, and for non-preformed rope of one inch diameter or larger, three seizings on each side of the cut are required.

18.3.4 During installation care shall be observed to avoid dragging of the rope in dirt or around objects which will scrape, nick, crush, or induce sharp bends in it.

18.3.5 Rope should be maintained in a well lubricated condition. It is important that lubricant applied as part of a maintenance program shall be compatible with the original lubricant and to this end the rope manufacturer should be consulted. Those sections of rope which are located over sheaves or otherwise hidden during inspection and maintenance procedures require special attention when lubricating rope. The object of rope lubrication is to reduce internal friction and to prevent corrosion. Periodic field lubrication is particularly important for non-rotating rope.

****19.0 Safety Devices Required.** - All cranes and derricks shall be equipped with safety devices as provided herein, except equipment used exclusively for pile driving, clamshell and dragline used for excavation. The commissioner shall approve these safety devices.

****19.1 Indicators or Limiters.** - All mobile cranes with a maximum rated capacity of 3 tons or more shall be equipped with a load indicator, rated capacity indicator, or a rated capacity (load) limiter.

****19.1.1** Cranes with a total boom length including jibs and any other extensions not exceeding 150 feet shall be exempt.

****19.1.2** Cranes manufactured before December 30, 1993 shall be exempt. The margin of stability for determination of load ratings of these cranes shall be established at 75 percent of the load, which will produce a condition of tipping or balance with the boom in the least stable direction relative to the mounting where overturning stability governs the lifting performance.

****19.1.3** Cranes shall have a radius or boom angle indicator provided in conjunction with a load indicator.

****19.2 Anti-Two Blocking Features.** - All mobile cranes with a maximum rated capacity exceeding one ton manufactured after February 28, 1992, shall be equipped with anti-two-blocking features as follows:

- (a) Telescopic Boom Cranes shall have an anti-two-block device for all points of two-blocking that automatically prevents damage from contact between the load block, overhaul ball, or similar component, and the boom and/or jib tip.

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- (b) Lattice Boom Cranes shall have an anti-two-block device for all points of two-blocking that either automatically prevents damage from contact between the load block, overhaul ball, or similar component, and the boom and/or jib tip or warns the operator in time for the operator to prevent two-blocking.

****19.3 Additional Safety Devices Required.** - All mobile cranes with a maximum rated capacity exceeding one ton shall be equipped with the following additional safety devices:

- (a) A deadman control on the control levers in the cab or crane operator's station, where the crane is electrically powered.
- (b) An effective audible warning and operating signal on the outside of the cab.
- (c) Boom stops and boom hoist safety shutoffs. However, boom stops shall not be required for telescoping booms.
- (d) An indicator for leveling the crane.
- (e) Hoist drum rotation indicator if the drum is not visible from the operator's station.

****19.4 Malfunctioning Safety Devices.** - The load indicator, rated capacity indicator, rated capacity (load) limiter, hoist drum rotation indicator, and the anti-two blocking devices shall also be known as operational aids, which provide information to facilitate the operation of a crane or that take control of particular functions without action of the operator when a limiting condition is sensed. When any of these operational aids are inoperative or malfunctioning, the following alternative measures shall be implemented to allow continued use of the crane:

- (a) Load indicator, Rated capacity indicator or Rated Capacity (Load) Limiter: The weight of the load shall be determined from a reliable source (such as the manufacturer's equipment specification), by a reliable calculation method (such as calculating a steel beam from measured dimensions and a known per foot weight) or by other equally reliable means before the load is hoisted. To ensure that the weight of the load does not exceed the crane ratings at the maximum radius at which the load is to be handled, the radius shall be determined through the use of a boom angle indicator, radius indicator or by measurement.
- (b) Hoist drum rotation indicator: Mirrors and/or remote video cameras and displays shall be provided so that the operator can see the drum.

- (c) Anti-two-block device: The cable shall be clearly marked (so that it can easily be seen by the operator) at a point that will give the operator sufficient time to stop the hoist to prevent two-blocking or an additional signal person shall be utilized to monitor the position of the load block or overhaul ball.

Recalibration or repair of the safety device shall be accomplished as soon as is reasonably possible, as determined by a qualified person.

****19.5 Tower Cranes and Climber Cranes.** - All tower cranes and climber cranes excluding truck-mounted tower cranes shall have the following:

- (a) Warning light activated at 100% allowable overturning moment,
- (b) Acoustic signal sounding at 105% allowable overturning moment,
- (c) Automatic stop if 110% allowable overturning moment is reached,
- (d) Automatic stop if load exceeds maximum rated load in high gear,
- (e) Automatic stop if load exceeds maximum rated load in intermediate gear,
- (f) Automatic stop if load exceeds maximum rated load in low gear,
- (g) Predeceleration before top position of the hook,
- (h) Limit switch for top position of the hook,
- (i) Predeceleration before low position of the hook,
- (j) Limit switch for the trolley traveling out,
- (k) Limit switch for the trolley traveling in,
- (l) Acceleration limit on the hoisting movement,
- (m) Acceleration limit on the swing movement,
- (n) Acceleration limit on the trolley movement, and
- (o) Deadman control on both control levers in box.

****19.6 Derricks.**-Safety devices for derricks shall be approved by the commissioner and shall be installed within six months after said devices are accepted. However, where electrically powered, a deadman control on control levers shall be installed prior to applying for a certificate pursuant to section 27-1057 of the Administrative Code.

****Section 20 is deleted in its entirety**

21.0 Characteristics and Special Requirements for Derricks.-

21.1 Load ratings.-

*** 21.1.1 Rated load marking.-**

***Local Law 50-1973**

- (a) For derricks, a substantial, durable and clearly legible load rating chart shall be provided for each

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particular installation. The rating chart shall be securely affixed where it is visible to personnel responsible for the operation of, the equipment. The chart shall include but not be limited to the following data:

1-manufacturer's load ratings as approved by the department at corresponding ranges of boom angle or operating radii.

2-specific lengths of components on which the load ratings are based.

3-required parts for hoist reeving.

4-size and construction of all ropes shall be shown either on the rating chart or in the operating manual.

(b) For all other derricks, the manufacturer shall provide sufficient information from which capacity charts can be prepared and approved by the department for the particular installation. The capacity charts shall be located either at the derrick or the job site office.

21.2 Construction.-

21.2.1 General.-Derricks shall be constructed to adequately meet all stresses imposed on all members and components.

21.2.2 Guy derricks.-

(a) The minimum number of guys is six. Preferably, the guys should be equally spaced around the mast.

(b) The manufacturer shall furnish complete information recommending:

1-the number of guys.

2-the spacing around the mast;

3-the maximum vertical slope and initial tension or sag of all guys;

4-the size and construction of rope to be used in each.

(c) The mast base shall permit free rotation of the mast with allowance for slight tilting of the mast caused by guy slack.

(d) The mast cap shall:

1-permit free rotation of the mast;

2-adequately withstand tilting and cramping action imposed by the guy loads;

3-be secured to the mast to prevent disengagement during erection;

4-be provided with means for attachment of guy ropes.

21.2.3 Stiff leg derrick. -

(a) The mast shall be supported in the vertical position by two stiff legs one end of each being connected to the top of the mast and the other end securely anchored. The stiff legs shall be capable of withstanding the loads imposed by the boom at any point within its range of swing.

(b) The mast base shall:

1 - permit free rotation of mast;

2 - permit slight inclination of the mast without binding;

3 - provide means to prevent the mast from lifting out of its socket when the mast is in tension.

(c) The stiff leg connecting member at the top of the

mast shall:

1 - permit free rotation of the mast;

2 - adequately withstand the loads imposed by the action of the stiff legs;

3 - be so secured as to oppose lift off forces at all times.

21.3 Ropes and reeving accessories.-

21.3.1 Guy ropes.-

(a) Guy ropes shall be of suitable size, grade and construction to withstand the maximum load imposed.

(b) The nominal breaking strength of each rope shall be no less than three times the load applied to the rope.

(c) Tie downs or kicker devices which may be easily loosened shall have locknuts or other suitable provision to prevent loosening.

21.3.2 Boom hoist ropes.-

(a) Boom hoist ropes shall be of suitable size, grade and construction to withstand the maximum load imposed.

(b) The live rope reeving system in a boom suspension shall withstand the maximum load imposed and be of sufficient length to permit lowering the boom point to horizontal position with at least three full wraps of rope remaining on the hoist drum.

(c) The nominal breaking strength of the most heavily loaded rope in a system shall be no less than three and a half times the loads applied to that rope.

21.3.3 Main hoist ropes.-

(a) Main hoist ropes shall be of a suitable size and construction to withstand the maximum load imposed.

(b) Ropes in the main hoisting system shall be of sufficient length for the entire range of movement specified for the application with at least three full wraps of rope on the hoist drum at all times.

(c) The nominal breaking strength of the most heavily loaded rope in a system shall be no less than three and a half times the load applied to that rope.

21.3.4 Reeving accessories.-

(a) Socketing shall be done in the manner specified by the manufacturer of the assembly.

(b) Rope end shall be anchored securely to the drum.

(c) Eyes shall be made in an approved manner and rope thimbles should be used in the eye.

(d) U-bolt clips shall have the U-bolt on the dead or short end, and the saddle on the live or long end of the rope. Spacing and number of all types of clips shall be in accordance with the clip manufacturer's recommendation and submitted to the department. Clips shall be drop-forged steel in all sizes manufactured commercially. When a newly installed rope has been in operation for an hour, all nuts on the clip bolts shall be retightened, and they should be checked for tightness at frequent intervals thereafter.

(e) Swaged, compressed, or wedge-socket fittings shall be applied as recommended by the rope, derrick, or fitting manufacturer.

(f) Where a half wedge socket is used it shall be of a

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positive locking type.

(g) If a load is supported by more than one rope, the tension in the parts shall be equalized.

21.3.5 Sheaves.-

(a) Sheave grooves shall be smooth and free from surface defects which could cause rope damage. The cross sectional radius at the bottom of the groove should be such as to form a close fitting saddle for the size rope used and the sides of the groove should be tapered outwardly to facilitate entrance of the rope into the groove. Flange corners should be rounded and the rims should run true about the axis of rotation.

(b) Sheaves carrying ropes which can be momentarily unloaded shall be provided with close fitting guards or other suitable devices to guide the rope back into the groove when the load is applied again.

(c) The sheaves in the lower load block shall be equipped with close-fitting guards that will prevent ropes from becoming fouled when the block is lying on the ground with ropes loose.

(d) Means should be provided, if necessary, to prevent chafing of the ropes.

(e) All running sheaves shall be equipped with means for lubrication. Permanently lubricated, sealed and/or shielded bearings shall be acceptable.

(f) Boom and hoisting sheaves shall have pitch diameters not less than eighteen times the nominal diameter of the rope used.

(g) Boom point sheaves should be provided with suitable guides to limit the offlead angle of the rope when entering the grooves from either side.

21.4 Anchoring and guying.-

21.4.1 Guy derricks.-

(a) The mast base shall be securely anchored. Maximum horizontal and downward vertical thrusts encountered when handling rated loads with the particular guy slope and spacing stipulated for the application are among the design factors for which provision must be made.

(b) The guys shall be secured to the ground or other firm anchorage. Maximum horizontal and vertical pulls encountered while handling rated loads with the particular guy slope and spacing stipulated for the application are among the factors for which provision must be made.

21.4.2 Stiff leg derricks.-

(a) The mast base shall be securely anchored. Maximum horizontal and upward and downward vertical thrusts encountered while handling rated loads stipulated for the application with the particular stiff-leg spacing and slope are among the factors for which provision must be made.

(b) The stiff legs shall be securely anchored. Maximum horizontal and vertical upward and downward thrusts encountered while handling rated loads with the particular stiff-leg arrangement stipulated for the application are among the factors for which provision must be made.

21.5 Hoist.-

21.5.1 The hoist shall be suitable for the derrick work intended and shall be securely anchored to prevent displacement from the imposed loads.

*21.6 Cranes manufactured prior to April 1, 1970 shall be modified to conform to the provisions of 20.1.1(d) and (f), 20.1.2(h) and (i), 20.2.3, 20.3.1(b) and (c), 20.3.2(a)(2), 20.4.5, 20.5.1(b) and derricks manufactured prior to April 1, 1970 shall be modified to conform to the provisions of 21.3.5(f), unless it can be shown to the satisfaction of the commissioner that the crane can not feasibly or economically be altered to comply.

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22.0 Operation Cranes and Derricks. -

22.1 Operators.-

22.1.1 Cranes and derricks shall be operated only by the following persons:

(a) Persons licensed as operators by the department of buildings in accordance with section B26-5.0.

(b) Learners in the presence of and under the direct supervision of a licensed operator.

22.1.2 No person other than those listed under paragraph 22.1.1 above and persons such as oilers and supervisors, whose duties require them to do so, shall enter the cab of a crane and then only in the performance of his duties and with knowledge and consent of the operator.

22.2 Operating practices.-

22.2.1 The operator shall not engage in any practice which will divert his attention while actually engaged in operating the crane or derrick hoist.

22.2.2 The operator shall respond to signals only from the appointed signal men.

22.2.3 The operator shall be responsible for the operation of the crane or derrick hoist.

* 22.2.4 For mobile cranes, the warning signal shall be sounded each time before on-site traveling and intermittently during such travel, particularly when approaching workmen.

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22.2.5 Before leaving his crane or derrick unattended, the operator shall:

(a) Land any attached load, bucket, lifting magnet, or other device.

(b) Disengage clutches.

(c) Set travel, swing, boom brakes and other locking devices.

(d) Put controls in the "off" position.

(e) Stop the engine.

(f) Secure mobile cranes against accidental travel.

(g) Lock and secure the equipment against unauthorized operation.

22.2.6 On leaving a mobile crane overnight, ground chocks shall be set and crane booms shall be lowered to ground level or otherwise fastened securely against displacement by wind loads or other external forces.

22.2.7 If there is a warning sign on the switch or engine starting controls, the operator shall not close the switch or start engine until the warning sign has been removed

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by the person placing it there.

22.2.8 Before closing the switch, or starting the engine, the operator shall see to it that all controls are in the "off" position and all personnel are in the clear.

22.2.9 If power fails during operation, the operator shall:

- (a) Set all brakes and locking devices.
- (b) Move all clutch or other power controls to the "off" position.
- (c) Communicate with the appointed individual in charge of operations.
- (d) If practical, the suspended load should be landed under brake control.

22.2.10 The operator shall familiarize himself with the equipment and its proper care. If adjustments or repairs are necessary, or any defects are known he shall report the same promptly to his employer or other person responsible for the equipment and shall also notify the next operator of the defects upon changing shifts.

22.2.11 All controls shall be tested by the operator at the start of a new shift. If any controls do not operate properly, they shall be adjusted or repaired before operations are begun.

22.2.12 Booms of mobile cranes which are being assembled or disassembled on the ground with or without support of the boom harness (equalizing sheaves, bridle and boom pendants) should be securely supported by proper blocking to prevent dropping of the boom sections.

23.0 Handling the Load.-No crane or derrick shall be loaded beyond the rated load.

23.1 Size of load.- On all operations involving cranes or derricks which are not equipped with those safety devices which make use of load measuring systems, there shall be a competent appointed individual assigned on a full-time basis to be responsible for determining the magnitude of loads to be lifted or lowered. The operator shall not make a lift unless he has first determined the weight of the load or is informed of such weight by the appointed person responsible for the operation.

23.2 Attaching the load.-

23.2.1 The hoist rope shall not be wrapped around the load.

23.2.2 The load shall be attached to the hook by means of slings or other approved devices.

23.3 Moving the load.-

23.3.1 The appointed individual directing the lift shall see that:

- (a) In the case of a mobile crane, the crane is level and where necessary, chocked properly.
- (b) The load is well secured and properly balanced in the sling or lifting device before it is lifted more than a few inches.

23.3.2 Before starting to hoist, he shall take care that:

- (a) Hoist ropes are not kinked.
- (b) Multiple part lines are not twisted around each other.
- (c) The hook is brought over the load in such a manner as to prevent swinging.
- (d) If there is a slack rope condition, the rope is properly seated on the drum and in the sheaves.

23.3.3 During hoisting, care should be taken that:

(a) There is no sudden acceleration or deceleration of the moving load.

(b) The load does not contact any obstructions.

23.3.4 Side loading of booms shall be limited to freely suspended loads. Cranes shall not be used for dragging loads sideways. Derricks shall not be used for side loading.

****23.3.5** The operator shall not lift, lower, swing or travel while any person is on the load or hook unless notification is filed with the Department pursuant to Section 23.6 of this title. The operator shall not carry loads over people or over any occupied building unless the top two floors are vacated or overhead protection with a design live load of 300 psf is provided.

23.3.6 On truck cranes, loads shall be lifted over the front area only as recommended by the manufacturer and submitted to the department of buildings.

23.3.7 The operator shall test the brakes each time a load approaching the rated load is handled by raising it a few inches and applying the brakes.

23.3.8 For mobile cranes, outriggers shall be used when the load to be handled at that particular radius exceeds the rated load without outriggers as given by the manufacturer for that crane and approved by the department of buildings.

23.3.9 Neither the load nor the boom shall be lowered below the point where less than three full wraps of rope remain on their respective drums.

23.3.10 When two or more cranes are used to lift one load, one appointed person shall be responsible for the operation. He shall analyze the operation and instruct all personnel involved in the proper positioning, rigging of the load, and the movements to be made.

23.3.11 In transit, the following additional precautions for mobile cranes shall be exercised:

(a) The boom shall be carried in line with the direction of motion.

(b) The superstructure shall be secured against rotation. When negotiating turns or when the boom is supported on a dolly, the superstructure may be rotated by a licensed crane operator only.

(c) The empty hook shall be lashed or otherwise restrained so that it cannot swing freely.

23.3.12 Before traveling a crane with a load, proposed travel should be shown on a plan of operation and approved by the department. Such data shall be filed with an application for on-site inspection.

23.3.13 A crane shall not be traveled with the boom so high that it may bounce back over the cab.

23.3.14 When rotating the crane or derrick, sudden stops shall not be made. Rotational speed shall be such that the load does not swing out beyond the radii at which it can be controlled. A tag or restraint line shall be used when rotation of the load is hazardous.

23.3.15 When a crane is to be operated at a fixed radius, the boom hoist pawl or other positive locking device

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shall be engaged.

23.3.16 Use of winch heads:

- (a) Ropes shall not be handled on a winch head without knowledge of the operator.
- (b) While a winch is being used, the operator shall be within convenient reach of the power unit control lever.

23.4 Holding the load.-

23.4.1 The operator shall not leave his position at the controls while the load is suspended.

23.4.2 People shall not be permitted to stand or pass under a load.

23.4.3 If the load must remain suspended for any considerable length of time, the operator shall hold the drum from rotating in the lowering direction by activating the positive controllable means at the operator's station.

23.4.4 In all cases, when booms are raised or lowered from the horizontal, load blocks including hooks and weight balls shall be left on the ground or deposited to the ground before raising or lowering booms.

23.5 Securing derrick booms.-

23.5.1 Dogs, pawls, or other positive braking mechanism on the hoist shall be engaged. When not in use, the derrick boom shall:

- (a) Be laid down;
- (b) Be secured to a stationary member, as nearly under the head as possible, by attachment of a sling to the load block; or
- (c) Hoisted to a vertical position and secured to the mast.

****23.6 Hoisting Personnel.** - Written notification shall be submitted to the commissioner at least three (3) business days prior to the date the hoisting equipment may be used to move personnel. In addition to the requirements of this section, the applicant shall also comply with all applicable OSHA requirements.

****23.6.1** The applicant shall be an engineer or a licensed master rigger. However, where the boom length, including jibs and any other extensions, is greater than 250 ft, the applicant shall be an engineer.

****23.6.2** The notification shall include the following:

- (a) A description of work,
- (b) The start date and duration of the work,
- (c) Manufacturer's information on the personnel platform used to perform the work,
- (d) The number of people who will be on the platform,
- (e) The actual pick load and the maximum radius of the pick,
- (f) The allowable pick load for maximum radius from load chart approved by the commissioner,
- (g) Description of how the person/people on the platform and the hoisting machine operator will communicate,

- (h) Designation of Site Safety coordinator,
- (i) Equipment user's company name, and address, and
- (j) The name and title of principal from the equipment user company.

****23.6.2.1** Where the applicant is an engineer, the request shall also include a copy of the Certificate of On-Site Inspection.

****23.6.2.2** Where the applicant is a master rigger, the request shall also include:

- (a) The make, model number and Certificate of Operation of the Hoisting Machine
- (b) A sketch or description of the foundation for the hoisting machine

****23.6.3** Exception: If the boom length, including jibs and any other extensions, is less than 100 ft. and the lift is supervised by a master rigger, written notification is not required.

24.0 Signals.-

24.1 A signalman shall be provided when the point of operation is not in full and direct view of the operator unless an approved mechanical signaling or control device is provided for safe direction of the operator.

24.2 Only persons who are dependable and fully qualified by experience with the operation shall be used as signalmen.

24.3 A signalman or other appropriate controls shall be provided when operations or equipment on or adjacent to a highway create a traffic hazard.

24.4 Signalmen shall wear high visibility gloves.

24.5 A uniform hand signal system shall be used on all operations of a similar nature. The system in use by the U.S. Corps of Engineers †† (EM 385-11) may be used as the model.

†† *As enacted but (EM 385-1-1) probably intended.*

24.6 Manual hand signals may be used when the distance between the operator and the signalman is not more than 60 feet, but manual hand signals shall not be used when atmospheric conditions prevent clear visibility to the operator.

24.7 Mechanical signal systems shall be protected against unauthorized use, breakage, weather or obstruction which will interfere with safe operation. In the event of any malfunction, all motion shall be stopped immediately.

25.0 Miscellaneous.-

25.1 Ballast or counterweight. - Cranes shall not be operated without the full amount of any ballast or counterweight in place as specified by the maker, and approved by the department.

25.2 Wind speed limitations. - No crane or derrick operator shall start an operation when the wind speed exceeds 30 m.p.h., or when the wind is predicted to reach 30 m.p.h. before the operation can be completed. The U.S. weather bureau data from the nearest reporting

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station may be used for the determination of wind speed.

25.3 Operating near electric power lines. -

25.3.1 No crane or derrick shall be operated in such a location that any part of the machine or of its load shall at any time come within 15 feet of an energized power line.

25.3.2 Before the commencement of operations near electrical lines, the appointed person responsible for the operation shall notify the owners of the lines or their authorized representatives providing them with all pertinent information and requesting their cooperation.

25.3.3 Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities certify that it is not an energized line.

25.4 Electrical equipment.-

25.4.1 General.-

(a) Wiring and equipment shall comply with the electrical code of the City of New York.

(b) The voltage used on control circuits shall not exceed 750 volts.

25.4.2 Equipment.-

(a) Electric equipment shall be so located or enclosed that live parts will not be exposed to accidental contact.

(b) All motor, controller and switch frames shall be grounded.

(c) Electric equipment shall be thoroughly protected from dirt, grease and oil, and where exposed to the weather, shall be thoroughly protected therefrom.

(d) Guards for live parts shall be substantial and so located that they cannot be deformed so as to make contact with the live parts.

(e) Name plates shall not be removed.

25.4.3 Controllers.-

(a) Each cage operated crane and derrick shall be provided with a device which will disconnect all motors from the line on failure of power and will not permit any motor to be restarted until the controller handle is brought to the "off" position, or a reset switch or button is operated.

(b) Lever operated controllers shall be provided with a notch or latch which in the "off" position prevents the handle from being inadvertently moved to the "on" position.

(c) The controller operating handle shall be located within convenient reach of the operator.

(d) As far as practicable, the movement of each controller handle shall be in the same general directions as the resultant movements of the load.

(e) For floor operated cranes and derricks, the controller or controllers, if rope operated, shall automatically return to the "off" position when released by the operator.

25.4.4 Grounding.-Each crane, which may be operated in the vicinity of a live power line, shall be effectively grounded as hereinafter provided. The crane shall be provided with a permanent clamp or other means for convenient and effective attachment of a grounding conductor. The cable connecting the clamp to the ground

shall be equivalent to a No. 2 AWG or larger single conductor, superflexible, rope stranded copper, composed of not less than 1,600 individual wires, with 600 volt covering for mechanical protection and with terminal parts that insure a good connection with hand type screw clamps. An effective ground shall be one having a resistance of 25 ohms or less, which shall be measured, or a connection to a continuous underground metallic water piping system.

25.5 Demolition.-

25.5.1 Crane or derrick operation when used for mechanical demolition shall comply with section C26-1905.4(d) of the building code and, in addition, a crane or derrick operating with a demolition ball shall meet the following requirements:

(a) The weight of the demolition ball shall not exceed fifty percent of the rated capacity of the boom length at its maximum radius.

(b) The swing of the boom shall not exceed thirty degrees from the centerline, front to back of the crane mounting.

(c) The load line and attachment of the demolition ball to the load line shall be checked at least twice daily.

(d) Truck cranes without outriggers extended shall not be used to swing a demolition ball.

26.0 Storage.-

26.1 Necessary clothing and personal belongings shall be stored in or about the crane or derrick in such a manner as to not interfere with access or operation.

26.2 Tools, oil cans, waste, extra fuses, and other necessary articles shall be stored in a tool box and shall not be permitted to lie loose in or about the cab or cage.

27.0 Refueling.-

27.1 Refueling shall comply with section C26-1909.1(c).

27.2 Machines shall not be refueled with the engine running.

28.0 Fire Extinguishers.-

28.1 A carbon dioxide, dry chemical or equivalent fire extinguisher shall be kept in the cab or in the vicinity of the crane or derrick.

28.2 Operating and maintenance personnel shall be familiar with the use and care of the fire extinguishers provided.

29.0 Filing for Prototype Equipment.-Where the equipment is a duplicate of equipment previously filed with design information and approved by the department, the previous approval shall be accepted for the design. Evidence shall be submitted that the welding and other manufacturing processes affecting the structural integrity of the crane were performed in accordance with applicable specifications and that required controls were maintained and tests performed.

30.0 Waiver of Modification of Rules and Regulations.-

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The commissioner may, at his discretion, modify or waive any of the foregoing requirements where practical difficulties in complying with particular sections exist and the public safety is not endangered thereby.

****DOB 10/1/06**

*****Local Law 73-1969**

***** RS 19-3 CABLEWAYS**

1.0 Scope.-This standard applies to the use of cableways for the construction, alteration and repair of buildings.

2.0 Definition.-

2.1 A power operated system for moving loads in a generally horizontal direction in which the loads are conveyed on an overhead cable, track or carriage.

3.0 An on-site inspection shall be required for cableways used for the erection, alteration and repair of buildings. The provisions of article 9.0 of RS 19-2 shall apply and for this purpose the word, "cableway" shall be substituted for "crane" or "derrick" where those words appear in article 9.0.

*****Local Law 73-1969**

*** REFERENCE STANDARD RS 19-4 SAFETY NETS**

ANSI A10.11-1989-American national standard for personnel and debris nets used during construction, repair and demolition operations, as modified.

Modifications-The provisions of ANSI A10.11-1989 shall be subject to the following modifications:

(1) Section 3.1 of such national standard shall be deemed to read as follows:

3.1 Safety nets shall be provided in accordance with sections 27-1021 and 27-1022 of the administrative code.

(2) Such national standard shall be deemed to include two new sections 10.8 and 10.9 to read as follows:

10.8 On each elevation of a building, the open sided permanent floor edges shall be guarded by a vertical net lining or its equivalent up to a height of not less than sixty inches.

10.9 When nets are installed vertically, they shall be supported so as to be capable of withstanding a lateral force of two hundred pounds.

***Local Law 61-1987; 234-90 BCR**

APPENDIX A

SELECTED RULES OF THE DEPARTMENT OF BUILDINGS TITLE 1 OF THE RULES OF THE CITY OF NEW YORK

Cite as:

For chapters: Title No. **RCNY** Chapter No.—*example:* 1 **RCNY** Chapter 4

For sections: Title No. **RCNY** §No.—*example:* 1 **RCNY** §4-02

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CHAPTER 1 MATERIAL AND EQUIPMENT APPLICATION PROCEDURES

§1-01 Material and Equipment Application Procedures.

(a) *Jurisdiction.* Pursuant to New York City Administrative Code §27-131, all materials which in their use are regulated by the Building Code must be approved by the Commissioner of the Department of Buildings (the "department").

(b) *Filing of applications.* (1) All applications for acceptance of material or equipment which is subject to the approval of the Commissioner shall be submitted to the department on forms so provided and labeled "Attention: Material and Equipment Acceptance Division" ("MEA").

(2) A complete application shall consist of a transmittal letter addressed to the commissioner, and the appropriate application fee together with all test reports and information required in the application and, on matters involving reference standards RS 7-3, 8-1, 13-1, 13-3, 13-6, 13-16, Sections p 102.4(b)(5), p 105.4, p 114.12 and p 115.8 of 16, 17, 18-1, 19-1 and paint spray booths, an affidavit attesting that a complete application has been served on the Fire Commissioner of the City of New York, Bureau of Fire Prevention, Technology Management Unit, in the same manner service is made on the department. An application, accompanied by the required fee, will be assigned a filing number. Any application which is not submitted with all information and test reports within sixty (60) calendar days of initial filing will be administratively closed. The application fee shall be non-refundable.

(c) *Applications filed with MEA and thereafter abandoned.* Applications for acceptance, which have been disapproved in whole or in part, and upon which no further action has been taken by the applicant within one year after the notice of disapproval is given shall be processed as follows:

(1) The application shall be deemed abandoned.

(2) The applicant shall be notified, by certified by mail at the address last furnished, that the application has been deemed abandoned and that he or she has the opportunity to remove reports and other information from the application, exclusive of the application forms, within 21 days of the date of the said notification.

(3) Upon completion of such 21 day period, applications and remaining reports and other supplementary information may be removed from the files and destroyed.

(4) Except for matters requiring consultation with the fire department, the Director of MEA may vary the procedure as may be necessary to avoid hardship, when same is warranted due to unusual and exceptional conditions beyond the control of the applicant.

(d) *Fees.* The fees for an application for the approval of material and equipment or an application for the amendment of prior approval of material or equipment shall be pursuant to Administrative Code §26-214 (11).

(e) *MEA review.* MEA shall review all applications for acceptance of material or equipment for which there is a code prescribed test method or a recognized test method acceptable to the commissioner and shall approve or deny such application on behalf of the commissioner. No material or equipment application which is required to be forwarded to the fire department pursuant to §1-01(b)(2) shall be approved unless comments have been received from the fire department or

fifteen (15) business days have elapsed from the time of filing of the complete application with the department, whichever is sooner.

(f) *Advisory committee review.* The commissioner shall appoint an advisory committee consisting of members of the department, the fire department, a registered architect, a professional engineer and representatives of the building and construction industry. The advisory committee shall be chaired by the Deputy Commissioner for Technical Affairs.

(1) *Absence of a code prescribed test method or an acceptable recognized test method.* In the event there is neither a code prescribed test method nor an acceptable recognized test method for material or equipment whose approval is under the jurisdiction of the department, an application for such material or equipment approval shall be referred to the advisory committee. The advisory committee shall prepare for the commissioner a detailed report and recommendation which sets forth the basis for approval or denial of the material or equipment application. In addition, on applications involving RS 5, where there is neither a code prescribed test method nor an acceptable recognized test method, the department shall be responsive to fire safety concerns and shall forward such applications to the fire department as appropriate.

(2) *Conflicting or ambiguous test results.* In the event MEA determines that submitted test reports are conflicting or ambiguous, MEA may refer the application to the advisory committee. The advisory committee shall prepare a detailed report and recommendation to the commissioner which sets forth the basis for approval or denial of the material or equipment application for which MEA found conflicting or ambiguous test results. Where necessary, the advisory committee may request the submission of additional information.

(3) *Consultation with the fire department.* The commissioner shall not take any final action in approving material or equipment applications which are required to be submitted to the fire department, pursuant to §1-01(b)(2), unless comments have been received from the fire department or fifteen (15) business days have elapsed from the date of the advisory committee's recommendation to the commissioner, whichever is sooner.

(g) *Appeals.* (1) Any denial by MEA may be referred to the advisory committee for its recommendation, upon applicant's written request within thirty (30) calendar days of the denial. The advisory committee shall issue a detailed report and recommendation to the commissioner who shall issue a final determination.

(2) A denial by MEA shall not be deemed a final determination of the Department until thirty (30) calendar days have lapsed.

(3) The final determination shall state the basis for the determination, with specific reference to test methods and test results.

(4) An applicant may challenge a final determination of the commissioner by initiating an article 78 proceeding in State Supreme Court.

(h) *Amendments.* All amendments to material or equipment applications previously approved by the MEA or the Board of Standards and Appeals, including amendments relating to a manufacturer's name or to the material, or equipment design, shall be processed in the same manner as any new application.

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CHAPTER 2 BOILER INSPECTIONS

§2-01 Low Pressure Boiler Inspections by Qualified Boiler Inspectors and Welding Repairs by Certified Welders.

(a) Definitions.

Authorized insurance company. A company approved by the New York State Department of Labor.

Qualified boiler inspector.

(1) An inspector who has been issued a Certificate of Competence by the New York State Department of Labor and who is employed by an Authorized Insurance Company

(2) A licensed New York City High Pressure Boiler Operating Engineer

(3) A licensed New York City Class A and B Oil Burning Equipment Installer

(4) A licensed New York City Master Plumber

(5) A Journeyman Plumber acting under the direct and continuing supervision of a New York City Master Plumber

Certified welder.

(1) An organization in possession of a valid National Board or New York State Repair Certificate of Authorization

(2) An organization in possession of a valid American Society of

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requirements of §24-109 of the Administrative Code.

(m) *Inspection and test.* Generator sets serving Emergency Power Systems shall be inspected and tested monthly under the supervision of any of the following:

- (1) A Licensed Professional Engineer or Registered Architect.
- (2) An electrician licensed by the Bureau of Electrical Control.
- (3) An electrician holding a Special License (Maintenance, for a specific building only) from the Bureau of Electrical Control.
- (4) The Fire Safety Director having a Certificate of Fitness from the Fire Department.

The Stationary Engineer or Assistant Stationary Engineer having a Certificate of Fitness from the Fire Department.

(n) Emergency generators installed indoors in new buildings shall be located within a room or space that has a two (2) hour fire resistance rating enclosure. The room or space shall contain no equipment or water and/or steam piping other than sprinkler piping, equipment and fuel tanks associated with the emergency generation systems, and shall be located away from areas that may be prone to flooding or damage from other natural causes.

Emergency generators installed indoors in existing buildings shall be located within a room or space that has a two (2) hour fire resistance rating enclosure.

For new and existing buildings, uninterrupted conduits not associated with the emergency generation system may pass through this room or space. Emergency generators within such room or space may supply occupant optional loads in addition to those of the emergency fire protection equipment provided the emergency fire protection equipment loads are given the highest priority. Load shedding or other means acceptable to the Commissioner shall be used to ensure that this priority assignment is maintained under all operational conditions. Multiple generators supplying emergency fire protection equipment loads only, or emergency fire protection equipment in combination with occupant optional loads as a common system, may have common fuel supplies and other common equipment and systems. Generators dedicated only to supplying emergency fire protection equipment loads may have fuel supplies, other equipment and systems in common with generators dedicated to occupant optional loads. The fuel system for the operation of the emergency power system supplying the emergency fire protection equipment loads shall consist of an on-site fuel oil system providing a minimum of six hours capacity at full load at all times except during loss of utility power. Occupant optional loads shall be shed and emergency fire protection equipment shall restore to utility power, if available, to comply with this requirement. Means shall be provided for automatic transfer to the fuel oil supply upon loss of gas supply where dual fuel generators are used.

(o) Water-cooled emergency generators shall not rely solely upon a single city water connection. The additional source of water for cooling may be obtained from:

- (i) another water main connection;
- (ii) a suction tank;
- (iii) a gravity tank; or
- (iv) any other system acceptable to the commissioner.

(p) Circuits for emergency lighting in any area required to be provided with emergency lighting shall be arranged so that loss of normal or emergency power supply shall not reduce

the available lighting levels in any of such areas below the level required for emergency lighting by applicable provisions of the Administrative Code, Reference standards or Rules of the City of New York. This may be accomplished by means of a combination of wiring arrangement and emergency power connection.

CHAPTER 13 ADJUDICATIONS

Subchapter A * [REPEALED]

**Repealed per 1 RCNY 102-01 effective 7-1-08.*

Subchapter B

Rules Governing Adjudication Procedures

§13-11 Purpose.

(a) These rules are instituted in order to establish guidelines for the adjudication procedures of the Department of Buildings ("the Department"). Pursuant to City Charter §1048, all hearings concerning the following matters under the jurisdiction of the Department will be held before the Office of Administrative Trials and Hearings ("OATH") and governed by the rules of procedure utilized at that tribunal:

- (1) Welder License Revocation
- (2) Boiler Operating License Revocation
- (3) Hoisting Machine Operator License Revocation
- (4) Rigger License Revocation
- (5) Sign Hanger License Revocation
- (6) Oil-Burning Equipment Installer License Revocation
- (7) Concrete Testing Laboratory License Revocation
- (8) Exclusion from the Limited Supervisory Check and/or Professional Certification Program for Plans filed by Registered Architects or Licensed Professional Engineers pursuant to 1 RCNY 21-01 *et seq.*
- (9) Civil Service Employee Disciplinary Matters, subject to §1.3 herein
- (10) Sealing orders, pursuant to §26-127(e)(i) of the New York Administrative Code.
- (11) The suspension or revocation of the registration, or the limitation of registration, of persons required to be registered with the Department pursuant to Administrative Code §27-140.1.
- (12) The suspension or revocation of the authority of any Department licensee, certified inspection agency, or any other authorized representative of the Commissioner to conduct inspections of work or participate in any self-certification program under the jurisdiction of the Department, except that such proceedings relating to Master Plumbers, Master Fire Suppression Piping Contractors, and Master Electricians may be adjudicated at OATH only upon referral by the applicable license board pursuant to paragraph (b)(i) below.
- (13) The suspension or revocation of certificates of approval for private elevator inspection agencies, directors, and inspectors certified pursuant to §11-01 of Title 1 of the Rules of the City of New York.
- (14) A petition by which the Department seeks an order of removal of an outdoor sign and/or sign structure pursuant to section 26-127.3 and/or section 26-262(d) of the Administrative Code.

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(15) A petition by which the Department seeks to revoke or suspend the registration of an outdoor advertising company and /or impose a fine or other penalties, pursuant to section 26-260(d) of the Administrative Code.

(16) A petition by which the Department seeks an order of suspension or revocation of the registration of a Construction Superintendent.

(17) A petition by which the department seeks an order of suspension or revocation of the approval of an approved agency.

(b) (1) Notwithstanding the procedures set forth in §§13-12 through 13-21 of these rules, upon referral by the Master Electricians License Board (established pursuant to §27-3009 of the Administrative Code) or the Master Plumbers/Master Fire Suppression Piping Contractors License Board (established pursuant to §26-144 of the Administrative Code) (either Board hereinafter referred to as the "Board"), hearings concerning the following matters may be held before OATH and be governed by the rules of procedure of such tribunal:

(i) Master Plumbers License, pursuant to Administrative Code §26-151.

(ii) Master Fire Suppression Piping Contractor License, pursuant to Administrative Code §26-151.

(iii) Master Electrician License, pursuant to §27-3016 of the New York City Administrative Code.

(2) After conducting an adjudicative hearing on a matter referred to it by the Board, the Administrative law judge at OATH shall issue recommended findings of fact and a recommended decision, and forward such findings and recommended decision and the record of the proceedings to the chairperson of the Board. The chairperson shall provide copies of such findings and recommendation to members of the Board at least ten days before that meeting of the Board at which action on such recommendation is scheduled to be taken. The Board shall act on such recommendations at such meeting and forward such recommendations and record, together with its own comments, if any, to the Commissioner. If the Board fails to act on a matter referred to it by OATH at such meeting, the OATH findings and recommendations shall be deemed to be adopted in full by the Board and shall be forwarded by the chairperson to the Commissioner for review. The Commissioner shall make the final determination.

(c) New York City Department of Buildings' adjudications regarding the fitness and discipline of agency employees will be conducted by OATH. After conducting an adjudication and analyzing all testimony and other evidence, the hearing officer shall make written proposed findings of fact and recommend decisions, which shall be reviewed and finally determined by the Commissioner.

§13-12 Definitions.

Board. The term "board" shall hereafter mean the Master Electricians License Board established pursuant to Administrative Code §27-3009 or the license board established pursuant to Administrative Code §26-144 which has jurisdiction over licensed master plumbers and licensed master fire suppression piping contractors.

Chairperson. The term "chairperson" shall mean the chairperson of the board or any other person authorized to act as chairperson. In any case where the chairperson is absent, another member of the board may act as chairperson.

Charging panel. The term "charging panel" shall mean the panel established pursuant to Administrative Code §26-144(c) to investigate complaints and any charges arising therefrom.

Commissioner. The term "commissioner" shall mean the Commissioner of Buildings of the City of New York, or any person or persons he or she lawfully appoints as designee.

Hearing panel. The term "hearing panel" shall hereafter mean the panel established pursuant to Administrative Code §26-151(b).

Presiding member. The term "presiding member" shall mean the person designated by the chairman to preside at investigations and hearings. In any case where the presiding member is absent, another member of the charging panel or hearing panel may act as the presiding member.

Quorum. The term "quorum" shall mean the number of charging panel or hearing panel members required to be present in order to conduct investigations and hearings and shall consist of a majority of the members of the charging panel or hearing panel.

Respondent. The term "respondent" shall hereafter mean the holder of an electrician's license, plumber's license, master fire suppression license, or any other person or entity who is the subject of a disciplinary proceeding as hereinafter provided.

§13-13 Pre-Hearing Procedure.

(a) Prior to the commencement of formal proceedings the Commissioner or board may, in his or their discretion, schedule a respondent for a pre-investigatory conference, pursuant to §646 of the New York City Charter, to determine the propriety of either (a) preferring charges against the respondent, or (b) determining the respondent's fitness to qualify for or hold a license, as the case may be.

§13-14 Commencement of Disciplinary Proceedings. (a) A disciplinary proceeding shall be commenced by the filing of charges and specifications with the board. Such charges and specifications may be filed by the board itself, a member of the board, the Department of Buildings or any other governmental agency. Notwithstanding the foregoing, all such proceedings shall be prosecuted by the Department of Buildings.

(b) The charges and specifications shall contain the name of the respondent sought to be disciplined, reference to the provisions of law alleged to have been violated and the factual allegations underlying the charges. The chairperson may request individuals, at least two of whom shall be members of the board, to act as a charging panel with the approval of the board. The chairperson shall appoint one member of the charging panel to act as the presiding member. The charging panel shall review the charges and by a quorum approve, disapprove or where appropriate, modify them. The finding of the charging panel as to the sufficiency, definiteness or detail of the statement or its failure or refusal to furnish a more definite or detailed statement shall not be subject to judicial review.

(c) Unless otherwise provided by Title 26 of the New York City Administrative Code, if the charging panel approves or modifies the charges, a copy of the charges and

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specifications, together with a date, time and place for hearing, shall be personally delivered or mailed to the respondent at the respondent's place of business or usual place of abode.

(d) The chairperson may request three individuals, at least two of whom shall be members of the board, to act as a hearing panel with the approval of the board. The chairperson shall appoint one member of the hearing panel to act as the presiding member. None of the individuals appointed to the hearing panel shall be an employee of the Department of Buildings.

(e) Unless otherwise provided by Title 26 of the New York City Administrative Code, within ten calendar days if the charges are delivered personally, or within fifteen calendar days if the charges are mailed, said period accruing on the date of delivery or mailing as the case may be, the respondent shall file with the hearing panel a written statement denying, admitting or admitting with an explanation any or all of the charges and specifications. Where a respondent admits with an explanation, it shall not be necessary to provide that explanation until such time as the hearing panel requests it.

(f) Where the respondent is a licensee, if the respondent fails to appear at the hearing, the hearing panel may recommend to the Commissioner that the respondent's license be suspended until such time as the respondent appears.

(g) Notwithstanding the foregoing, if upon the filing of charges and specifications, or at any time thereafter, the Commissioner should determine that there exists a serious and immediate threat to persons or property by the conduct alleged, the respondent's license may be suspended immediately, provided, however, that in any such case the respondent shall have a right to a hearing at the next available hearing date following the date of suspension.

§13-15 Disclosure.

(a) Requests for a bill of particulars shall be made in writing and served upon the department advocate and directed to the presiding member of the hearing panel at least ten calendar days prior to the hearing. Such requests shall be granted only for good cause shown.

(b) Objections to such requests shall be submitted to the presiding member of the hearing panel at least five business days prior to the hearing. Such an objection, however, shall not be a prerequisite to the presiding member's decision to deny or limit such request.

§13-16 Adjournments. Requests for adjournments or extensions of time may be granted by the presiding member of the hearing panel for good cause shown.

§13-17 Subpoenas. (a) Subpoenas shall be submitted to the presiding member for signature any time prior to the scheduled hearing date, and shall be served by the party requesting the subpoena in the manner prescribed by the Civil Practice Law and Rules.

(b) The presiding member of the hearing panel may, for good cause shown, permit an adjournment for the purpose of permitting or making a motion in the Supreme Court to compel compliance with a subpoena.

(c) In any case where the holder of a license is subpoenaed but fails to appear, the hearing panel may recommend to the Commissioner that such license be immediately suspended.

§13-18 Conduct of Hearings.

(a) Hearings shall be conducted by at least a quorum of the members of the hearing panel.

(b) Oaths or affirmations shall be administered to all witnesses called to testify.

(c) Evidence shall first be proffered in support of the charges. The respondent shall have the right to object to the evidence and to cross-examine witnesses.

(d) When all of the evidence in support of the charges is presented to the hearing panel, the respondent may present evidence in rebuttal, which may also be subject to objections and cross-examination by an adverse party.

(e) At any stage of the hearing the presiding member may permit members of the hearing panel to examine witnesses or review any other evidence.

(f) The hearing panel may independently introduce its own exhibits or call and examine its own witnesses.

(g) All objections shall be directed to the presiding member, who shall rule on them.

(h) Hearsay evidence is admissible at the discretion of the presiding member, provided, however, that such evidence must be relevant to the charges.

(i) Parties may be permitted to make opening and closing statements, and to submit written argument on the law and the facts at the conclusion of oral testimony.

(j) Respondents may be represented by an attorney at all stages of the proceedings.

§13-19 Board Initiated Investigatory Hearings.

(a) Nothing contained herein shall be deemed a limitation of the board's statutory obligation pursuant to Administrative Code §§26-144(a), (c) and 27-3009(c) to conduct investigatory hearings. Such hearings shall not be governed by these rules of procedure.

§13-20 Evidentiary Standard of Proof.

(a) The burden of proof shall be on the party initiating the proceeding. The hearing panel shall utilize a preponderance of the evidence standard of proof with respect to any recommendation calling for the imposition of a fine, suspension or revocation of license.

§13-21 Decisions, Determinations and Orders. (a) Any decision, determination or order of the hearing panel shall be by a quorum. It shall be in the nature of a recommendation and shall be transmitted to the commissioner or his designee, and shall consist of findings of fact and conclusions of law. Hearing panel members who do not concur with the recommendation may submit a separate recommendation.

(b) A copy of the written recommendation of the hearing panel shall be delivered or mailed forthwith to each party.

(c) The decision, determination or order of the hearing panel shall not be binding until reviewed by the Commissioner or his or her designee, who in his or her discretion, may adopt, reject or modify said recommendation. The final decision, determination or order of the Commissioner shall then be promptly delivered or mailed to each party.

(d) Any decision, determination or order of the Commissioner or his or her designee may be reviewed as provided by law.

CHAPTER 14 FEES

***[REPEALED]**

**Repealed per 1 RCNY 100-03 effective 7-1-08.*

CHAPTER 15 FIRE PROTECTION

§15-01 Communication and Alarm Systems ("Mini-Class 'E' Systems") for Certain Buildings under 100 Feet in Height.

(a) *Number of occupants.* The subject subsection (27-972(h)) of the Building Code states that a communication and alarm system, acceptable to the Commissioner of Buildings, shall be provided in buildings classified in occupancy group E, less than 100 feet in height, occupied or arranged to be occupied for an occupant load of more than one hundred persons above or below the street floor or more than a total of five hundred persons in the entire building. The provisions regarding occupant load are to be interpreted to apply where one or more of the following prevail:

- (1) The sum of the occupants on all the floors below the street floor exceeds 100 persons; or
- (2) The sum of the occupants on all the floors above the street floor exceed 100 persons; or
- (3) A total of more than 500 persons in the entire building including the street floor.

(b) *Occupancy load.* Occupant load shall be determined by the existing certificate of occupancy. In the absence of such certificate of occupancy, the occupant load shall be the greater of the actual number of occupants or on the basis of 1 person per 100 square feet net floor area. Net floor area shall be all space within the building exterior walls, excluding the following areas:

- (1) areas enclosing stairs.
- (2) public corridors.
- (3) elevators and shafts.
- (4) rest rooms.
- (5) storage rooms.

(For example, a net floor area of 10,100 square feet is capable of an occupancy of 101 persons).

The Communication and Alarm System, acceptable to the Commissioner of Buildings, shall have the following capabilities and components:

(c) *Capabilities and components.* (1) Fire command station. A communications center, located in the lobby of the building on the entrance floor as part of the elevator control panel if such exists, or located in the immediate vicinity of the elevators if they exist, to provide:

(i) Individual two-way voice communication from the fire command station to a fire warden station on each floor and to the regularly assigned location of the fire safety director, to consist of a telephone handset or approved speaker microphone system or other approved voice communication system. Initiation of a call from the fire command station shall sound a loud and distinctive sound or an audible device, selectively on the entire floor which is being called or at all floors throughout the building, through the use of a general all call button. This call shall be immediately answered by the fire wardens of the floors involved.

(ii) Manual pull station located adjacent to the fire command station to transmit a fire alarm signal to the fire department via a central station of a franchised operating company.

(iii) Annunciation of associated fire safety systems at the fire command station is optional; however, such annunciation shall not be connected to the mini-class

"E" system.

(iv) This system shall be a "supervised" system. A "supervised" system is one that is electrically monitored so that the occurrence of a single open or single ground fault condition of its wiring which prevents the required normal operation of the system or causes the failure of its primary (main) power supply source is indicated by a distinctive trouble signal.

(2) Fire Warden Station. A station located on each floor within view of the passenger elevator lobby if such exists; however, when an elevator lobby does not exist, the station shall be located in the path of egress to an exit stairway. The fire warden station shall have two-way communication with the Fire Command Station and:

(i) Shall consist of telephone handset or a speaker microphone system or other approved equivalent voice communication system.

(ii) The initiation of a call from a fire warden shall cause a loud and distinctive sound at the Fire Command Station and at the Fire Safety Director's Office, which call shall be immediately answered by the Fire Safety Director from the Fire Command Station.

(3) Fire Safety Director's Office. A station located within the building at the principal work location of the Fire Safety Director arranged the same as a warden's station. There shall be a two-way voice communication system to the Fire Command Station. A two-way voice communication system described above shall also be provided at the mechanical control center should one exist.

(4) General requirements.

(i) The components of the system shall require New York City Department of Buildings Material Equipment Acceptance ("M.E.A.") approval.

(ii) A. SOURCES OF ELECTRICAL POWER

Two sources of electrical power shall be provided as follows:

1. The primary source shall be generated electric power not exceeding 277/480 volts, supplied by utility company power, or isolated plant.

2. The secondary source shall be an emergency power system (as per Section 27-396 of the Building Code), an emergency generator and/or battery power.

3. One source of power shall be connected to the system at all times. The primary and secondary power sources shall be so arranged and controlled by automatic transfer switches and/or circuitry that when the primary source of power fails, the secondary source will be connected automatically to the fire alarm signal system. Intermediary devices between the system supply and the source of power, other than fused disconnect switches, transformers, fused cutouts and automatic transfer switches, are prohibited. Such disconnect switches, cutouts, transformers and automatic transfer switches shall supply only the fire alarm system and other systems covered by this reference standard. When the utility company requires the installation of metering current transformers, the system supply shall be connected on the load side of the current transformers. All installations shall comply with the applicable sections of the New York City Electrical Code.

The primary source of power and the secondary source (if said secondary source is an emergency power system or generator) shall each be provided with a means of disconnect from the fire alarm system. For buildings supplied at 120/208 volts, each disconnect shall consist of a fused cutout panel, utilizing cartridge fuses, with provision for interrupting the unfused neutral and all ungrounded conductors. The neutral shall be provided

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with a removable solid copper bar. The incoming service neutral shall be bonded to the metallic housing of the cutout panel on the line side of the removable bar. The fused cutout panel housing shall consist of a locked metallic cabinet with hinged door, painted fire department red, and permanently identified as to the system served. For buildings served at 265/460 volts, the primary and secondary service disconnects shall be fused disconnect switches (in lieu of fused cutout panels) in locked, red painted, permanently identified enclosures. The service voltage shall be transformed to 120/208 volts and a fused cutout panel provided within 5 feet of the transformer on the 120/208 volt side. The incoming supply connections shall comply with the New York City Electrical Code, and the fused cutout panel shall comply with the requirements specified herein before.

B. PRIMARY POWER SOURCE

The primary service to the fire alarm system shall be so arranged that the building source of supply can be disconnected without de-energizing the fire alarm supply. To accomplish this, the primary fire alarm supply shall be connected ahead of all building over current protection and/or switching devices.

C. SECONDARY POWER SOURCE

The secondary service to the fire alarm system shall be provided as follows:

1. If the building has a required emergency power system, the secondary source shall be the emergency power system, regardless of whether the primary source is utility company power or an isolated plant.
2. If the building has an emergency generator supplying power to any of the loads listed in Section 27-396.4 of the Building Code, the secondary source shall be the generator.
3. For all other buildings, the secondary source shall be a battery supply provided in accordance with Reference Standard 17-5 for storage batteries. The battery shall be designed for 24-hour supervisory operation of the system, followed by 15 minutes of total system load.

(iii). WIRING

A. Power Conductors (Above 75 volts) shall be:

1. Copper: THHN, THWN\THHN, TFFN, TFN, FEP, RHH, RHW-2, XHH, or XHHW minimum 600 volts; 90 C; for installation in rigid metallic conduit (RMC), intermediate metallic conduit (IMC) or electric metallic tubing (EMT).

2. Cable type MI, M.E.A. approved for fire alarm service.

B. Low Voltage Conductors (75 volts and less) shall be:

1. Copper: THHN, THWN\THHN, TFFN, TFN, FEP, RHH, RHW, XHH, or XHHW minimum 600 volts; 90 C; for installation in rigid metallic conduit (RMC), intermediate metallic conduit (IMC) or electric metallic tubing (EMT)

2. Minimum wire size No. 18 AWG.

3. Multi-conductor cables run in raceways, or exposed as described hereinafter, shall meet the following additional requirements:

(a) Type FPLP only; minimum insulation thickness 15 mils; minimum temperature 150 C; colored red.

(b) Red colored jacket overall; minimum thickness 25 mils.

(c) Cable printing as per UL1424; must bear additional description "ALSO CLASSIFIED NYC CERT. FIRE ALARM CABLE" legible without removing jacket.

C. Installation of Conductors and Raceway shall be in accordance with the following:

1. Power conductors shall not be installed in common raceways with low voltage conductors.

2. Comply with applicable requirements of New York City Electrical Code, except where requirements are exceeded by this Reference Standard.

3. Conductors other than M.I. cable shall be run in raceway, except as specifically described below.

4. Multi-conductor cables may be installed without raceway protection where cable is protected by building construction. Where not protected by building construction, cables shall be located 8 feet or more above the finished floor and not subject to physical tampering or hazard. Locations within eight feet of the finished floor that are deemed as "protected by building construction" shall include raised floors, shafts, telephone and communication equipment rooms and closets, and rooms used exclusively for fire alarm system equipment.

5. All wiring within mechanical and elevator equipment rooms shall be run in raceways.

6. Raceways run within 8 feet of finished floor in garage areas, loading docks, mechanical rooms, and elsewhere where subject to mechanical damage, shall be rigid galvanized steel conduit only.

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- (iv) A listing of the courses' proposed availability;
- (v) A detailed statement of the proposed provider's qualifications, including but not limited to instruction staff qualifications, other jurisdictions in which the provider has been approved to provide continuing education courses (if any), the composition of its governing authority, an identification of its administrative resources (physical and human), and documentation that demonstrates financial viability;
- (vi) A detailed statement of the proposed provider's procedures for confirming the identity of individuals taking any course(s) and for the issuance of a fraud-resistant document demonstrating that a licensee attended the course(s); and
- (vii) Such other items as the Commissioner of Buildings may deem appropriate and necessary.

(c) The Department of Buildings shall notify applicants of their approval in writing. Departmental approval of courses and providers shall expire on December thirty-first of every other year. Applicants for approval shall therefore submit applications on or before the first of November of the year approval is to expire.

§19-03. Exemptions from Inspection and Testing Requirements.

- (a) Applicability. This rule shall be applicable to all plumbing and gas piping jobs for which inspection and testing is required pursuant to Administrative Code §27-919.
- (b) Every new plumbing and gas piping system and every part of an existing system that has been altered, except for alterations involving ordinary repairs, shall, upon notification provided to the Department of Buildings pursuant to Administrative Code §27-920, be tested and inspected to determine compliance with Administrative Code requirements as set forth in Administrative Code §27-922. However, for jobs involving minor plumbing work as defined in paragraph (c) of this section, the Department of Buildings may accept written certification from a licensed Master Plumber that the job was performed in compliance with the requirements of the Administrative Code and any other relevant rules and regulations of the Department of Buildings in lieu of the notification and inspection requirements set forth in Administrative Code §§27-920 and 27-922.

(c) For the purposes of this section, "minor plumbing work" is defined as any of the following:

- (i) The removal of a domestic plumbing system not connected to a fire suppression system, or the removal of a portion of such system;
- (ii) The relocation of up to two plumbing fixtures that are a distance of no more than ten (10) feet from the original fixture, and within the same room, except in health care facilities, subject to paragraph (d) (i) below;
- (iii) The installation, replacement or repair of a garbage grinder, back flow preventer or sump pump, subject to paragraph (d) (i) below;
- (iv) The replacement of closet bends or shower bodies, subject to paragraph (d) (i) below;
- (v) The replacement of gas water heaters or gas fired boilers with a capacity of 350,000 BTU or less where the existing appliance gas cock is not moved, subject to paragraph (d) (ii) below; or
- (vi) The repair or replacement of any non-gas, non-fire suppression plumbing not longer than 10 feet inside a building, or connected piping previously repaired or replaced under this provision.

(d) Written certification that minor plumbing work conforms to applicable laws, rules, and regulations, as permitted pursuant to paragraph (b) of this section, shall be submitted in such a form and in such a manner as the Commissioner may require. Master Plumbers submitting such certification must provide such information as the Commissioner may require, including but not limited to:

- (i) Where the certification is for the relocation of up to two plumbing fixtures, installation, replacement or repair of a garbage grinder, back flow preventer, or sump pump, or for the replacement of closet bends or shower bodies, a statement that any roughing and/or venting was done in compliance with code requirements.
- (ii) Where the certification is for replacement of gas water heaters or gas fired boilers with a capacity of 350,000 BTU or less and the existing appliance gas cock is not moved, a statement that the chimney has been inspected.

§19-04 Master Plumber and Master Fire Suppression Piping Contractor License Board – Qualification Recommendations

(a) In accordance with section 26-134 and 26-144 of the Administrative Code, the commissioner authorizes the Master Plumber and Master Fire Suppression Piping Contractor License Board ("Board"), as part of its investigation of unlicensed practitioners, to examine the qualifications of applicants for Master Plumber and Master Fire Suppression Piping Contractor Licenses.

(b) The Board may investigate the nature and quality of the supervision Master Plumber and Master Fire Suppression Piping Contractors provided to license applicants and report to the commissioner regarding whether licensees and the people they supervised were performing lawful work in accordance with Sections 26-142 and 26-146 of the Administrative Code:

- (1) in the design and installation of plumbing systems in the United States, under the direct and continuing supervision of a licensed Master Plumber as defined by Section 26-141(c) of the Administrative Code; and
- (2) in the design and installation of fire suppression piping systems in the United States, under the direct and continuing supervision of a licensed Master Fire Suppression Piping Contractor as defined by Section 26-141(c) of the Administrative Code.

(c) The Board is authorized to require the applicant to provide the Board with any information pertaining to the plumbing and fire suppression trades in furtherance of the Board's investigation into improper or illegal practices.

(d) The Board is authorized to require an applicant to provide the Board with documentation in support of his or her application including, but not limited to, the following:

- (1) payroll records, time cards, sign-in sheets, work orders, and assignment or route logs;
- (2) notarized letters or sworn statements from supervising licensees stating the time period during

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which he or she supervised the applicant, the number of hours per week he or she supervised the applicant, the work the applicant performed for the licensee, and jobs where such work was performed; and

(3) such other documentation the Board deems appropriate.

(e) Based on the review of the documentation, and any testimony before the Board, the Board shall make its recommendation to the commissioner as to whether:

(1) license applicants designed and installed plumbing work under the supervision of a licensed Master Plumber or Master Fire Suppression Piping Contractor;

(2) the licensees who supervised each applicant did so in a lawful manner; and

(3) license applicants obtained sufficient experience as set forth in section 26-146 of the Administrative Code to qualify for a Master Plumber or Master Fire Suppression Piping Contractor license.

(f) Based on the documentation, and any testimony before the Board, the Board may refer improper or illegal activities to the Department's investigative units for further investigation and/or disciplinary action.

CHAPTER 20 PIPING SYSTEMS

§20-01 Witnessing Tests of Gas Piping Systems.

(a) Persons witnessing tests of gas piping systems in accordance with §27-921(b) of the Administrative Code, other than authorized plumbing inspectors of the Department of Buildings, shall be acceptable to the Commissioner of Buildings and shall meet the following prerequisites:

(1) Be either a registered architect, licensed professional engineer, licensed master plumber, or employee of a utility company; and,

(2) Have at least five years experience in inspection and testing of gas piping systems, or hold a current master plumbers license.

(b) The witnessing of the test in accordance with §27-921 and these rules shall be in person by the specifically designated person on the list maintained by the Commissioner. This authorization may not be delegated to anyone, nor can persons under his supervision witness the test in his behalf.

(c) Authorized persons on the list shall be required to maintain liability insurance of an amount acceptable to the Department.

(d) Failure of authorized persons to require compliance with law and these rules, and/or submission of a false statement will be grounds for immediate suspension or revocation of an authorized representative's authority to conduct inspections on behalf of the Department, and the immediate suspension of a Master Plumber License; be cause for immediate referral to the Division of Professional Conduct of the State Education Department, in the case of Architects or Engineers; and be cause for immediate referral to the Public Service Commission, in the case of utility companies.

(e) Reports of the inspections or tests are required to be submitted, and shall be made on forms acceptable to the Department.

(f) No reports shall be accepted for any installations for which a prior permit has not been previously obtained from the Department.

§20-02 High Pressure Steam Piping Systems.

These regulations shall apply to high pressure steam piping system which is defined as a system operating at a steam pressure of more than fifteen (15) psi. In the application of these rules and regulations, loops, bends or offsets of the piping shall not be considered expansion joints.

(a) Existing Systems.

The following requirements are applicable:

(1) All expansion joints, anchorage and guides which are presently not accessible to permit a complete visual inspection, shall be made accessible. Where the integrity of any shaft enclosure is impaired hereby, proper means shall be provided to maintain its integrity. All joints, including the joints so exposed, shall be inspected for any signs, visual or audible, of [sic] any escaping steam or condensation. Where there is evidence of such escaping steam in a bellows joint, immediate appropriate action shall be taken including expeditious replacement of the joint. If the escaping steam is immediately adjacent to a tenanted area, the occupants of this area shall be evacuated and shall not be permitted to return until the joint has been replaced or removed. In all cases, the joint shall be kept under intensive surveillance by the owner until such replacement or removal. In the event that the leak is progressive and has progressed to an extent as to present a hazard, the steam system or any part thereof serviced by the affected joint shall be shut down and the Department of Buildings shall be notified immediately. The Commissioner may waive the requirement for the exposure of the structural attachments to the building of the anchorage or guides upon the certification of a professional engineer to the effect that the exposure would impair a structural element of the building and specifying the basis on which he predicates his conclusion as to the adequacy of the structural attachments to the buildings of the anchorage or guides without such exposure. Upon exposure and initial inspection of the joints, the Commissioner shall be notified in writing by registered or certified mail. Such notification shall specify the type and location of the joints and the date inspected. The notification shall also contain the name of the person responsible for seeing that the inspections are made and properly recorded. Such inspections and exposure shall be made within two weeks from the effective date of this requirement. The initial inspection of the anchorage and guides shall be made within two months from the effective date of this requirement. The Commissioner shall be notified in the same manner described above of any subsequent change of the person responsible for seeing that the inspections are made and records kept.

The notifications required in this paragraph shall be addressed to the Borough Superintendent of the Borough in which the system is located.

(2) Maintenance inspections.

(i) Expansion joints shall be inspected weekly.

(ii) The anchorage and guides shall be inspected annually. Exposure of the structural attachments to the buildings of the anchorages or guides shall not be required where the inspection reveals no improper movement or defects in the system.

(iii) A record of such inspections shall be kept by the person in charge of the mechanical equipment of the building or other qualified person designated by the owner and acceptable to the Commissioner. The records shall be available at the premises and subject to inspection by the Commissioner.

(3) No joint, anchorage or guides shall be repaired, replaced or relocated, unless and until an application has been filed and the approval of the Department is obtained. The application

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shall contain all pertinent information and shall be filed by a licensed professional engineer, knowledgeable as to high pressure steam piping systems. He shall be responsible for the controlled inspection of the proposed work in accordance with the approval of the Department. This provision shall not apply to the repacking of a slip or ball joint, however, records of such repacking shall be kept in the inspection records as hereinabove provided. When, in the opinion of the professional engineer, the requirement for prior approval by the Department of Buildings would create an imminent health or safety hazard, the professional engineer may permit the work to proceed without prior approval. In such cases, he shall, prior to the repair, replacement or relocation, notify by telephone the Borough Superintendent of the borough in which the building is located; and, if the emergency occurs at other than normal working hours, he shall notify the Emergency Section by telephone at 312-8298.[sic] This shall be followed up by the filing of the application and obtaining the approval specified above.

(4) The Commissioner, where he deems it necessary, shall require the replacement or relocation of any joints, guides or anchors. The Commissioner shall cause the joints in potentially hazardous locations such as those which are located adjacent to tenant occupied spaces to be relocated, unless means exist or are provided for eliminating the hazard.

(5) Applicability upon completion of new high pressure steam piping systems. Upon the completion of a new high pressure steam piping system and the approval of same by the Department, the rules relating to existing high pressure steam piping systems affecting maintenance requirements and the keeping of records shall apply.

(b) *New Systems.*

For the purpose of the application of these rules and regulations, the replacement of existing steam piping systems, the installation of a new system in existing buildings, as well as installations in buildings hereafter constructed, shall be considered to be new high pressure steam piping systems. The following requirements are applicable:

(1) *Design.*

(i) The system shall be designed by a registered architect or licensed professional engineer. An application and plans shall be filed and the approval of the Department obtained. The plans and application shall contain, but not be limited to the following information:

(A) Size and location of all steam piping.

(B) The operating pressures and temperatures.

(C) The location, type, specifications and details of all expansion joints.

(D) The design, size, material and location of all anchors, guides and auxiliary steel, and the stresses thereon.

(ii) Systems using utility street steam shall be designed for a pressure of 200 psig and 413⁰ [sic] F up to and including the steam pressure reducing valve or valves which reduce the pressure of 90 psig or below. For steam pressures between 90 psig and 16 psig the system shall be designed for 125 psig.

(2) *Installation.*

(i) Installations (including any welding for same), shall be under controlled inspection by the engineer responsible for the design, or by a Professional Engineer acceptable to him.

(ii) Systems using utility street steam shall be designed for a pressure of 200 psig and 413⁰ F up to and including the

steam pressure reducing valve or valves which reduce the pressure of 90 psig or below. For steam pressures between 90 psig and 16 psig the system shall be designed for 125 psig

(iii) Welders shall be qualified for all required pipe sizes, wall thickness and positions in accordance with the American Society of Mechanical Engineers, Welding and Brazing Qualification, Section IX, Boiler and Pressure Vessel Code

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1980, (ANSI/ASME BPV- IX- 1980). Requalification is required every three years; or, if there is a specific reason to doubt the welders ability to make sound welds.

(iv) Welder qualification testing shall be performed by an agency listed with the Department of Buildings, and if the testing is by radiography, the inspection shall have a minimum radiography qualification of Level II in accordance with the American Society for Non-destructive Testing, 3200 Riverside Drive, Columbus, Ohio 43221, Recommended Practice, Document No. SNT-TC-1A- 1980.

(v) Copies of the certified welder qualification reports shall be maintained by the responsible welding agency and the company performing the welding, and shall be made available upon request to the Department of Buildings.

(vi) No reports from any welding inspection agency shall be accepted unless such agency has first requested and obtained from this Office [sic] in accordance with §25-01(q)(1) of the Board of Standards and Appeals Welding Rules.

(vii) (A) All piping over 3 inches shall be butt welded. Piping 3 inches and under may be socket welded or threaded.

(B) Threaded piping may continue to be used for existing construction in sizes of 6 inches and under.

(C) The Borough Superintendent may determine where welding is not feasible and that an acceptable alternative has been provided.

(viii) Radiographic examination, when required, shall be performed on butt welds in accordance with the following standard:

(ix) The percentage of butt welds subject to radiographic examination shall be based on the piping pressure and shall be as follows:

AMSI/ASME B 31.1 - 1980	
Piping Pressure	Percentage
90 psig or below	Not required
91 psig to 150 psig	10% at Random
Over 150 psig	100%

However, if in the opinion of the engineer responsible for Controlled Inspection radiographic examination is not required for piping at pressure between 90 psig and 150 psig, he shall so specify in writing, and his final report on the installation may omit the foregoing, and be predicated on all of the other requirements noted above, as well as a hydrostatic test.

(x) Testing - Hydrostatic test the completed installation at 150 percent of the design pressure for all piping pressure. Where the changes in an existing steam system involve less than 30 percent of the piping in the system, the testing may be in accordance with the ASME Power Piping Code, (ANSI/ASME B 31.1 - 1980).

§ 20-03 Standards for Non-Mercury Gauges.

(a) *Applicability.* In accordance with Local Law 17 for the year 2001, the rules in this section establish minimum standards for non-mercury gauges to test gas piping, drainage and vent systems.

(b) *Minimum Requirements.* Each gauge shall meet the following requirements:

(1) The gauge shall be manufactured and used in accordance with the ASME B40.100-1998 Standard for Pressure Gauges and Gauge Attachments, which incorporates ASME B40.1-1998 and ASME B40.7-1998, and the manufacturer

shall provide with the gauge a written statement that the gauge is manufactured in accordance with such ASME standard,

(2) The gauge shall be labeled with the name of the manufacturer,

(3) The gauge shall be kept in a padded separate rigid box and the manufacturer's instructions for use and protection of the gauge shall be complied with,

(4) The units of measurement "psi" shall appear on the face of the gauge, and

(5) The gauge shall be kept in good working order.

(c) *Analog Gauges Used to Measure Pressure in the Magnitude of 3 psig.* Each analog gauge used to measure pressure in the magnitude of 3 psig shall meet the following requirements in addition to satisfying the minimum requirements set forth in subdivision (b):

(1) The face of the gauge shall not be smaller than 2¼ inches in diameter,

(2) The gauge shall have a minimum of 270-degree dial arc,

(3) The gauge shall be calibrated in increments of not greater than one-tenth of a pound,

(4) The range of the gauge shall not exceed 5 psig when a 2¼ inch diameter gauge is used,

(5) The 1/10th psig interval on the gauge shall not be smaller than 1/10th of an inch of arc,

(6) The gauge shall be provided with an effective stop for the indicating pointer at the zero point,

(7) The gauge shall be protected from excessive pressure with a shut off valve and prior to using the 5-psig gauge the snifter valve shall be tested with a tire gauge to determine the magnitude of pressure, and

(8) The gauge shall have a calibration screw.

(d) *Analog Gauges Used to Measure Pressure in the Magnitude of 5 psig.* Each analog gauge used to measure pressure in the magnitude of 5 psig shall meet the following requirements in addition to satisfying the minimum requirements set forth in subdivision (b):

(1) The face of the gauge shall not be smaller than 2¼ inches in diameter,

(2) The gauge shall have a minimum of 270-degree dial arc,

(3) The gauge shall be calibrated in increments not greater than one-fifth of a pound,

(4) The range of the gauge shall not exceed 10 psig when a 2¼ inch diameter gauge is used,

(5) The 1/5th psig interval on the gauge shall not be smaller than 1/10th of an inch of arc,

(6) The gauge shall be provided with an effective stop for the indicating pointer at the zero point,

(7) The gauge shall be protected from excessive pressure with a shut off valve and prior to using the 10-psig gauge the snifter valve shall be tested with a tire gauge to determine the magnitude of pressure, and

(8) The gauge shall have a calibration screw.

(e) *Digital Gauges Used to Measure Pressure in the Magnitude of 3 psig and Higher.* Each digital gauge used to measure pressure in the magnitude of 3 psig and higher shall meet the following requirements in addition to satisfying the minimum requirements set forth in subdivision (b):

(1) The gauge shall have a minimum reading of 1/100th of a psig, and

(2) An extra charged battery shall be readily available for immediate use with the gauge.

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CHAPTER 21 PLANS

§21-01 Limited Supervisory Check and/or Professional Certification Program for Applications and Plans.

(a) Definitions. For the purposes of this section, the following definitions shall apply:

(1) Architect. "Architect" shall mean a person licensed and registered to practice the profession of architecture under the education law of the state of New York.

(2) Engineer. "Engineer" shall mean a person licensed and registered to practice the profession of engineering and use the title "Professional, Engineer" and the initials "P.E." under the education law of the state of New York.

(b) Conditions of Limited Supervisory Check and/or Professional Certification. In accordance with §27-143 of the Administrative Code of the City of New York, the Commissioner may exercise his or her discretion in designating portions of the examination of applications and plans for the construction of new buildings or the alteration of existing buildings for limited supervisory check and/or professional certification predicated upon statements and representations made by the architect or engineer of record, and his or her associates where applicable, provided the following conditions are met:

(1) That complete and coordinated architectural, structural and mechanical plans are or have been filed.

(2) That, where applicable, the portion for limited supervisory check be clearly and specifically identified. However, such identified portion shall not include compliance with the zoning resolution nor the exit requirements of the building code or other applicable laws.

(3) That, where applicable, the necessary certifications and appropriate approvals have been obtained regarding the following topics or from the following agencies:

(i) Landmarks, landmark sites and historic districts.

(ii) Sewers.

(iii) Urban Renewal Areas.

(iv) Transit Authority for the effect on subways.

(v) Compliance with General City Law, Section 35.

(vi) Liability Insurance.

(vii) Board of Standards and Appeals.

(viii) Department of Environmental Protection.

(ix) Department of Housing Preservation and Development.

(x) Department of Transportation.

(xi) Fire Department.

(xii) Loft Board.

(xiii) Department of City Planning.

(xiv) U.S. Department of State.

(xv) Department of Cultural Affairs.

(xvi) Any other approval or certification of which the professional knows or should know is required prior to submitting an application.

(4) That the architect or engineer of record and associate architects or engineers, if any, are aware that the Commissioner, in the exercise of his or her discretion in accordance with §27-143 of the Administrative Code, will rely upon the truth and accuracy of the statements contained in the construction application made by them, and any amendments submitted in connection therewith, as to compliance with the provisions of the Zoning Resolution, the Building Code and other applicable laws and regulations.

(5) That the architect or engineer of record and associate architects or engineers, if any, shall comply with the provisions of the Zoning Resolution, the Building Code and other applicable laws and regulations or shall resolve any non-compliance as provided in paragraph 6, below.

(6) That, prior to the limited supervisory check and/or professional certification, any non-compliance shall be resolved by reconsideration or otherwise. Such reconsideration or other resolution shall be in writing and shall be submitted with the application that qualifies for limited supervisory check and/or professional certification.

(7) That, should Department audit indicate a non-compliance with the Zoning Resolution, the Building Code and/or other applicable laws and regulations, the architect or engineer of record shall take the necessary remedial measures to obtain compliance.

(8) That the owner is aware of the application and the conditions under which it is being submitted and agrees to comply with any requirement for remedial measures, if necessary.

§21-02 Exclusion from Limited Supervisory Check and/or Professional Certification Programs.

(a) *Grounds for exclusion.* The Commissioner may exclude an architect or engineer from the Department's programs for limited supervisory check and/or professional certification of applications, plans and removal of objections if the Commissioner finds that the architect or engineer has:

(1) Displayed negligence or incompetence with regard to, or lack of knowledge of, the Building Code, the Zoning Resolution, the Department's regulations, or other applicable laws, rules or regulations as demonstrated by plans, applications, certifications, or inspection reports submitted by the architect or engineer to the Department; or

(2) Submitted plans, applications, certifications or inspection reports to the City that were required to be prepared by the architect or engineer or under his or her supervision but that were not prepared by the architect or engineer or under his or her supervision; or engaged in conduct evidencing a delegation of professional responsibilities to a person where the architect or engineer knew or had reason to know that such person was not qualified, by training, by experience or by licensure, to perform them; or

(3) Knowingly or negligently made false or misleading statements on or knowingly or negligently falsified, altered or allowed a person under his or her control and/or supervision to falsify or alter any certificate, form, signed statement, application or report filed with the City, or knowingly or negligently failed to file a report or obtain any approval, certification, waiver or reconsideration required by law or the City or willfully impeded or obstructed such filing, or induced another person to do so; or

(4) Been convicted of a criminal offense where the underlying act arises out of the architect or engineer's professional occupation or business dealings; or

(5) Had knowledge that any project or application filed with the Department with which the architect or engineer is involved in any capacity was fraudulent or dishonest in character and failed to report such fraudulence or dishonesty to the Department, the Department of Investigation or other relevant authority; or

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- (6) Engaged in misconduct regarding his or her Department-issued Photo Identification Card; or
- (7) Engaged in any conduct related to any activity performed in connection with his or her profession that evidences a failure to comply with the provisions of Federal, State or local law, rules or regulations or a Department order or requirement; or
- (8) Impeded, obstructed or failed to cooperate with an investigation or inquiry of or failed to provide documents requested by the Commissioner or his or her designee or the Department; or
- (9) Made a material misrepresentation to persons not affiliated with the Department regarding the status of applications and/or plans filed with the Department; or
- (10) Altered, defaced or destroyed Department property, or removed Department property, including permitted folders, from Department premises; or
- (11) Offered or attempted to offer a bribe or unlawful gratuity to a Department employee or other public servant; or
- (12) Failed to maintain a copy of plans and/or related documents approved by the Department for six years after the applicant has been issued a letter of completion, a Certificate of Occupancy, or an application sign-off, whichever occurs later; or
- (13) Permitted the improper use of, or had knowledge of or failed to promptly report to the Department any improper use of his or her professional stamp, signature, or license number; or
- (14) Within a period of six months, failed two Department audits that resulted in revocations.

(b) *Procedures.*

(1) Administrative charges outlining the basis for such action to exclude from the limited supervisory check and/or professional certification program shall be served upon the architect or engineer by certified mail, return receipt requested, pursuant to the Office of Administrative Trials and Hearings' (OATH's) Rules of Practice (Title 48 of the Rules of the City of New York).

(2) Notwithstanding the foregoing, if the Commissioner finds that continued use of the programs for limited supervisory check and/or professional certification by the architect or engineer would likely create a serious and immediate threat to public safety or property, the Commissioner shall have the power, pending service of administrative charges, to issue an order immediately suspending the architect or engineer and his or her associates, if applicable, from limited supervisory check and/or professional certification.

(c) *Hearing.*

(1) Upon a filing of the administrative charges, the architect or engineer will be scheduled for a hearing upon submitting any written objections to the administrative charges and the grounds for such objections to the Commissioner within fifteen days after the date that the notice of charges is served.

(2) All hearings are to be held at OATH. The architect or engineer may be represented by counsel or by a duly authorized representative and may present evidence on his or her behalf.

(3) When the Commissioner suspends an architect's or an engineer's limited supervisory check and/or professional certification privileges pursuant to § 21-02(b)(2), the architect or engineer shall have fifteen days from the date the order is served to object and request a hearing on the order and any forthcoming administrative charges. The written objection shall include the grounds for such objection(s). Failure to make a timely objection shall result in a waiver of the right to a hearing and the Commissioner's order shall thereupon be considered a final determination. Upon receipt of a timely objection to the order, the Commissioner or his or her representative shall promptly schedule a hearing at OATH, with due consideration given to the current OATH calendar, and serve the architect or engineer with charges and notice of such hearing pursuant to OATH's Rules of Practice.

(4) After the conclusion of a hearing, the OATH Administrative Law Judge shall issue proposed findings of fact and proposed conclusions of law, along with a report and recommendation to the Commissioner. The Commissioner shall review the report and recommendation issued by the OATH Administrative Law Judge and shall issue a final determination. The Commissioner shall notify the architect or engineer in writing of the final determination. Such notice shall include a written statement indicating the reason for the final determination.

(5) After the Commissioner has rendered a final determination excluding a particular professional, all applications and plans submitted by that architect or engineer shall be subject to full review by the Department.

CHAPTER 22 PRESSURE TANKS

§22-01 Installation and Maintenance of Pressure Tanks Operating at a Pressure in Excess of 15 PSI and Their Proximity to Gas Supply or Service Lines.

(a) *Applicability.* These regulations shall apply to tanks containing water and air in combination, under pressure exceeding 15 psi above atmospheric pressure, where the pressure is supplied and maintained by pumps connected directly to the tanks.

b) Design.

The system shall be designed by a registered Architect or a Licensed Professional Engineer. An application and plans shall be filed and the approval of the department obtained. The plans and application shall contain, but not be limited to:

- (1) Size and location of high pressure tanks.
- (2) The operating pressures and temperatures.
- (3) The location, type and specifications of pressure relief valves.

(c) Location.

- (1) All high pressure tanks shall be located a clear distance of

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at least five feet horizontally from a gas service or distribution line or its vertical projection upon the floor.

(2) All new high pressure tank [sic] installations shall be located in rooms separated from gas service or distribution lines.

(3) In cases where the spatial relationship between tanks and gas services does not comply with the regulations, it shall be the responsibility of the party responsible for the last installation to correct the violation.

(d) *Installation.*

(1) Installation with the exception of welding, shall be under controlled inspection by the engineer responsible for the design, or by a Professional Engineer acceptable to him.

(2) The welding shall be under controlled inspection of an Engineer, supervising a welding inspection agency acceptable to the Department of Buildings.

(3) Welders shall be qualified for all pipe sizes, wall thickness and positions in accordance with either the American Petroleum Institute, 1801 K Street, N.W., Washington, D.C. 20006, Standard for Welding Pipelines and Related Facilities, Fourteenth Edition, January 1977, (API STD 1104-1977), or the American Society of Mechanical Engineers, Welding and Brazing Qualification, Section VIII, Boiler and Pressure Vessel Code, 1980, (ANSI/ASTM BPV-IX-1980), and requalified on an annual basis.

(4) The qualification testing shall be performed by an agency listed with the Department of Buildings, and the inspector shall have a minimum radiography qualification of Level II in accordance with the American Society for Nondestructive Testing, 3200 Riverside Drive, Columbus Ohio 43221, Recommended Practice, Document No. SNT-TC-1A-1980.

(5) Copies of the certified welder qualification reports shall be maintained by the responsible welding agency and shall be made available upon request to the Department of Buildings.

(6) No reports from any welding inspection agency shall be accepted unless such agency has first requested and obtained approval from this Office, in accordance with Rule 2511(G)(1) of the Board of Standards and Appeals Welding Rules.

(7) All welded piping shall be butt welded.

(8) Radiography shall be performed on all butt welds in accordance with API STD 1104-1977 or ANSI/ASTM BPV-IX-1980.

(9) Testing- A hydrostatic test of the completed installation at 150 percent of the design pressure adjusted to compensate for the difference in gas or fluid pressure and the ambient temperature shall be conducted. Where the changes in an existing system incorporating high pressure tanks involves less than 30 percent of the piping system, the testing may be in accordance with Standard Power Piping, ANSI B31.1-1980.

CHAPTER 23 NONCOMMERCIAL GREENHOUSES

§23-01 Noncommercial Greenhouses Accessory to Residential Uses as a Permitted Obstruction in Required Rear Yards or Rear Yard Equivalents.

(a) *Definitions:* Greenhouse. A greenhouse shall be defined as a glass or slow burning plastic enclosed building used for cultivating plants.

(b) *Detached accessory noncommercial greenhouse.* A detached accessory noncommercial greenhouse is a permitted obstruction in a required rear yard or rear yard equivalent, pursuant to §23-44 (b) of the Zoning Resolution, when it

complies with the following conditions:

1. no portion of the greenhouse is located in a rear yard equivalent which also is a required front or side yard,

2. the greenhouse does not exceed ten feet above the level of the rear yard or rear yard equivalent,

3. the floor area of the greenhouse is included in the total floor area on the zoning lot,

4. the greenhouse use does not create offensive odors or dust,

5. the wall of the greenhouse closest to the appurtenant residential use building shall be a minimum distance of six feet from the exterior wall of such residential use building,

6. the greenhouse shall not be located less than 3 feet from a lot line,

7. the greenhouse shall be constructed of non-combustible materials and glazed with plain or wire glass or slow burning plastic,

8. the glass or slow burning plastic constructed roof shall be capable of supporting the live load prescribed in §27-561 (a) of the Building Code.

(c) *Attached accessory noncommercial greenhouse.* An attached accessory noncommercial greenhouse is a permitted obstruction in a required rear yard or rear yard equivalent, pursuant to §23-44 (b) of the Zoning Resolution when it complies with the following conditions:

1. no portion of the greenhouse is located in a rear yard equivalent which also is a required front or side yard, 2. the greenhouse roof shall be no higher than the level of the floor above the lowest residential level,

3. the floor area of the greenhouse is included in the total floor area on the zoning lot,

4. the greenhouse use does not create offensive odors or dust,

5. in no event shall the greenhouse project more than six feet from the plane surface of the building wall,

6. the greenhouse shall be constructed of noncombustible materials and glazed with plain or wire glass or slow burning plastic. The floor of the greenhouse shall be constructed as required in Table 3-4 of the Building Code, for the construction classification of the building to which it is attached and if not on grade [sic] shall be capable of sustaining a minimum live load of 75 pounds per square foot,

7. the roof of the greenhouse shall be constructed of glass or slow burning plastic and capable of supporting the live load prescribed in §27-561(a) of the Building Code,

8. the depth of the greenhouse need not be included in the maximum permitted depth of a room, pursuant to §30(3) of the Multiple Dwelling Law,

9. the greenhouse shall be provided with operable windows or жалюзи, whose free openable area shall be equal to at least five percent of the combined floor area of the greenhouse, as prescribed in §27-750 of the Building Code.

CHAPTER 24 REFUSE CHUTES AND REFUSE ROOMS

§24-01 Construction and Maintenance of Refuse Chutes and Refuse Rooms.

(a) *Refuse chute enclosures.* Refuse chutes used for conveyance of garbage and rubbish from upper floors of a building to a cellar or other location shall be constructed with an enclosure of brick masonry at least eight inches in thickness or of reinforced concrete at least six inches in thickness, except as

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otherwise provided in this section.

(b) *Height and service openings.* Refuse chutes shall extend from the refuse collection room to a height of at least six feet above the roof. A spark arrestor shall be provided at the top of the chute above the roof. Service openings into the chute shall be equipped with approved self-closing hoppers so constructed that the chute is closed off while the hopper is being loaded and so that no part will project into the chute. The area of service opening shall not exceed one third the area of the chute. Hopper doors shall have a fire resistive rating of at least one hour, unless separated from the corridor by a fireproof, self-closing door in which case they shall be constructed of incombustible material.

(c) *Existing flues and refuse chutes.* Flues for existing incinerators may be used for refuse chutes provided such flues are in good condition and provided the flues comply with the provisions of subdivisions (a) and (b) of this section. Existing refuse chutes may be continued in use provided they conform to the provisions of subdivisions (a) and (b) of this section, except that existing refuse chutes of other construction, which have been approved by the Department may be retained.

(d) *Refuse chutes in new construction.* Where refuse compacting systems are required hereafter in new construction, refuse chutes shall be required for conveyance of garbage and rubbish to refuse collection rooms, except that refuse chutes will not be required in class A multiple dwellings which are four stories or less in height. Refuse chutes erected hereafter in new construction shall be of a type approved by the board or shall comply with the requirements of subdivisions (a) and (b) of this section. Chutes shall be constructed straight and plumb, without projections of any kind within the chute. Refuse chutes shall have an inside dimension of at least twenty-four inches for the full height of the chute. All chutes shall be supported on fireproof construction having at least a three hour resistive rating.

(e) *Refuse collection rooms.* A refuse collection room shall be provided at the bottom of all chutes at the cellar or lowest story level to receive the refuse. Such rooms shall be enclosed with walls and roofs constructed of material having a minimum fire resistive rating of three hours, except that gypsum masonry may not be used for such enclosure walls. Openings to such rooms shall be provided with fireproof, self-closing doors having a minimum fire resistive rating of one and one-half hours. It shall be unlawful to keep such doors open. Refuse chutes shall extend to the underside of the roof of the refuse room or lower. Roofs shall be at least six inches away from combustible floor or wall construction. Refuse rooms shall be used only for receipt of refuse and for refuse compacting equipment. Refuse rooms shall be provided with sufficient sprinklers to sprinkle all parts of the room, with at least two sprinkler heads provided and with sprinklers so separated as to sprinkle a maximum area of the room when one of the sprinklers is blocked or not operating. A hose connection shall be provided within the refuse room. Existing refuse rooms and incinerator rooms that have been approved by the Department for such use may

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noncombustible enclosure having a fire-resistance height and type of roof protection, when required;

13. Location of standpipe system and siamese hose connections;
14. Location of temporary elevators for Fire Department use when building is above 75 feet in height;
15. Location of all exterior contractors' sheds;
16. Safety netting and scaffolding when required by §27-1022 of the Administrative Code;
17. Sidewalk and roadway widths and all traffic information and all exits from job site;

18. Specific case reconsiderations in relation to requiring safety netting during construction operations are to be attached and the revised site safety plan shall be approved.

1. Indicate appropriate Department of Buildings application numbers and/or Department of Transportation permit numbers and expiration dates.

NOTE: Location of cranes-derricks and hoists, etc. may be entered on site plan as indicated on the Department of Buildings application and number by the Site Safety Manager and signed by the inspector when checked against the Department of Buildings application number during inspection.

CHAPTER 27 SIGNS

§27-01 Stair and Elevator Signs in Buildings Which Have at Least One Elevator.

(a) *Applicability.*

These rules and regulations shall apply to all buildings which have at least one elevator including:

- (1) Any existing office buildings occupied or arranged to be occupied for an occupant load of more than one hundred (100) persons above or below the street level or more than a total of five hundred (500) persons in the entire building, and
- (2) All other existing buildings which have at least one elevator, pursuant to §27-390 of the Administrative (Building) Code, as enacted by Local Law 16 of 1984.

(b) *Signs at elevator landings.*

- (1) *Elevator landing sign.* On all floors other than the main entrance floor, a sign shall be posted and maintained on every floor at the elevator landing. The sign shall read "IN CASE OF FIRE, USE STAIRS UNLESS OTHERWISE INSTRUCTED".

- (2) *Floor diagram sign.* The sign shall contain a floor diagram showing the location where it is posted and the location and letter identification of the stairs on the floor and each elevator bank.

- (3) *J-2 multiple dwellings.* The floor diagram sign may be omitted on all residential floors in J-2 multiple dwellings provided that:

- (i) The stair is in the line of sight from the elevator call button, and

- (ii) The stair is located a maximum of twenty (20) feet from the elevator call button, and

- (A) There is not more than one stair, or

- (B) Two scissors stairs, or

- (C) A stair or fire escape serves only an individual apartment and directional signs with arrows and reading "TO STAIRS" are provided.

(c) *Location.* The sign(s) shall be located:

- (1) Directly above the call button, and
- (2) Its top shall not be above six (6) feet from the floor level.
- (3) The sign(s) may be placed on the wall or an adjacent conspicuous place where there is insufficient wall space at the call button, or
- (4) The sign(s) may be placed on the elevator door(s) where

there is insufficient wall space or an adjacent conspicuous place at the elevator landing.

Exception: Raised signs on horizontal sliding flush type elevator doors.

- (d) *Floor number sign(s).* Floor numbering sign(s) shall be posted and maintained within each stair enclosure on every floor. The floor numbering sign shall be posted and maintained on the stair side of the door, or if no door, nearby on the wall or an adjacent conspicuous place.

- (e) *Stair and elevator identification signs.* Each stair and each bank of elevators shall be identified by an alphabetic letter. A sign indicating the letter of identification for the elevator bank shall be posted and maintained at each elevator landing directly above or as part of the sign specified in §27-01(b). The stair identification signs shall be posted and maintained on the occupancy and stair sides of the door, or if no door, nearby on the wall or an adjacent conspicuous place.

- (f) *Stair re-entry signs.* Stair re-entry signs shall be posted and maintained on the stair door at each floor in buildings classified in Occupancy Group E, occupied or arranged to be occupied for an occupant load of more than a total of 500 persons in the entire building indicating re-entry is provided. The signs shall be attached approximately five feet above the floor. The signs shall read as follows and may be either independent or combined with the corresponding sign required by §§27-392 and 27-393:

- (1) Where no re-entry is provided:

- (i) Where no re-entry is provided from the stairs to any floor, the sign shall read "NO RE-ENTRY FROM THIS STAIR" and such sign shall be posted and maintained on the occupancy side of the stair door at each floor. No re-entry sign shall be required on the stair side of the door.

- (ii) On every floor where fail-safe [sic] re-entry locking devices are installed on exit doors, a sign reading "NO RE-ENTRY FROM THIS STAIR EXCEPT DURING FIRE OR EMERGENCY" shall be posted on the occupancy side of the stair door.

- (2) Where re-entry is provided to specified floors:

- (i) On the stair side of the door at floors where re-entry is provided, the sign shall read "RE-ENTRY ON THIS FLOOR".

- (ii) Where no re-entry is provided on that floor, the sign on the stair side of the door shall read, "NO RE-ENTRY, NEAREST RE-ENTRY ON THE AND FLOORS". The floor numbers of the nearest re-entry below and the nearest re-entry floor above shall be entered in the blank spaces

(g) *Size of signs.*

- (1) Signs for new buildings shall be limited to combined elevator landing and floor diagram signs, conforming with paragraph (4) below. Signs for existing buildings in Occupancy Group J-2 may be either independent signs as required or combined signs, conforming with the size requirements as set forth in the following subdivisions.

- (2) *Elevator landing signs.* Elevator landing signs shall be at least two and one-half (2 1/2) [sic] inches by ten (10) inches.

- (3) *Floor diagram signs.* Floor diagram signs shall be at least eight (8) inches by twelve (12) inches.

- (4) *Combined elevator landing and floor diagram signs.* Combined elevator landing and floor [sic] diagram signs shall be at least ten (10) inches by twelve (12) inches.

(h) *Lettering and coloring of signs.*

- (1) Lettering and background shall be in contrasting colors.
- (2) Lettering shall be of bold-type and properly spaced to provide good legibility.
- (3) The lettering and numerals of the signs shall be at least one-half inch high, except that:

- (i) Floor numbering sign numerals shall be at least three inches high.

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(ii) Elevator identification sign letters shall be at least three inches high.

(i) *Material for signs.*

(1) Signs shall be of metal or other durable materials.

(2) Fire resistive pressure sensitive vinyl decals may be permitted if the plastic is printed on the reverse side.

(j) *Attachment of signs.* Signs shall be securely attached to the wall or partition.

(k) *Signs in existing buildings.*

(1) Signs installed prior to March 27, 1984 may be accepted by the Commissioner, provided that such signs will adequately accomplish the intended purpose.

(2) In buildings existing prior to March 27, 1984, the Commissioner may modify the requirements as to location of signs where compliance would cause practical difficulty or undue hardship.

(3) All existing buildings not already subject to the requirements of Local Law 5 as of January 18, 1983 shall comply with these requirements on or before October 1, 1985.

(l) *Compliance date.* Signs shall be installed on or before October 1, 1985.

(m) *Report of compliance.* Owners shall file a report with the Department of Buildings certifying that they have posted the signs in compliance with the Building Code requirements on or before October 1, 1985.

§27-02 Caution Sign Tapes Required on Elevators Being Serviced.

(a) In all buildings, when an automatic passenger elevator is being serviced by an elevator maintenance company, elevator maintenance personnel or other persons and there are no maintenance personnel available to remain in the elevator car, "CAUTION" sign tapes shall be placed across the car door jamb. One strip of "CAUTION" sign tape shall be placed at a height of eighteen (18) inches from the car floor and another strip of "CAUTION" sign tape shall be placed at a height of fifty-four (54) inches above the floor.

(b) The "CAUTION" sign tape shall be three (3) inches in width with the words "CAUTION - DO NOT ENTER" repeated every six (6) inches. The lettering shall be black on yellow background. The letters shall be at least two (2) inches high.

§27-03 Signs on any Sidewalk Shed, Fence, Railing, Footbridge, Catch Platform, Builder's Sidewalk Shanty, and Over-the-Sidewalk Chute Erected at Demolition or Construction Sites.

(a) *Applicability.* These rules and regulations shall apply to all protective structures erected at demolition or construction sites, including but not limited to, sidewalk sheds, fences, railings, footbridges, catch platforms, builder's sidewalk shanties, and over-the-sidewalk chutes as specified in Administrative Code §26-252(a).

(a) Other than the signs required by 1 RCNY §§8-01 and 26-01 or as set forth below, there shall be no information, pictorial representations, or any business or advertising messages posted on such protective structures at demolition or construction sites.

(c) *Required shed sign.* Where a sidewalk shed is erected and a sign is posted in compliance with Administrative Code §27-1021(a)(1)(b), the information shall also include the Department of Buildings' Complaint Telephone Number and whether the shed is a heavy duty sidewalk shed or light duty sidewalk shed as defined in 1 RCNY §8-01(a)(2). If the shed is for light duty use, the sign shall include the statement that storage is not permitted on the shed.

(d) *Signs.* A sign may be posted on such protective structure when the structure is adjacent to any building and obscures from view a lawful and existing sign and shall comply with the following requirements:

(1) Signs shall be securely fastened to the face of the protective structure at a location directly in front of such business storefront;

(2) No projecting signs shall be permitted, and all signs shall be limited to a maximum height of three feet six inches and when affixed to a sidewalk shed, shall not project above the parapet;

(3) No signs shall be permitted on the ends of any protective structure, unless the lawful and existing sign would otherwise be obscured from view by a deck or parapet of a sidewalk shed or bridge; and

(4) No sign shall project below the deck of any sidewalk shed.

(e) *Materials.* Such signs shall be constructed of three-fourths inch plywood or sheet metal.

(f) *Area and height limitations.* The maximum height for the erection of such sign shall comply with the applicable zoning regulations, statutes and these rules, and in no event shall the height of such sign be greater than three feet six inches.

(g) *Non-illumination.* No illuminated signs shall be permitted on any protective structure subject to this rule.

§27-04 311 Advisory Signs Required on Construction Sites.

(a) *Applicability.* Pursuant to subdivision (a) of Section 27-1009 of the Administrative Code, at least one sign shall be placed at any site of construction for which a New Building or Demolition permit is required. Such sign(s) shall contain the words "TO ANONYMOUSLY REPORT UNSAFE CONDITIONS AT THIS WORK SITE, CALL 311" (referred to herein as a "311 advisory sign") in both English and Spanish.

(b) *Location.* 311 advisory signs shall be placed at a height no more than twelve feet above ground and shall be prominently placed on each perimeter of a construction site fronting on a public thoroughfare.

(c) *Visibility.* The letters on 311 advisory signs shall be black on white background and be no less than six inches high.

CHAPTER 28 SMOKE DETECTING DEVICES AND SYSTEMS AND CARBON MONOXIDE DETECTING DEVICES AND SYSTEMS

§28-01 Required Smoke Detecting Devices and Systems.

(a) *Applicability.* (1) Local Law 62 for the year 1981 requires that all existing dwelling units within Occupancy Group J-1 (which includes Hotels, Motels, Lodging Houses, and Rooming Houses) and Occupancy Group J-2 (which includes Apartment Houses, Apartment Hotels and School Dormitory Buildings), and new buildings or substantially improved or altered buildings in Occupancy Group J-1, J-2 and J-3 (the latter includes One and Two Family Dwellings, Rectories, Convents and Group Homes) to be equipped with approved smoke detecting devices, except such units which contain operational automatic wet sprinkler systems.

(2) The devices shall be operational in existing Occupancy Groups J-1 and J-2 by January 1, 1982; however, the Commissioner may upon good cause shown extend the period of compliance to June 30, 1982. Appeals to the Commissioner for extension of the period of compliance shall be set forth on a form to be available and filed at the Office of the Commissioner, (Attention: The Executive Engineer), Department of Buildings, 60 Hudson Street New York, N.Y. 10013, [sic] no later than December 1, 1981, and contain the following information:

(i) The location of the premises, block and lot, the Building Department Application number, if any, the Construction and Occupancy Class, number of dwelling units, estimated number of detectors, type, and where they are to be installed.

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(i) The owner of the building is responsible for ensuring that the conditions described in the critical examination report as safe with a repair and maintenance program are repaired, and all actions recommended by the professional are completed within the required time frame, and are not left to deteriorate into unsafe conditions before the next critical examination.

(ii) The professional shall not file a report of the same condition that is safe with a repair and maintenance program for the same building for two consecutive filing periods.

(iii) A certification must be made by the professional attesting to the correction of all conditions identified in the earlier report as requiring repair.

(iv) The professional shall report conditions that were previously reported as safe with a repair and maintenance program as unsafe if not corrected at the time of the current inspection.

§32-04 Masonry Parapet Walls.

(a) *Definition. Parapet.* The term "parapet" shall mean the continuation of an exterior wall, fire wall, or party wall above the roof line. §27-232 Administrative Code.

(b) *Basic requirements.* Parapet walls of masonry constructed hereafter shall comply with the following requirements:

(1) They shall meet the requirements of Reference Standard §10-1, §10.4c of the Administrative Code.

(2) Structural members supporting parapet walls shall be designed to resist torsional stresses in addition to stresses due to bending, where loads are placed eccentrically.

(c) *Existing and new parapet walls.* Owners of those buildings which are provided with masonry parapet walls, except where such walls are located on buildings used exclusively for J-3 occupancy, shall have the parapet walls inspected annually by a competent person, such as a bricklayer, building superintendent, builder, architect, or engineer. Any wall found to be in an unsafe condition shall be removed promptly. Any parapet wall found to be out of plumb by a horizontal distance exceeding one-eighth of its height, shall be removed.

(d) *Replacement.* Parapet walls that are removed shall be replaced when the parapet wall is required by the provisions of §27-333 of the Administrative Code

***§32-05 Impact Resistant Stair and Elevator Enclosures** – In high rise buildings constructed pursuant to applications filed on or after July 1, 2006, stair and elevator enclosures serving occupancy group E spaces shall be constructed with impact resistant wall assemblies. A compliant wall assembly shall be substantially identical to, and shall provide an impact resistance equivalent to or exceeding, the performance of one of the following:

(a) **Stud wall.** Impact resistant construction boards shall satisfy the following requirements:

(1) Materials and assemblies shall comply with the following:

a. Materials: Impact resistant construction board sheathed on the impact face of the stair or elevator enclosure wall assembly shall be tested by a laboratory acceptable to the commissioner in accordance with the requirements of ASTM C1629, (*Standard Classification for Abuse-Resistance - Non-Decorated Gypsum Panel Products & Fiberglass-Reinforced Cement Panels*). The impact face shall be considered as the exterior of the stair or elevator enclosure, on the occupied side of the building, and shall be comprised of

two layers of construction boards. The construction board used as the base layer panel shall meet or exceed Impact Classification Level 2, as measured by the method described in ASTM C1629, and the face panel shall be a minimum 5/8 inch gypsum construction board.

b. Assembly:

i. The wall assembly shall have a minimum two-hour fire resistance rating as measured by the method described in ASTM E119.

ii. The wall assembly shall meet or exceed Soft Body Impact Classification Level 2 (195 ft.-lbs) as measured by the method described in ASTM C1629.

(2) Installation:

a. Studs shall be minimum 3-1/2 inch depth metal studs, at least 33 mils thick (20 gauge).

b. Vertical studs shall be spaced at a maximum distance of 24 inches, on center.

c. Runners shall be securely attached at the floor and ceiling to structural element members in such a manner that provides lateral resistance in excess of the equivalent energy of Soft Body Impact Classification Level 2 of ASTM C1629. The installation of top and bottom runner tracks shall be subject to controlled inspection.

d. Construction boards shall be attached with No. 8 self-drilling bugle-head screws, 12 inches, on center maximum, with a minimum depth of 5/8 inch penetration into the wall cavity. Screw attachments shall meet the requirements of ASTM C 1002, *Standard Specification for Steel Drill Screws for the Application of Gypsum Panel Products or Metal Plaster Bases*.

e. Joints between adjoining sheets of construction board shall be staggered from base layer with face panel layer.

(b) **Concrete and masonry walls.** Concrete or masonry walls shall satisfy the impact resistance requirements of this section provided that the enclosure walls are anchored to structural members that provide lateral support as required by the seismic provisions of RS 10. The assembly shall be rated for two-hour fire resistance, as measured by the method described in ASTM E119.

(c) **Other Wall Assemblies.** Wall assemblies not classified in (a) and (b) of this section shall comply with the following criteria:

(1) Impact face: Boards or materials constituting the impact face of the stair or elevator enclosure assembly shall be tested by a laboratory, acceptable to the commissioner, to provide an impact resistance equivalent to gypsum panel meeting Hard Body Impact Classification Level 3 resistance (150 ft.-lbs), as measured by ASTM C1629. When more than one layer of material is required to meet the impact resistance requirement, such layers shall be tested in tandem.

(2) Assembly:

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a. The wall assembly shall have a minimum two-hour fire resistance rating as measured by the method described in ASTM E119.

b. The wall assembly shall meet or exceed Soft Body Impact Classification Level 2 as measured by the method described in ASTM C1629.

(3) Installation: Wall assemblies shall be anchored to structural members in such manner that provides lateral resistance in excess of the equivalent energy of Soft Body Impact Classification Level 2 of ASTM C1629. The installation shall be subject to controlled inspection.

** Editor's note: The following editions of the aforementioned referenced standards were current when Rule 32-05 was promulgated:*

ASTM C1629/C1629M - 05 Standard Classification for Abuse-Resistant Nondecorated Interior Gypsum Panel Products and Fiber-Reinforced Cement Panels

ASTM E119 - 05a Standard Test Methods for Fire Tests of Building Construction and Materials

ASTM C1002 - 04 Standard Specification for Steel Self-Piercing Tapping Screws for the Application of Gypsum Panel Products or Metal Plaster Bases to Wood Studs or Steel Studs

CHAPTER 33 EXEMPTIONS FROM CIVIL PENALTIES

§33-01 Exemption from Civil Penalties Imposed Pursuant to Administrative Code §26-212.1 (Work Performed Without a Permit).

(a) *Acceptance of waiver request.*

(1) If a violation is issued for work in progress after January 1, 1989, no claim of exemption from a civil penalty imposed pursuant to Administrative Code §26-212.1 will be considered.

(2) If a building owner claims exemption from such penalty on the grounds [sic] that all work was completed prior to January 1, 1989, such claim must be substantiated by an affidavit and supporting data.

(3) Partial exemption from such penalty may be claimed on the grounds [sic] that a building owner applies for a permit subsequent to the commencement of work for which such permit is required but prior to the completion of such work. Such owner may claim exemption from such penalty for that part of such work which is completed after such permit is issued. Such claim shall be filed at the time of application for such permit and shall be substantiated by an affidavit and supporting data.

(b) *Burden of proof.*

(1) The burden of proof is on the owner claiming such exemption.

(2) Supporting data shall consist of one or more of the following:

(i) dated receipt or cancelled check showing payment for work completed or materials delivered;

(ii) signed contract specifying dates by which work is to be completed;

(iii) affidavits from contractors or building supply warehouses concerning the subject illegal work;

(iv) written estimates proposed by contractors prior to commencement of the subject illegal work;

(v) dated photographs of the subject property;

(vi) proof of compliance with Workers' Compensation Law insurance requirements;

(vii) a survey of the subject property made prior to January 1, 1989; [sic]

(viii) any other documents deemed acceptable by the Commissioner.

(3) While no one of the above-listed documents will be deemed

dispositive, appropriate weight will be accorded to the application in its entirety, taking into account the particular facts and circumstances on a case-by-case basis.

(c) *Where to file.*

All claims for exemptions pursuant to these regulations must be submitted in writing to the Borough Superintendent of the appropriate borough office. The Borough Superintendent will review the claim and supporting documents and will advise the claimant of the decisions of the Department.

CHAPTER 34 ELECTRICAL CODE RULES

Subchapter A Phase-in of Electrical Code Technical Standards

§34-01 Phase-in of new standards for electrical work. In accordance with subdivision a of section 27-3024 of the administrative code, the commissioner hereby extends the date of application of the electrical code technical standards as hereinafter provided. During the period from January 1, 2003 through June 30, 2003 (the phase-in period) electrical work, including low voltage electrical work, may be performed either in accordance with the electrical code technical standards adopted pursuant to section 27-3024 of the administrative code or in accordance with the standards set forth in subchapter 2 of chapter 3 of title 27 of the administrative code as in effect prior to January 1, 2003, and the Bulletins, Code Committee Interpretations and rules issued pursuant to such subchapter (the old electrical code) at the option of the licensed master or special electrician or other authorized person performing the work. On and after July 1, 2003 all electrical work shall be performed in accordance with the electrical code technical standards.

§34-02 Review of applications for electrical permits and certificates of electrical inspection during the phase-in period.

An application for an electrical permit or certificate of electrical inspection, including an application for the legalization of unfiled work, filed during the phase-in period shall indicate whether the application is to be reviewed in accordance with the electrical code technical standards or the old electrical code. On and after July 1, 2003 all applications, including applications for the legalization of unfiled work shall be reviewed in accordance with the electrical code technical standards.

§34-03 Temporary certification to perform low voltage electrical work.

During the phase-in period business entities engaged in the business of installing, maintaining or repairing communication, signaling, alarm or data transmission systems may continue to perform low voltage electrical work in accordance with paragraph two of subdivision a of section 27-3017 of the administrative code pending the adoption of rules setting forth the requirements and procedure for the certification of low voltage installers.

§34-04 Definitions. For the purposes of this chapter, the following terms shall have the following meanings:

Electrical Code: The term "Electrical Code" means Chapter 3 of Title 27 of the Administrative Code of the City of New York. Such term shall include the Electrical Code Technical Standards.

Electrical Code Technical Standards: The term "Electrical Code Technical Standards" means the edition of the National Fire Protection Association NFPA 70 National Electrical Code ("NEC") currently adopted by New York City with such amendments as may be enacted by local law.

§34-05 Electrical advisory board. a. In accordance with section 27-3005(a)(7) of the Administrative Code, the Commissioner shall appoint a special board, to be

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known as the “electrical advisory board.” The electrical advisory board shall provide advice regarding (i) the approval of the use of electrical appliances, devices, and materials not otherwise approved for use by the Electrical Code, (ii) the granting of approval to use wiring or appliances not otherwise allowed by the Electrical Code Technical Standards and (iii) the granting of approval for specified types of electrical installations. The members of the board shall be appointed annually and shall serve at the pleasure of the Commissioner. The number of members and their organizational affiliations shall be at the discretion of the Commissioner. The board shall have a Chair and Vice-Chair appointed annually by the Commissioner.

b. Electrical advisory board review shall be required in the following circumstances:

(1) Electrical Installations:

(a) Electrical advisory board review shall be required where service equipment totals 1000 Kilo-Volt Amperes (“KVA”) or greater, or where any new alteration or addition to an electric service installation causes the altered installation to total 1000 KVA or greater, as further detailed below:

(A) A new installation of equipment totaling 1000 KVA or higher;

(B) Any change in an installation with a rating of 1000 KVA or higher, up to and including the second level overcurrent protection, unless it was fully described and approved as “future” on the original approved plan.

(C) Any addition to an existing installation which would bring the total to 1000 KVA or higher.

(D) A new installation or revised installation above 600 volts, irrespective of KVA rating.

(E) The addition of any equipment in a room, which would affect clearances around the equipment of a 1000 KVA installation.

(b) Electrical advisory board review shall be required where proposed electrical installations involve appliances and materials not covered by the Electrical Code Technical Standards.

(2) Electrical Equipment or Materials. Electrical advisory board review shall be required for manufactured wiring systems, low voltage lighting systems, painting equipment /spray booths, and electrical equipment not specifically addressed in the Electrical Code Technical Standards and any other electrical equipment not bearing the label of approval of an electrical testing laboratory acceptable to the Commissioner.

c. Filing Requirements for Electrical Advisory Board Review.

(1) Filing requirements for Electrical Installations 1000 KVA or Greater, or New or Revised Installations above 600 Volts

(a) A cover letter, payment as specified in (d) below, and 2 sets of complete drawings shall be filed at:

DEPARTMENT OF BUILDINGS

Bureau of Electrical Control

(address provided in the City’s website, <http://www.nyc.gov>)

(b) Submission shall be made by a New York City Licensed Master or Special Electrician, a New York State Licensed Professional Engineer, or an individual with comparable qualifications from an outside jurisdiction.

(c) A filing fee of \$650.00 shall be paid for each submission, no part of which shall be refundable.

(d) Payment shall be made by a money order or corporate/business check, a bank check or a certified check, and shall be made payable to “Department of Buildings.”

(e) Requirements for Plans and Drawings. All submissions for electrical advisory board review for service equipment totaling 1000 KVA or more or above 600 Volts shall include the following plans/drawings:

- One line diagram

- Plan view / service equipment room layout

- Physical details of switchboard & distribution panel equipment as per the following requirements:

(A) All drawings shall be clear, legible, and use standard notations. All drawings shall be folded to 8 1/2” x 11,” except for equivalent electronic versions authorized by the Department.

(B) Installations that are not all new shall clearly mark what is new and what is existing. In addition, all new work shall be encircled by a ‘bubble’ or ‘cloud’ on the drawings.

(C) For residential installations, the calculations justifying a de-rating of the neutral shall be submitted.

(D) The plan view shall be drawn to scale, showing the point of service entrance into the building. If the building sets back from the property line, the underground service feeder shall be shown, including wire and raceway sizes.

(E) The arrangement of service equipment and its proximity to the point of service entrance shall be shown, complete with details of the equipment, and the manner in which service will be extended to the service equipment. If the switchboard is free standing, the clearance around the switchboard shall be shown.

(F) The location of the main switchboard and/or distribution panels in relation to the service equipment and how they are interconnected shall be shown.

(G) The location of the electric service room with respect to the surrounding areas shall be shown.

(H) The means of egress from the switchboard room and where it leads to shall be shown. The legal exit(s) to which egress door(s) lead shall also be shown.

(I) When there is more than one service location within a building, drawings shall contain a notation indicating that signs are posted at the entrance door of each switchboard room showing the location of all the other switchboard rooms. The location and wording of the signs shall be specified.

(J) If the existing service equipment and/or point of service entrance is to be discontinued, the drawings shall so state.

(K) If existing service equipment is to remain in conjunction with new service equipment and is to be supplied by the same service entrance, the drawing shall indicate the make and size of the existing service equipment, the size and location of the ground strap, and the type and size of the fuses in the existing equipment.

(L) The drawing shall show grouping of service equipment at the point of service entrance.

(M) The drawing shall show ventilation of the room when the service equipment totals 2000 KVA or larger (this may be in the form of a note on the drawing).

(N) The drawing shall show the available short circuit current at the point of service entrance and at the point of change in the interrupting rating of the overcurrent protection. Where used, series ratings shall be indicated.

(O) A statement confirming that all fuses and/or circuit breakers have been coordinated for selective short circuit overcurrent protection shall be on the drawing.

(P) A one line diagram shall be submitted indicating the service equipment and the distribution equipment up to the 2nd level overcurrent protection, showing all

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overcurrent devices with their ampere rating, make and type, interrupting current ratings and bus and wire sizes. Frame and trip sizes for circuit breakers shall be indicated.

(Q) Drawings shall indicate that transformers are properly grounded. Service and distribution equipment proposed for future installation shall be marked on the drawings as "future."

(R) All voltages shall be clearly shown on the drawings, which shall include voltages pertaining to all of the equipment overcurrent protection up to and including the second level protection.

(S) Drawings shall note that cables used in a trough shall be grouped A, B, C, & N respectively. Where troughs are used for taps, the copper detail or a description of the tap shall be noted, confirming that multitest conductors are tapped correctly.

(T) The physical size of the vertical bus in the distribution panels (second level equipment) shall be shown. The overcurrent devices, bus, barriers, and gutter space layout shall be shown. Layouts of previously approved panels (to be so noted on plans) need not be submitted.

(U) When a generator (or other non-utility source) is part of a 1000 KVA submission and the generator itself is rated below 1000 KVA, a one line diagram shall be submitted showing how the generator is connected to the normal service. The drawings shall include the grounding of the generator frame and neutral bonding if needed (four pole transfer device). If the generator is rated 1000 KVA or larger, a room layout shall be submitted along with a one line diagram, and physical drawings shall show a section view of the emergency switchboard. Also, the Advisory Board calendar number for the normal service shall be specified.

(V) Physical detail drawings for switchboard equipment shall show front and section views and shall be drawn by the switchboard manufacturer. Elevation detail shall show access to the bus connections, the size and location of the main bonding jumper (ground strap), the disconnect link in the neutral, all the barriers and how load cables leave the cabinet. Side section views shall clarify bus details.

(W) Details of gutter space, lug covers and dimensions of lugs and enclosures up to the 2nd level distribution equipment shall be shown.

(2) Filing requirements for electrical advisory board review of Appliances, Devices, and Materials Not Covered by the Electrical Code Technical Standards.

(a) A cover letter together with appropriate drawings, sketches, charts, and/or cut sheets shall be filed at:

DEPARTMENT OF BUILDINGS

Bureau of Electrical Control

(address provided in the City's website, <http://www.nyc.gov>)

(b) A filing fee of \$350.00 shall be paid for each submission made where an electrical violation was issued due to failure to obtain prior Electrical Advisory Board review and approval, no part of which shall be refundable.

(c) Payment shall be made by a money order or a corporate/business check, a bank check or a certified check, and shall be made payable to "Department of Buildings."

(3) Filing requirements for electrical advisory board review of Electrical Equipment and Materials.

(a) The submission, including a cover letter and check, shall be filed at the following location only:

DEPARTMENT OF BUILDINGS

Bureau of Electrical Control Advisory Board

(address provided in the City's website, <http://www.nyc.gov>)

(b) A filing fee of \$200.00 shall be paid for each submission, no part of which shall be returned.

(c) Payment shall be made by either money order, bank check, certified check or corporate/business check. The payment instrument shall be made payable to "Department of Buildings."

(d) The submission shall contain the following:

(A) A cover letter indicating the following:

(i) Type/model numbers of material/equipment being submitted for approval.

(ii) Items included in support of the submittal.

(iii) Explanatory information/comments, if applicable.

(B) A completed & notarized application for review.

(C) Two (2) brochures, or catalog data sheets, and a set of unmounted photographs or photographs transmitted electronically as authorized by the Department.

(D) A complete test report that includes a conclusion sheet from a laboratory acceptable to the Commissioner.

(E) Equipment samples only when requested by the Electrical Advisory Board.

d. Compliance with the Energy Conservation Construction Code of New York State ("Energy Code"). All submissions made to the Electrical Advisory Board shall comply with the requirements of the Energy Code where applicable.

§34-06 Electrical Code Revision and Interpretation Committee. In accordance with section 27-3005(a)(7) of the Administrative Code, the Commissioner shall appoint a special committee to be known as the "electrical code revision and interpretation committee". The committee may propose to the commissioner local amendments to the NEC and shall, upon request, provide interpretations and clarifications of the Electrical Code Technical Standards. The number of members and their organizational affiliations shall be at the discretion of the Commissioner. The members of the committee shall be appointed annually and shall serve at the pleasure of the Commissioner. The Committee shall have a Chair, Vice-Chair and Secretary appointed annually by the Commissioner. All proposed local amendments to the NEC adopted or considered for adoption by the city shall be submitted to the committee for review.

§34-07 Electrical Code Advisory Committee. In accordance with section 27-3005(a)(7) of the Administrative Code the Commissioner shall appoint a special committee to be known as the "electrical code advisory committee". The committee shall advise the Commissioner regarding the approval of local amendments to the NEC proposed by the Electrical Code Revision and Interpretation Committee and the implementation of such amendments, and shall act as a conduit between the Department and the electrical industry regarding such proposed amendments and their implementation. The members of the committee shall be appointed annually and shall serve at the pleasure of the Commissioner. The number of members and their organizational affiliations shall be at the discretion of the Commissioner. The Committee shall have a Chair, Vice-Chair and Secretary appointed annually by the Commissioner. The Commissioner shall submit all local amendments to the edition of the National Fire Protection Association NFPA 70 NEC currently adopted or being considered for adoption by the city to the committee for review.

CHAPTER 35 ELECTRICAL INSPECTION

§35-01 Designation of Private Agencies to Perform Electrical Inspections in the City of New York.

(a) *Grounds for certification and renewal of certification.* The commissioner may grant and each January thereafter renew certification of private electrical inspection agencies, provided:

(1) the agency applying for certification certifies in writing that each of the inspectors it shall employ to conduct the inspections permitted by §27-3005(2)(b) of the Administrative Code shall possess five years experience as an electrician or inspector of electrical installation; or three years of experience as an electrician or inspector of electrical installation plus two years of education at an accredited college technical school in a program emphasizing courses in electrical installations or education toward a baccalaureate degree in Electrical Engineering or Engineering Technology with an emphasis on electrical installation or repair. Two of the requisite years of working experience as an electrician or inspector of electrical installation shall be experience in the installation of lighting, heating and power. Experience and education must be acceptable to the Department of Buildings and is subject to the Commissioner's Review and approval; and

(2) the agency possesses

(i) a general liability insurance policy in excess of \$5 million; and

(ii) worker's compensation insurance for its employees and submits copies of the Insurance Certificates to the Commissioner; and

(3) the agency furnishes the names of its inspectors and documentation supporting the experience required by §35-01(a)(1) hereof, and thereafter promptly advises the commissioner of any changes in personnel affecting the inspection permitted; and

(4) the agency prohibits its inspectors and other employees from accepting any gratuities or other benefit for work performed pursuant to these regulations and §27-3005(2)(b) of the Administrative Code; and

(5) the agency does not conduct an inspection pursuant to §27-3005(2)(b) of the Administrative Code of any work performed by any of its own officers, employees, or any other persons associated with the agency; and

(6) the agency has a legal place of business within the City of New York (P.O. Box not acceptable).

(b) *Right to deny or revoke certification.*

(1) The commissioner or his designee may deny or revoke certification where investigation reveals any of the following:

(i) the agency has failed to comply with any of the provisions enumerated in §35-01(a) of these rules and regulations;

(ii) the agency has knowingly made false or misleading statements, or knowingly falsified or allowed to be falsified any certificate, form, signed statement, application, or report filed with the department, or failed to file a report required by law or the department or willfully impeded or obstructed such filing, or induced another person to do so;

(iii) the agency engages in any other conduct evidencing a willful or grossly negligent failure to comply with provisions of state or local law, or rules or regulations promulgated pursuant to statutory authority; or

(iv) the agency engages in any other conduct evidencing a departure from the standard or good character applicable to the trade of licensed electrician.

(2) Where the commissioner or his designee, in his or her discretion, deems the certification of the agency shall be

revoked, the agency shall be entitled to a hearing before the Office of Administrative Trials and Hearings as provided by rules promulgated by the department.

(3) Where the commissioner or his designee, in his or her discretion, deems that continued certification of the agency would be likely to create a condition of imminent peril to public safety, the revocation determination shall be effective immediately. In such an instance, the agency shall be entitled to a hearing pursuant to §35-01(b)(2) of the rules at the next available scheduled hearing session before the Office of Administrative Trials and Hearings.

(c) *Contractual obligation.*

(1) A contractual agreement between the agency and the City of New York is required in order for the agency to perform electrical inspections for the City of New York.

(2) Certification by the Commissioner is a prerequisite for participation in the contracting process.

§35-02 Payment of Fees for Certificates of Electrical Inspection.

(a) All applications for a certificate of electrical inspection for electrical work filed with the Department of Buildings shall specify a completion date for such work. No certificates of electrical inspection, other than temporary certificates for electrical service, shall be issued, unless and until the required total application fee or fees therefore [sic] shall have been paid to the commissioner.

(b) The fees required to be paid pursuant to § [sic] 27-3018(b) of the Administrative Code shall be paid as follows:

(1) The filing fee set forth in § [sic] 27-3018 subdivision (b) of the Administrative Code shall be paid upon the filing of the application for a certificate of electrical inspection.

(2) (i) The licensee shall schedule an inspection within thirty (30) days after the completion date specified on the application in accordance with procedures established by the Department. The remainder of the total fee, based upon the work listed on the application, shall be due and payable upon completion of the scheduled inspection by the Department. Upon completion of the inspection and the Department's determination that the work performed is complete and in compliance with the applicable provisions of the Electrical Code and upon the Department's having received full payment of applicable fees including any additional fee payable under paragraph (4) of this subdivision, a certificate of electrical inspection shall be issued to the licensee.

(ii) If the licensee fails to schedule an inspection in accordance

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CHAPTER 45 BUILDING PERMIT APPLICATION PROCEDURES

§45-01 Microfilming of Application Folders and Associated Documentation for Temporary and Final Certificates of Occupancy and Letters of Completion.

(a) *Purpose.* (1) To provide the procedure whereby the Department of Buildings will microfilm application folders and associated documentation for certificates of occupancy, temporary certificates of occupancy and/or letters of completion.

(b) *Procedure.*

(1) The Department requires that the contents of approved folders be microfilmed twice.

(i) Prior to permit, the contents of approved folders, including but not limited to application plans and documents, must be microfilmed by the applicant using an outside vendor.

(ii) At the time of request for the first temporary and final certificate of occupancy and/or letter of completion, a second microfilming must be performed by the Department of Buildings.

(2) The minimum fee for microfilming by the Department shall be \$35.00 and shall be paid at the time the initial job application is filed. This fee covers microfilming of the application file at the time a certificate of occupancy or letter of completion is issued. In the event filming requires more than two fiche, an additional \$10.00 per fiche will be charged at the time the temporary or final certificate of occupancy or letter of completion is issued. In the event the Department has microfilmed the folder and associated documentation upon issuance of a temporary certificate of occupancy, there will be no charge for the microfilming of those documents added to the folder for the final certificate of occupancy if less than twenty (20) pages. If the added documents are more than 20 pages, the excess will be charged at \$10.00 per fiche.

(3) The Department will send a copy of the microfilm of the application, associated documentation and certificate of occupancy or letter of completion to the applicant after a certificate of occupancy or letter of completion is issued.

CHAPTER 46 AUTHORIZED REPRESENTATIVES

§46-01 Persons authorized to perform inspections, tests, certifications, and other functions on behalf of the Department.

(a) *Authorized representatives.* Persons authorized to perform inspections, other than officers and employees of the Department, shall include the following:

(1) Professional engineers and registered architects licensed under the New York State Education law are authorized to review plans and satisfy objections issued at plan examination and perform tests and inspections required by title 26 and 27 of the New York City Administrative Code ("the code"), in accordance with code requirements and all applicable rules and regulations of the Department;

(2) Professional engineers and registered architects licensed under the New York State Education Law and master plumbers and master fire suppression piping contractors licensed by the Department are authorized to inspect and witness tests for plumbing, standpipes, and sprinklers in accordance with the code, to the extent they are qualified by the terms of their licenses and experience;

(3) Professional engineers, registered architects, licensed master

plumbers, and representatives of utility companies may also witness tests of gas piping systems in accordance with the code and applicable rules and regulations of the Department;

(4) Other persons and entities licensed by the Department under title 26 of the code are authorized to perform inspections of work performed under their licenses pursuant to the code and applicable rules and regulations of the Department;

(5) Land surveyors and landscape architects licensed under the New York State Education Law are authorized to review plans and to perform inspections of work performed under their licenses pursuant to the code and applicable rules and regulations of the Department;

(6) Qualified boiler inspectors are authorized to perform boiler inspections under section 27-793(b) of the code and rules promulgated thereunder;

(7) Private elevator inspection agencies certified under Section 11-01 of the rules of this Department are authorized to perform and witness elevator inspections and tests in accordance with code provisions; and

(8) Private electrical inspection agencies certified under section 35-01 of the rules of this Department are authorized to perform electrical inspections.

(b) The authorized representatives listed in subdivision (a) above shall identify themselves by producing copies of their applicable licenses or certifications and shall maintain liability insurance in accordance with applicable code requirements.

(c) Except as otherwise permitted in the code, the authorized representative shall personally conduct the inspections or tests.

(d) Authorized representatives may only perform such inspections and tests for which they are qualified by the terms of their licenses and their experience.

(e) Failure to comply with the applicable law and rules and regulations of the Department shall be grounds for suspension or revocation of an authorized representative's authority to conduct inspections on behalf of the Department.

CHAPTER 47 LICENSED OIL-BURNING EQUIPMENT INSTALLERS

§47-01 Requirement of a seal for use by licensed oil-burning equipment installers.

(a) At the time of issuance of a class A or class B oil-burning equipment installer license, upon payment of the required fee, the commissioner shall issue to the licensee a seal containing the full name of the license holder, the words "licensed oil-burning equipment installer-Class A" or "licensed oil-burning equipment installer-Class B", and the license number. Except as set forth in paragraph (f) below, the license holder shall not be entitled to perform work or hold himself or herself out as a licensed oil-burning equipment installer until such seal has been obtained.

(b) The fee for obtaining a seal shall be one hundred dollars. The biennial renewal fee to retain such seal shall be fifty dollars.

(c) If the seal is lost, and an affidavit is submitted by the licensee establishing such fact, a new seal shall be issued by the commissioner upon application and payment of seventy-five dollars.

(d) All documents which are required to be filed with this Department or other government agency in connection with

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work by such licensee shall bear the stamp of the seal as well as the signature of such licensee.

(e) The seal shall remain the property of the City of New York. Upon revocation of an oil-burning equipment installer's license or death of the licensee or failure of a licensee to renew such license, the seal must be surrendered to the Department.

(f) Persons who hold class A or class B oil-burning equipment installer licenses on the effective date of this rule must obtain their seals within 90 days of the effective date of this rule. Prior to the expiration of this 90 day period, such licensees may perform work under their licenses and hold themselves out as licensed oil-burning equipment installers without the use of a seal.

CHAPTER 48 CONSTRUCTION SUPERINTENDENTS

§ 48-01 General Provisions

(a) *Definitions.* For the purposes of this chapter, the following terms shall have the following meanings:

(1) *Commissioner.* The term "Commissioner" shall mean the Commissioner of the Department of Buildings or his or her designee.

(2) *Construction superintendent.* The term "construction superintendent" shall mean the individual responsible for those duties defined in §48-02 of this chapter and registered in accordance with the provisions of §48-03 of this chapter.

(3) *Days.* The term "days" shall mean calendar days unless otherwise specified.

(4) *Department.* The term "Department" shall mean the Department of Buildings.

(5) *Job.* The term "job" shall mean a construction project that is the subject of one or more Department-issued demolition or new building permits for buildings up to and including 14 stories, or other structures or permit types as the Commissioner may designate, excluding one-, two- and three-family dwellings. Beginning one year after the effective date of this rule, the term "job" shall also apply to Department-issued demolition or new building permits for a one-, two- or three-family dwelling. The term "job" shall not include work for which a site safety manager has been designated pursuant to the Building Code and the Department's rules.

(6) *Permittee.* The term "permittee" shall mean the individual applying for and receiving Department-issued job permits.

(b) *Permits.*

(1) Beginning on the 180th day following the effective date of this rule, no demolition or new building permit shall be issued or renewed for a job until the permittee or his or her representative has designated on the permit application form for the job a construction superintendent registered with the Department of Buildings in accordance with the provisions of §48-03 and, at the permittee's option, up to three registered construction superintendents as alternates. Except where an architect or engineer is designated, the

construction superintendent and the alternate(s) shall be employees of the permittee.

(2) Where a registered construction superintendent is relieved of duties by the permittee, all jobs on which the designated construction superintendent is relieved shall be stopped and the permits shall be deemed suspended unless he or she is replaced by another registered construction superintendent within a period of five (5) business days from the date the construction superintendent has been relieved of such duties.

§ 48-02 Duties.

(a) *Availability and Compliance.* A construction superintendent shall have responsibilities including, but not limited to:

(1) availability to the Department at all times, including emergencies; advising the Department of contact information and changes thereto; engaging in sound construction practices; acting in a reasonable and responsible manner to maintain a safe construction site; reporting immediately to the Department any fatality, injury to persons resulting in hospitalization or injury to property occurring on or adjacent to the job site that arises from the construction work; and

(2) to the extent that an architect or engineer is not responsible, assuring compliance with the applicable approved plans and the requirements of sections 27-132(b), 27-221, Subchapter 19 of Chapter 1 of Title 27 and all other provisions of the Administrative Code and rules and regulations as they relate to the duties of a person superintending work.

(b) *Obligation to cooperate with inquiries.* All registered construction superintendents shall cooperate in any investigation by the Department, or other city or law enforcement agency, into the activities at any job site under their supervision and shall provide prompt, accurate and complete responses to reasonable inquiries by the Department and other agencies about the conduct of such business.

(c) *Limitation of Duties.*

(1) An individual may be designated as construction superintendent for that number of jobs he or she can adequately supervise, to a maximum of ten (10) at any one time.

(2) Upon a request made in writing by a registered construction superintendent, the Commissioner may approve an increase in the maximum number of jobs to be supervised involving one-, two- or three-family dwellings only, up to a maximum of twenty-five (25) at any one time, provided the jobs occur on contiguous tax or zoning lots.

(d) *Obligation to comply with an order of the Commissioner.* All registered construction superintendents shall comply with an order of the Commissioner.

(e) *Obligation to advise Department of relief from duties.*

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(1) All registered construction superintendents shall immediately notify the Department in writing in a form or other manner determined by the Commissioner upon being relieved of their duties in connection with any job permit on which they are designated.

(2) All permittees shall immediately notify the Department in writing in a form or other manner determined by the Commissioner upon the relief of duty of a construction superintendent who is designated upon a permit application filed by the permittee.

§ 48-03 Registration of Construction Superintendents.

(a) *Effective Date.* On or after the 180th day following the effective date of this rule, all individuals serving as construction superintendents for jobs must be registered with the Department, except as otherwise provided in subdivision f of this section.

(b) *Registration with Department.* The Department shall register all construction superintendents who meet the qualifications herein.

(c) *Form and manner of registration.* An application for registration shall be submitted in a form and manner determined by the Commissioner, including electronically, and provide such information as the Commissioner may require.

(d) *Qualifications.* The Department shall issue a Construction Superintendent registration to an individual who shall, at the time of his or her application, submit proof that he or she:

(1) is at least 18 years of age;
(2) is able to read and write the English language; and either
(3) is a New York State Licensed Professional Engineer or Registered Architect or a Department certified site safety manager and has completed within three years immediately preceding the application:

(i) a seven-hour Site Safety Manager course approved by the Department; or

(ii) a 10-hour Occupational Safety and Health Standards for the Construction Industry course; or

(4) within the 10 years immediately preceding the application, has worked for five years in the capacity of construction superintendent as verified by employer or union affidavit and has completed within three years immediately preceding the application:

(i) a seven-hour Site Safety Manager course approved by the Department; and

(ii) a 10-hour Occupational Safety and Health Standards for the Construction Industry course; or

(5) within the 10 years immediately preceding the application, has five years of on-site experience in the construction industry as a carpenter, mason, or inspector of building construction as verified by employer or union affidavit and has satisfactorily completed within three years immediately preceding the application:

(i) a 40-hour Site Safety Manager course approved by the Department; and

(ii) a 10-hour Occupational Safety and Health Standards for the Construction Industry course; or

(6) has satisfactorily completed such equivalent course(s) approved by the Commissioner, including those in electronic format.

(e) *Audits.* Applications for registration are subject to audit at any time. Such audit may also be made at any time upon receipt of complaints or evidence of falsification.

(f) *Incumbent application deadlines.*

(1) Notwithstanding the provisions of subdivision a of this section, where, within six (6) months prior to the effective date of this rule, an individual has been designated on a demolition, alteration 1 or new building permit as a construction superintendent and is actively performing the duties of a construction superintendent on the effective date of this rule, he or she may continue to perform such duties without complying with the foregoing if, within one hundred eighty (180) days after the effective date of this rule, application for registration is made to the Department. In such case all necessary evidence, such as course completion certificates and employment affidavits, shall be furnished within one year of such effective date.

(2) One year after the effective date, all individuals serving as job construction superintendents must be registered as such with the Department. All incumbents who are not registered as of that date shall be deemed disqualified from that position and, unless replaced by a registered construction superintendent within a period of five (5) business days from the date of such disqualification, all job permits on which the incumbent has been designated since the effective date, shall be deemed revoked.

(g) *Registration term.* Registrations issued under this rule are valid for three years from the date of issuance.

(h) *Registration Fees.* The initial fee for registration in accordance with these rules is one hundred dollars (\$100.00).

(i) *Renewals.*

(1) Renewal applications shall be submitted between thirty (30) and sixty (60) days prior to the expiration date of the registration.

(2) The fee for timely renewal is fifty dollars (\$50.00). Renewals not submitted in a timely manner shall be subject to a late surcharge of fifty dollars (\$50.00).

(3) Timely renewal applications shall be accompanied by proof that the applicant has, during the one-year prior to renewal, successfully completed:

(i) a seven-hour Site Safety Manager course approved by the Department; or

(ii) any equivalent course(s) approved by the Commissioner, including those in electronic format.

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(4) Renewals not filed within one year of registration expiration shall be subject to the requirements of subdivision d of this section.

§ 48-04 Disciplinary Actions.

(a) *Suspension or revocation of registration.*

(1) After notice and the opportunity for a hearing in accordance with the rules of the Department, a construction superintendent registration may be suspended or revoked by the Commissioner, with or without the imposition of penalties, or penalties may be assessed, for violation of any provision of the Building Code, the rules of the Department, the Zoning Resolution or any other applicable laws or rules, inclusive of the provisions of subdivision b of this section. Unless replaced by another registered construction superintendent within five (5) business days of such suspension or revocation, all jobs on which the construction superintendent is designated shall be stopped and the permits shall be deemed suspended until such time as a duly registered construction superintendent is designated or such permits expire.

(2) Notwithstanding the provisions of paragraph one of this subdivision, where the Commissioner finds that emergency action is necessary to protect public safety, the Commissioner may suspend immediately upon notice the registration of a construction superintendent and shall schedule a hearing to be held within fifteen (15) days of such notice in accordance with the rules of the Department. At the conclusion of that hearing, the Administrative Law Judge may lift the suspension, revoke the registration, or, alternatively, if the Administrative Law Judge finds that the summary suspension of the registration was appropriate, but that further hearings are necessary to make a final determination of the charges, the Administrative Law Judge may make a finding as to the need for further hearings and continue the suspension pending such further hearings. Upon such initial suspension, unless replaced by another registered construction superintendent within five (5) business days of the suspension by the Commissioner, all jobs on which the construction superintendent is designated shall be stopped and the permits shall be deemed suspended until such time as a duly registered construction superintendent is designated or such permits expire.

(b) *Penalties.* Penalties assessed pursuant to paragraph one of subdivision a of this section shall not exceed one thousand dollars (\$1,000.00) for each violation by a construction superintendent of any of the rules of the Department, the Building Code, the Zoning Resolution or any other applicable laws or rules including, but not limited to any of the following:

(1) Failure, upon receipt of an order or violation notice, to take the action called for in such order or notice.

(2) Failure to respond in a timely manner to any Department inquiry.

(3) Performance or supervision of construction work in a manner contrary to the requirements of applicable codes, rules, the Zoning Resolution or applicable approved plans as they relate to the duties of a person superintending work.

(4) Fraudulent dealing or misrepresentation.

(5) The conviction of a criminal offense relating to offering or receiving a bribe, giving or receiving unlawful gratuities, engaging in official misconduct, or other corruption-related acts, where the underlying act arises out of the registrant's occupation or business dealings with the City of New York or with any other governmental entity.

(6) The making of any false statement in an application for registration or the renewal of a registration or other application or registration required by the Department, or in any proof or instrument in writing in connection therewith.

(7) Exceeding the maximum number of permissible jobs to which the construction supervisor may be designated.

(8) Failure to immediately notify the Department in writing upon being relieved from duties for any job upon which the construction superintendent is designated.

§ 48.05 [sic] Obligations of Others.

Nothing in this rule is intended to alter or diminish any obligation otherwise imposed by law on others, including but not limited to, the owner, construction manager, general contractor, contractor, materialman, architect, engineer, site safety manager, land surveyor, or other party involved in a construction project to engage in sound engineering, design, and construction practices, and to act in a reasonable and responsible manner to maintain a safe construction site.

§48-06 Severability.

If any clause, sentence, paragraph, section or part of this rule or the application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this rule or the application thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstance involved.

CHAPTER 49 OUTDOOR SIGNS

Subchapter

A *General Provisions*

B *Registration of Outdoor Advertising Companies*

Rules and Regulations

- C *Administrative Remedies of the Department Pursuant to Section 26-260(d) of the Administrative Code*
- D *Removal, Storage, and Disposal of Signs and Sign Structures*
- E *Application for Sign Work Permit*

Subchapter A - General Provisions

§ 49-01 Definitions. For the purposes of this chapter, the following terms shall have the following meanings:

Accessory sign. The term “accessory sign” shall mean an accessory sign within the meaning and intent of the term “accessory use” as defined in section 12-10 of the Zoning Resolution.

Advertising sign. The term “advertising sign” shall mean an “advertising sign” as defined in section 12-10 of the Zoning Resolution.

Affiliate outdoor advertising companies. The term “affiliate outdoor advertising companies” or “affiliate OACs” shall mean two or more outdoor advertising companies interrelated with one another such that one or more of such outdoor advertising companies maintains an interest in the others as hereinafter described: An outdoor advertising company (“OAC”) (A) has an interest in another OAC (B) where one or more of the following are present:

- (1) A owns 10 percent or more of the voting stock of B, where B is a stock-issuing entity;
- (2) A is a general partner in B, where B is a partnership or joint venture;
- (3) A has an ownership interest of 10 percent or more in B, in a form not otherwise described in (1) or (2) above, where such ownership interest confers a power or right to vote or exercise similar control over the affairs of B proportionate to such ownership interest;
- (4) A has one or more officers in common with B;
- (5) A has one or more key managers (chief executive officer; chief financial officer; chief operating officer; or persons with equivalent functions, irrespective of organizational title) in common with B;
- (6) A, by agency or other agreement, whether written or oral, conducts part or all of B’s outdoor advertising business or has the power or right to direct part or all of B’s outdoor advertising business;
- (7) A, by way of advertising, promotions or other methods, holds itself out as having the authority to, via a shared inventory arrangement, sell or lease space on signs situated on buildings or premises within the city, for outdoor advertising purposes, where the ownership, leasehold, license or other form of site control with respect to such signs is held by B.

For the purposes of this chapter both A and B shall be known and referred to individually by the term “affiliate OAC” or “affiliate” and collectively by the term “affiliate OACs” or “affiliates.”

Affiliates shall be jointly and severally liable for compliance with this chapter. Where affiliation is established only by virtue of a shared inventory of signs, sign structures or sign locations as described in example (7) above, responsibility for compliance and any resulting liability shall be limited to the extent of such shared inventory.

Affiliated outdoor advertising company. The term “affiliated outdoor advertising company” or “affiliated OAC” shall mean a single OAC that has authorized a responsible affiliate to act on its behalf for registration in accordance with this chapter.

Applicant. The term “applicant” shall mean an OAC that has filed an application for registration with the Department as required by section 26-260 of the Administrative Code and subchapter B of this chapter. Except where application is made pursuant to section 49-12(a)(3) of this chapter, the party holding fee or the dominant lease to a sign, sign structure or sign location, shall act as the applicant. With respect to an application for registration filed on behalf of an affiliated OAC the term “applicant” shall mean the responsible affiliate.

Approach. The term “approach” as found within the description of arterial highways indicated within appendix C of the Zoning Resolution, shall mean that portion of a roadway connecting the local street network to a bridge or tunnel and from which there is no entry or exit to such network.

Arterial highways. The term “arterial highways” shall mean arterial highways as defined by section 26-253(c) of the Administrative Code.

Commissioner. The term “Commissioner” shall mean the Commissioner of Buildings or his/her designee.

Days. The term “days” shall mean calendar days.

Department. The term “Department” shall mean the Department of Buildings.

Material change. The term “material change” shall mean a change in information supplied to the Department on an application form where the Department has indicated on such form by asterisk or otherwise that the information to be supplied is considered by the Department to be significant.

Non-conforming sign. The term “non-conforming sign” shall mean a sign that is “non-conforming” as defined by section 12-10 of the Zoning Resolution. The extent of the “non-conforming” use status shall be as set forth in sections 32-66, 42-55, and 42-58 of the Zoning Resolution.

Outdoor advertising business. The term “outdoor advertising business” shall mean “outdoor advertising business” as defined by section 26-259(c) of the Administrative Code. For the purposes of this rule, property owners and managers shall not be considered engaged in the outdoor advertising business where they are involved strictly to the extent of leasing space on property they control to an independent registered OAC that has registered the sign within its sign inventory. Such exclusion shall not apply where the property owner/manager has any interest in an OAC or role in any aspect of the OAC’s operation or management.

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Outdoor advertising company. The term “outdoor advertising company” or “OAC” shall mean “outdoor advertising company” as defined by section 26-259(b) of the Administrative Code.

Responsible affiliate. The term “responsible affiliate” shall mean the applicant that is authorized, by written instrument filed with the Department, to file an application for registration and to otherwise act on behalf of an affiliated OAC and receive all notices required to be sent under this chapter on behalf of such affiliated OAC. For the purposes of this chapter any direction or requirement imposed upon an OAC shall, with respect to an affiliated OAC, be undertaken by the responsible affiliate on behalf of the affiliated OAC and such affiliated OAC shall be bound by the act or failure to act of such responsible affiliate.

Responsible officer. The term “responsible officer” shall mean an officer or official of an OAC who is authorized to bind and commit such OAC and any affiliate(s).

Sign. The term “sign” shall mean a sign as defined in section 12-10 of the Zoning Resolution. Such term shall not include any sign erected upon property not subject to Department jurisdiction. Each sign face shall be a sign.

Sign inventory. The term “sign inventory” shall mean the list of signs, sign structures and sign locations under the control of an OAC, responsible affiliate or affiliated OACs as required and specified by section 26-261 of the Administrative Code and section 49-15 of this chapter.

Sign location. The term “sign location” shall mean sign location as defined by section 26-259 (f) of the Administrative Code.

Sign structure. The term “sign structure” shall mean the supports or uprights, including the sign face(s), whether attached to a building or other structure or freestanding, of a sign.

Within view. The term “within view” shall mean that part or all of the sign copy, sign structure, or sign location that is discernable.

Work permit. The term “work permit” shall mean a permit to erect, alter or install signs or sign structures issued pursuant to section 27-177 of the Administrative Code.

§49-02 Obligation to cooperate with inquiries. All OACs and all principals thereof, shall cooperate with Department investigations into the conduct of the outdoor advertising business within the City of New York, and shall provide prompt, accurate and complete responses to reasonable inquiries by the Department about the conduct of such business.

§49-03 Obligation to comply with an order of the Commissioner. OACs shall be obligated to comply with any order issued by the Commissioner pursuant to this chapter.

§49-04 Severability. If any clause, sentence, paragraph, section or part of this rule or the application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this rule or the application

thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstance involved.

Subchapter B - Registration of Outdoor Advertising Companies

§49-11 Effective dates.

(a) On and after the 60th day after the effective date of this chapter, it shall be unlawful for an OAC to engage in the outdoor advertising business, or, by way of advertising, promotions or other methods, hold itself out as engaging in the outdoor advertising business, unless such OAC is registered with and has been issued a registration number by the Department and such registration has not expired or been revoked. Notwithstanding the foregoing provision, an OAC that is in existence on the effective date of this chapter may continue to do business as an OAC pending the issuance of a registration number if such OAC has filed a registration application pursuant to section 49-12 of this chapter on or prior to the 60th day after the effective date of this chapter and such application has not been rejected by the Department in accordance with subdivision c of such section.

(b) On and after the 60th day after the effective date of this chapter, it shall be unlawful for an OAC to sell or otherwise transfer control of a sign, sign structure, or sign location or any right of such OAC to sell, lease, market, manage, or otherwise make space on a sign, or sign structure, or at a sign location available to others for advertising purposes, to an OAC other than one that is registered in accordance with this chapter and that has been issued a registration number by the Department and such registration has not expired or been revoked, or to a OAC that has timely filed for registration pursuant to section 49-12 of this chapter and such application has not been rejected by the Department.

(c) On and after the 60th day after the effective date of this chapter it shall be unlawful to erect, alter, install, maintain, attach, affix, paint on, or in any other manner represent on a building or premises any sign that is under the control of an OAC unless such OAC is registered in accordance with this chapter, and has been issued a registration number by the Department and such registration has not expired or been revoked or, with respect to an OAC that is in existence on the effective date of this chapter, such OAC has filed a registration application pursuant to section 49-12 of this chapter on or prior to the 60th day after the effective date of this chapter and such application has not been rejected by the Department in accordance with subdivision c of such section.

§49-12 Application for registration.

(a) The application for registration or the renewal of registration shall contain all of the information required by the application form and these rules. Except where an application is filed pursuant to subsection (3) below, the party holding fee or the dominant lease to the sign, sign structure or sign

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location, shall act as the applicant for registration. An applicant shall:

- (1) file an application for registration and be issued an OAC registration number; or,
- (2) where an affiliated OAC exists, file an application for registration on behalf of itself and any affiliated OAC only to the extent of their shared control of any sign(s), sign structure(s), and sign location(s), and each such shared inventory shall be issued the OAC registration number that has been assigned to the applicant; or,
- (3) file a single application for registration on behalf of itself and every affiliated OAC, including all signs, sign structures, and sign locations under the control of the applicant and every affiliated OAC.

A responsible officer of the applicant shall certify the completeness and accuracy of the application and accompanying documents. A responsible officer of the affiliated OAC shall authorize the applicant to submit an application and act on behalf of the affiliated OAC. The Department shall act upon the application either by accepting the application or by notifying the applicant of deficiency in accordance with subdivision c of this section promptly but not later than 60 days after the date of receipt of the application, except that on or before such 60th day, the Commissioner may on good cause shown and upon notification to the applicant, extend such time for an additional 45 days. If the Department fails to act upon the application within such 60-day period or, where applicable, within such further 45-day period, the application shall be deemed accepted.

(b) The Department shall accept applications complying with the provisions of these rules and other applicable law. An OAC registration number shall be issued to the applicant of each accepted registration application. Where the application is for the renewal of an existing registration, the applicant shall be notified of such acceptance.

(c) The Department may reject an application for registration or for the renewal of registration if it finds that the application, including the accompanying listing of sign inventory required by section 49-15 of this chapter, is not complete and accurate or all required documents have not been submitted with the application. Before rejecting an application, the Department shall provide the applicant with an explanation of the deficiency and a period of time, but not more than 45 days, within which the applicant may submit a corrected application and any missing documents. Upon written request and for good cause, the Commissioner may extend the time for submitting a corrected application.

(d) An OAC registration number issued by the Department pursuant to this section shall not be transferable.

(e) An OAC shall notify the Department within 30 days thereof of any material change in the information provided in the most recent registration or renewal application submitted pursuant to this chapter. Where the material change involves the addition of an affiliated OAC, such additional affiliated OAC shall not do business as an OAC until notice of such material change is received.

§49-13 Term and fees.

(a) The term of the registration shall be for two years commencing on the date of issuance of an OAC registration number. The fee for the initial registration shall be \$1,500 per applicant, plus \$125 for each: sign; sign structure vacant of signage; and tax lot vacant of both signage and sign structures, listed in the sign inventory. The biennial registration renewal fee shall be \$750 per applicant, plus \$50 for each: sign; sign structure vacant of signage; and tax lot vacant of both signage and sign structures, listed in the sign inventory. The fee per material change shall be \$25.

(b) A registration renewal application shall be filed no sooner than 90 or later than 60 days prior to the expiration date of the current term of the registration. Notwithstanding the renewal fee set forth in subdivision (a), where a registration renewal application is submitted later than 60 days before the expiration of the current term of the registration, the renewal fee shall be \$1500 per applicant OAC, plus \$125 for each: sign; sign structure vacant of signage; and tax lot vacant of both signage and sign structures, listed in the sign inventory. A registration renewal application may not be submitted after the expiration of the current term of the registration. Nothing in this section shall prohibit an OAC with an expired registration from filing a new application for registration, subject to the filing requirements and fees of an initial registration application.

§49-14 Acceptable type of security.

(a) An applicant shall maintain security in the form of a letter of credit from an issuing bank or other security acceptable to the Department for all signs included in its inventory. Proof of such security must be filed with the Department with the initial application for registration and with all registration renewal applications. OACs may post one letter of credit or other security acceptable to the Department with respect to all affiliates or separate security for each affiliated OAC. The maximum number of letters of credit or other security acceptable to the Department shall not exceed the total number of signs in the inventory. The security must be in full force and effect from and after the date of registration. When a letter of credit or other security acceptable to the Department expires, is cancelled, is not renewed or for any reason becomes unenforceable, it shall be replaced forthwith and notice of such replacement shall be filed with the Department within 30 days thereafter. The bank shall be required to notify the Department promptly in the event of cancellation, failure to renew or other event that would render the security unavailable to the Department.

(b) The amount of security shall be \$25,000 for the first 20 signs in the sign inventory, plus \$10,000 for each additional 20 signs, or part thereof.

(c) Replenishment. The Department shall draw upon the security in accordance with applicable law. Upon the Department drawing upon the security, the OAC or responsible affiliate shall replenish the amount within 14 days of notice by regular mail from the Department to the OAC,

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or, if applicable, such responsible affiliate. Evidence thereof shall be submitted to the Department within 30 days.

§49-15 Sign inventory to be submitted with registration application.

(a) In addition to the information and documentation required by section 49-12(a) of this chapter, an applicant shall submit, pursuant to section 26-261 of the Administrative Code, a sign inventory that shall include all signs, sign structures and sign locations located (1) within a distance of 900 linear feet from and within view of an arterial highway; or (2) within 200 linear feet from and within view of a public park of one half acre or more. Such sign inventory shall be filed together with the registration application and each renewal registration application. The sign inventory submitted in connection with the renewal registration application shall include all material changes since the last registration or renewal registration application, and shall be accompanied by a statement that identifies all material changes since such prior registration. A registration application or renewal application submitted without such sign inventory or statement shall not be considered complete and may be rejected in accordance with subdivision (c) of section 49-12 of this chapter.

(b) A sign inventory submitted by a responsible affiliate on behalf of:

- (1) an affiliated OAC, in accordance with subdivision (a)(2) of section 49-12 of this chapter, shall include all signs, sign structures and sign locations under the shared control of such responsible affiliate and affiliated OAC; or,
- (2) every affiliated OAC, in accordance with subdivision (a)(3) of section 49-12 of this chapter, shall include all signs, sign structures and sign locations under the control of such responsible affiliate and every affiliated OAC.

(c) The sign inventory shall be accompanied by a signed statement of a responsible officer of the OAC or, if applicable, the responsible affiliate, stating that the listing of its inventory is a complete listing of all signs, sign structures and sign locations under its control, subject to section 26-261 of the Administrative Code.

(d) The sign inventory shall be submitted on forms to be prescribed by the Department and shall include the information specified on such forms for each sign, sign structure and sign location including, but not limited to, the following:

- (1) For each sign, sign structure and sign location, the public park and/or arterial highway to which it is proximate pursuant to section 49-15(a) shall be identified, and its distance in feet from such public park or arterial highway shall be listed. Such distance shall be calculated as the length of a horizontal plane extending between a vertical plane reflecting the edge of the sign, sign structure or sign location closest to the park or arterial highway and a vertical plane reflecting the portion of the park or highway closest to the sign, sign structure or sign location. Where a sign location is vacant of buildings or other structures to support signage, the measurement shall be from the edge of its tax lot closest to the public park and/or arterial highway.

- (2) The block and lot numbers and the address, if one exists, for the premises of each sign, sign structure and sign location.

- (3) The size of each sign and sign structure described in linear feet and inches.

- (4) The height in feet and inches of the highest portion of each sign and sign structure above the curb level.

- (5) Each sign shall be identified as either "advertising" or "non-advertising." To the extent a sign is a non-conforming sign, it must further be identified as "non-conforming advertising" or "non-conforming non-advertising." A sign identified as "non-conforming advertising" or "non-conforming non-advertising" shall be submitted to the Department for confirmation of its non-conforming status, pursuant to section 49-16 of this chapter.

- (6) For each accessory sign, the name and mailing address of the business to which the sign directs attention, the nature of such business and the square footage of the floor space occupied by such business on the zoning lot.

- (7) The name and address of all parties with an interest in the premises where each sign, sign structure and sign location is situated.

- (8) The name and address of all parties with an interest in the sign or sign structure.

- (9) A diagram, labeled with the information required by (1), (2) and (3) above, eight and one-half by eleven inches in size, that shows the position of the sign, sign structure or sign location on the lot with the distance in feet to the proximate highway or park.

- (10) Digitized and printed eight inch by ten inch color photographs, clearly showing a front view and, if practicable, a rear view of the entire sign and sign structure and the building or other structure to which the sign or sign structure is attached.

- (11) The work permit for the erection, installation, or most recent alteration of the sign or sign structure. To the extent such document is unavailable, the Department may accept a statement of diligent search.

- (12) For each conforming sign, the name and license number of the master or special sign hanger who hung or erected each sign.

- (13) Whether the sign is illuminated and if so whether such illumination is indirect as such term is defined in section 12-10 of the Zoning Resolution. If the sign is illuminated, the sign inventory shall include the permit number assigned by the Electrical Division of the Department for the associated power connection and if applicable, the illuminated sign permit number.

- (14) Where a sign inventory is submitted on behalf of affiliated OAC(s), the legal name of the OAC that markets or manages each sign, sign structure or sign location and the legal name of the OAC with an ownership interest in each such sign, sign structure or sign location, if different, shall be identified.

- (15) With respect to each sign that has been identified in the sign inventory as a non-conforming sign, the following

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additional information shall be included with the registration application:

a. The Zoning Resolution section that establishes the sign as a non-conforming sign.

b. Evidence that the non-conforming sign existed and the size of the sign that existed as of the relevant date set forth in the Zoning Resolution to establish its lawful status. Acceptable evidence may include permits, sign-offs of applications after completion, photographs and leases demonstrating that the non-conforming use existed prior to the relevant date. Affidavits, Department cashier's receipts and permit applications, without other supporting documentation, are not sufficient to establish the non-conforming status of a sign. The submitted evidence must specifically establish the non-conforming aspect of the sign. For example, where evidence is submitted to establish that a sign is a non-conforming advertising sign, proof that the sign was erected, but that does not establish that it was advertising, will not be sufficient.

c. Affidavit signed by the registered architect or professional engineer, that he or she reasonably believes the sign to be non-conforming based on the evidence submitted.

(1) A responsible officer of the OAC shall co-sign the affidavit, that he or she reasonably believes the sign to be non-conforming based on the evidence submitted, and that to the best of his or her knowledge there has not been any discontinuance of the non-conforming use for two or more years.

(e) Except as to non-conforming signs, the sign inventory shall be accompanied by a certification by a registered architect or licensed professional engineer, co-signed by a responsible officer of the OAC, that he or she has personal knowledge that the signs in the sign inventory are in compliance with the Zoning Resolution.

(f) The Department shall issue to each sign, or if vacant of signage, each sign structure and sign location listed in a sign inventory of a registered OAC, a "sign identification number."

(g) The Department's acceptance of an application for registration or for the renewal of registration, and the issuance of an OAC registration number to an applicant or a sign identification number for any sign, sign structure or sign location in the sign inventory, shall not constitute a decision or determination by the Department that a sign or sign structure is lawful under the Zoning Resolution or that a sign may lawfully be erected at the sign location.

(h) An OAC shall amend its sign inventory to reflect material changes in its portfolio of signs. The amendment shall be made within 30 days after such change.

(i) The applicant shall provide a list of signs believed to be exempt from registration and not subject to Department jurisdiction and located (1) within a distance of 900 linear feet from and within view of an arterial highway; or (2) within 200 linear feet from and within view of a public park of one half acre or more.

§49-16 Non-conforming signs.

(a) With respect to each sign identified in the sign inventory as non-conforming, the registered architect or professional engineer shall request confirmation of its non-conforming status from the Department based on the evidence submitted in the registration application. The Department shall review the evidence submitted and accept or deny the request within a reasonable period of time. A sign that has been identified as non-conforming on the initial registration application may remain erected unless and until the Department has issued a determination that it is not non-conforming. The registration of the OAC and remaining sign inventory shall continue unimpeded while such a determination is pending.

(b) The Department shall maintain a list of all signs that it accepts as non-conforming.

(c) The Department may withdraw its acceptance of a non-conforming sign upon discovering evidence that the sign was improperly considered, or should no longer be considered, a non-conforming sign, and upon such withdrawal and after notice to the OAC, the sign must be removed pursuant to the Zoning Resolution.

§49-17 Information required on signs. On and after the 90th day after the approval of the OAC registration, all signs included in an OAC's inventory shall have posted thereon the name of the OAC to which it is registered, the OAC registration number and, unless a permit is not required, the permit identification number for the installation, alteration or erection of such sign and, if applicable, for the maintenance of such sign. All required information shall contrast with the background and be visible from the arterial highway and/or public park.

Subchapter C – Administrative remedies of the Department pursuant to section 26-260(d) of the Administrative Code.

§49-21 Department's discretionary power to revoke, suspend or refuse to renew registration and impose fines pursuant section 26-260(d) of the Administrative Code.

(a) The Department may revoke, suspend or refuse to renew the registration of an OAC on the grounds specified in section 26-260(d) of the Administrative Code. For the purposes of this section it shall be presumed that an OAC knew or should have known that such inventory was incomplete or inaccurate if the OAC or, if applicable, an affiliated OAC thereof, owns or has a contract for control of the sign, sign structure or sign location that is omitted from or inaccurately described in the sign inventory.

(b) Procedure for revocation of registration. Prior to revoking, suspending or refusing to renew the registration of an OAC or imposing fines or other penalties, the Department shall give such OAC notice and opportunity to be heard as follows:

(1) The Department shall serve notice on the OAC by regular mail, to the address and name provided in the most recent application for registration or renewal, listing the instances of

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liability by date, tribunal, section of law or rule found to have been violated, and title, caption, index number or other identifying indicator of the violation proceeding, if any.

(2) The notice shall advise the OAC of its right to submit papers in opposition to revocation, suspension or refusal to renew the registration, and the deadline to do so, which shall not be less than 10 days after the date of mailing of such notice.

(3) Such notice, when the Department seeks to revoke or suspend the registration, also shall advise the OAC of its right to a hearing at the Office of Administrative Trials and Hearings ("OATH"), pursuant to the provisions of Chapter 13 of these Rules.

Subchapter D – Removal, Storage, and Disposal of Signs and Sign Structures.

§49-31 Applicability. The provisions of this subchapter shall apply to signs and sign structures removed by the Department or its authorized representatives pursuant to Administrative Code sections 26-127.3 and 26-262(d).

§49-32 Procedure.

(a) Where the signs and sign structures are physically removed, they shall be vouchered and maintained in a secure location.

(b) Within ten days after removal, the Department or an authorized representative designated by the Department shall send notice of such removal by regular mail to the owner of the sign and/or sign structure if the address and identity of such owner is reasonably ascertainable. If applicable, such notice shall include the place where the sign and/or sign structure may be claimed and the procedure for making a claim.

(c) The owner or other person lawfully entitled to possession of such property shall submit a claim for the release of such property to the Department or to an authorized representative designated by the Department. Such claim shall be accompanied by documentary proof establishing entitlement to such property.

(d) The costs of removal and storage of the sign shall be determined by the Department. Such costs shall be paid prior to release of the sign and/or sign structure unless the sign and/or sign structure is under the control of an OAC and the Department has served notice on such company and drawn upon the letter of credit or other security acceptable to the Department posted by such company, in accordance with section 26-127.3 of the Administrative Code.

(e) If, after consulting with the Department's enforcement unit, it is determined that fines or civil penalties have been imposed for a violation related to such sign or that an action or proceeding is pending in which such fines or civil penalties may be imposed, the sign and/or sign structure shall not be released without proof of payment of such fines and civil penalties or, if the action or proceeding is pending in which such fines or civil penalties may be imposed, proof that a letter of credit or other security acceptable to the Department

has been provided in an amount sufficient to guarantee such payment.

§49-33 Disposal of abandoned signs and/or sign structures. Signs and/or sign structures that are not claimed in accordance with the procedure set forth above within 30 days after removal shall be deemed abandoned and shall be sold at public auction or turned over to the Department of Sanitation in accordance with subdivision i of section 26-127.3 of the Administrative Code.

Subchapter E – Application for Sign Work Permit

§49-41 Application requirements.

(a) An application to erect, alter or install a sign and/or sign structure in an area that is subject to inclusion on the sign inventory as set forth in section 49-15 of this chapter that is larger than 200 square feet shall be accompanied by the following documentation:

(1) A detailed description and/or drawing of the proposed sign, including its size;

(2) A plot plan indicating the block and lot, zoning lot and exact location and size of the proposed sign and/or sign structure, as well as the location, size, and, if available, sign permit and OAC identification numbers for all other signs on the zoning lot, with their size in square feet;

(3) A statement indicating whether the proposed sign and/or sign structure will be within view of a public park of one-half acre or more or of an arterial highway.

(4) A statement indicating the distance in feet to each public park of one-half acre or more that is within 200 feet of the proposed sign, and to each road designated as an arterial highway, that is within 900 feet of such proposed sign. Distance to the public park or arterial highway shall be calculated as set forth in section 49-15(d)(1) of this chapter;

(5) A statement whether the proposed sign is to be "advertising," "accessory" to a business, or "non-commercial."

(6) For accessory signs, the following items shall be submitted with the application in addition to the other required items listed in this section:

a. The corporate name and D/B/A name of the use on the zoning lot that the proposed sign is to advertise and the name of the owner or principal of such business.

b. A written description of the existing or proposed business operation on the zoning lot, including the size of the business operation in square feet and average number of daily employees regularly on-site, signed and notarized by a principal or officer of such business;

c. A drawing and/or description of the proposed sign copy;

d. A complete lease signed by a principal or officer of the business, demonstrating the amount of space leased at the zoning lot by the business being advertised. If the business being advertised at the zoning lot owns the subject premises, a copy of the deed is to be provided;

e. A statement signed by the property owner indicating the parties with ownership, lease or creditor interest in the sign and sign structure;

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f. An approved alteration application and/or a certificate of occupancy or satisfactory historical evidence acceptable to the Borough Commissioner demonstrating that the specified business use to which the sign directs attention is permitted on the zoning lot;

g. A restrictive declaration, signed by a fee owner of the real property, that binds the owner and its successors to remove the sign and sign structure if at any time the use of the premises is changed, or an occupant of the premises ceases tenancy, such that the sign is no longer an accessory sign. The declaration shall further provide that if the sign is not removed, the Declarant consents to allow the City to enter onto the premises to remove the sign and sign structure and the Declarant agrees to reimburse the City for all actual costs associated with such removal. Proof of recording of the restrictive declaration must be submitted prior to approval of the sign work permit application; and

h. Financial statements detailing actual or projected income from the business at the zoning lot and demonstrating that no income or financial benefit shall be derived or expected from the sign.

(b) The work permit application shall be accompanied by a certification by a registered architect or licensed professional engineer that he or she has personal knowledge that the proposed sign and sign structure shall be in compliance with the zoning resolution and, if accessory, that the requirements of Paragraph (a)(6) of this section have been satisfied.

(c) No work permit shall be issued to erect a sign structure, unless a sign application has been approved to erect a sign thereon.

§49-42 Accessory sign permits.

(a) A sign permit for an accessory sign shall only be issued to a sign with non-changeable copy, except that the Borough Commissioner may, upon review, accept changeable copy for a digital sign, provided the name of the business to which the sign is directing attention appears prominently at all times on the sign, the changeable copy directs attention only to products sold at the premises, and the Department is provided with a direct access means to monitor the copy.

(b) The Borough Commissioner may request an inspection prior to issuing a permit for any accessory sign, to confirm that the sign will direct attention to a bona fide business on the zoning lot.

(c) No sign with a permit for non-changeable copy may be changed, including a change in its copy, without obtaining a new permit from the Department. A change in copy on a sign that was permitted for non-changeable copy may be considered an alteration of the sign for purposes of sections 27-147 and 27-177 of the Administrative Code.

§49-43 Advertising Signs. Absent evidence that revenue from the sign is clearly incidental to the revenue generated from the use on the zoning lot to which it directs attention, the following signs are deemed to be advertising signs for purposes of compliance with the Zoning Resolution:

(a) Signs that direct attention to a business on the zoning lot that is primarily operating a storage or warehouse use for business activities conducted off the zoning lot, and that storage or warehouse use occupies less than the full building on the zoning lot; or

(b) All signs, other than non-commercial, larger than 200 square feet, unless it is apparent from the copy and/or depictions on the sign that it is used to direct the attention of vehicular and pedestrian traffic to the business on the zoning lot.

CHAPTER 50

DISTRIBUTED ENERGY RESOURCE STANDARDS

§50-01 Requirements for the Installation of High-Pressure Natural Gas-Fired Microturbine Systems

(a) **General requirements.** All microturbine systems shall comply with the following general requirements:

(1) Description.

(i) The Microturbine System shall include one or more combustion-based turbine-driven electrical generators with 500 kW or less capacity, natural gas compressing equipment, heat recovery devices, electrical power distribution devices, gas vents or chimneys and associated appurtenances.

(ii) Microturbine systems shall utilize natural gas at an inlet pressure to the system of not greater than 3 psig, and shall boost the gas pressure to an inlet pressure to the combustion device of greater than 15 psig within the unit or room enclosure.

(iii) The total nominal electrical capacity at standardized operating conditions of all microturbine systems located within a single building shall not exceed 2,000 kW.

(2) **Listing or MEA approval.** For microturbines with external compressors, the compressor shall be MEA-approved and all components of the compressor and the microturbine shall be listed by a nationally recognized testing laboratory approved by the Commissioner. For microturbines with the compressor integrated with other elements into the unit, the integrated unit as well as each of its components shall be listed by a nationally recognized testing laboratory approved by the Commissioner.

(3) **Utility ruling.** The applicant shall consult the appropriate utility company regarding the characteristics of existing gas and electrical service to the site before installing the microturbine system. The applicant shall provide to the Department prior to plan approval either documentation from the utility company confirming that the electrical interconnection requirements have been preliminarily satisfied or an affidavit from the owner that there will be no interconnection with the electrical grid.

(4) **Filing and permit.** Plans for the complete microturbine system installation shall be approved by the New York City Department of Buildings and a work permit shall be obtained. A set of the approved plans shall be provided to the Fire Department.

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(5) **Installation.**

- (i) **Regulation.** Installation of microturbine systems shall be in accordance with all applicable requirements of the New York City Building Code, the New York City Electrical Code, and Reference Standards. NFPA 37 shall also apply, except where the Codes or these Rules are more restrictive. Such regulations include, but are not limited to the following: fuel gas piping, egress, fire protection, fire detection, electrical power, ventilation, and gas vent or chimney.
- (ii) **External compressor.** For microturbines with an external compressor, the following requirements shall be satisfied:
 - A. Gas connections between the compressor and the turbine shall be solid-welded; no threaded joints shall be permitted.
 - B. A flame arrestor shall be installed upstream of the gas compressor to prevent flame propagating to the natural gas fuel distribution lines.
 - C. The length of gas piping connecting the gas compressor with the combustion device, both of which shall be in the same room, shall not exceed 12 feet.
- (iii) **Annunciation.** All annunciations shall be provided locally and remotely to indicate any abnormal conditions in the system. The remote panel shall be located in a continuously supervised area on the premises.
- (iv) **Automatic gas shut-off.** Gas supply to the microturbine shall be provided with an automatic shut-off valve that is activated by a malfunction alarm from any component of the microturbine system.
- (v) **Remotely and manually controlled emergency gas shut-off.** A normally closed solenoid gas shut-off valve shall be located immediately after the branch connection providing dedicated service to the microturbine installation. The valve shall be manually controlled at the valve and remotely controlled both outside the door(s) to the microturbine room and at a supervised location. The gas shutoff valve and the controls shall each be clearly identified with signage indicating "emergency gas shut-off to microturbine."
- (vi) **Fuel shut-off valve diagram.** A diagram shall be conspicuously posted on any door or gate leading to a microturbine indicating the locations of all manual and automatic fuel shut-off valves.
- (vii) **Security.** The microturbine shall be provided with adequate protection from theft, tampering and unauthorized use. Access to microturbine systems shall be restricted by locked doors but shall be readily accessible for maintenance, repair and Fire Department access. Microturbines shall be adequately protected from vehicle impact.

(viii) **Manufacturer's requirements.** All manufacturer's requirements and recommendations shall be satisfied.

(ix) **Signage.** Signage clearly stating "HIGH PRESSURE GAS" shall be posted on or in front of the microturbine or microturbine system, and on the outside of all doors accessing any microturbine room.

(x) **Existing buildings.** For installation of microturbines in existing buildings, a structural evaluation of the method of support of the microturbine system shall be performed by a licensed engineer. Vibration isolation shall be provided for the microturbine system as required to mitigate vibration impact on the building structure.

(6) **Inspection.** Gas piping serving the microturbine shall be inspected by the Department. No self-certification of inspection shall be permitted. The inspection shall include a pipe integrity pressure test of all distribution piping. Installation and assembly of all system components shall be subject to a controlled inspection, in accordance with Section 27-132 of the New York City Building Code. Gas will be turned on only after successful completion of all testing.

(7) **Fire Department permit.** A Fire Department permit is required to operate the equipment.

(8) **Fire Department Certificate of Fitness.** A certificate of fitness ("C of F") holder, as authorized by the Fire Department, shall be required on the premises during regular business hours. The C of F holder shall be trained by the manufacturer or his authorized agent to shut down the equipment in an emergency.

(9) **Service contract.** The owner shall obtain a service contract from the microturbine manufacturer or a service company qualified by the manufacturer upon approval of the microturbine installation, and shall maintain it during the life of the installation.

(b) Permitted locations

(1) **Outdoors at grade, on a roof or on a roof setback, within an integral weatherproof or lightweight enclosure acceptable to the manufacturer,** subject to the following:

(i) **Clearances.** All components of the microturbine system shall be located a minimum of 4 feet from a wall or parapet, 8 feet from any building opening, including any door, operable window or intake opening and 5 feet from any exhaust termination or chimney. All microturbine systems located at grade shall satisfy the following clearances:

- A. 50 feet from any subway entrance, exit, vent or other opening;
- B. 20 feet from any above-ground flammable or combustible liquid storage tank;
- C. 10 feet from any lot line, except 4 feet from any lot line in and adjacent to a manufacturing district;
- D. 5 feet from any vent or fill line of any flammable or combustible liquid storage tank;
- E. 5 feet from any parked motor vehicle.

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- (ii) Enclosure. All microturbine system components shall be contained within integral weather-proof enclosures pursuant to the listing of the device. The unit enclosure or the lightweight constructed enclosure shall be provided with a gas detection system with an alarm that annunciates in a supervised location. Equipment not directly associated with the microturbine system shall not be permitted in the same enclosure.

(2) Within a dedicated Mechanical Equipment Penthouse classified as Occupancy Group D-2, and subject to the following:

- (i) Enclosure. The mechanical equipment penthouse shall be enclosed within 2-hour fire-resistance rated walls.
- (ii) Fire suppression. The equipment room shall be fully sprinklered or provided with an equivalent fire suppression system acceptable to the Commissioner.
- (iii) Mechanical ventilation. Mechanical ventilation shall be provided for the mechanical equipment penthouse at a rate sufficient to dissipate sensible heat released from the microturbine system in accordance with the manufacturer's recommendations, at a rate adequate to dilute the microturbine system rated flow rate of fuel gas below 25 percent of the lower flammability limit (LFL) of the fuel gas, or at an exhaust and make-up air rate of 80 times the maximum leakage rate of natural gas from the high-pressure system within the room at standard temperature and pressure based on the rated capacity of the gas compressor, whichever is greater. The ventilation rate shall not be less than required to maintain the ambient room temperature within the manufacturer's recommendations but shall not exceed 104 degrees Fahrenheit. Proper distribution of exhaust and make-up air must be provided to prevent pockets of increased gas concentration, including exhaust points high in the room to address the lighter-than-air properties of natural gas. Mechanical ventilation shall operate continuously.
- (iv) Gas detection and alarm. The mechanical equipment penthouse shall be provided with a gas detection system with an alarm that annunciates in a supervised location. The gas detection system shall also trip the microturbine.
- (v) Lighting. The mechanical equipment penthouse shall be provided with adequate lighting in accordance with the New York City Building Code.
- (vi) Other equipment. Equipment not directly associated with the microturbine system, including but not limited to gas meters, shall not be permitted within the mechanical equipment penthouse.
- (vii) Storage. No combustible materials shall be stored in the mechanical equipment penthouse.

(3) Within a dedicated room in a building, subject to the following:

- (i) Capacity. The total installed rated capacity of the microturbine system in the room shall not exceed 1,000 kW.
- (ii) Enclosure. The microturbine room shall be enclosed within 2-hour fire-resistance rated walls.
- (iii) Fire suppression. The equipment room shall be fully sprinklered or provided with an equivalent fire suppression system acceptable to the Commissioner.
- (iv) Mechanical ventilation. Mechanical ventilation shall be provided for the microturbine room at a rate sufficient to dissipate sensible heat released from the microturbine system in accordance with the manufacturer's recommendations, at a rate adequate to dilute the microturbine system rated flow rate of fuel gas below 25 percent of the lower flammability limit (LFL) of the fuel gas, or at an exhaust and make-up air rate of 80 times the maximum leakage rate of natural gas from the high-pressure system within the room at standard temperature and pressure based on the rated capacity of the gas compressor, whichever is greater. The ventilation rate shall not be less than required to maintain the ambient room temperature within manufacturer's recommendations but not to exceed 104 degrees Fahrenheit. Proper distribution of exhaust and make-up air must be provided to prevent pockets of increased gas concentration, including exhaust points high in the room, to address the lighter-than-air properties of natural gas. Mechanical ventilation shall operate continuously.
- (v) Gas detection and alarm. The microturbine room shall be provided with a gas detection system with an alarm that annunciates in a supervised location. The gas detection system shall also trip the microturbine.
- (vi) Lighting. The microturbine room shall be provided with adequate lighting in accordance with the New York City Building Code.
- (vii) Other equipment. Equipment not directly associated with the microturbine system, including but not limited to gas meters, shall not be permitted within the microturbine room.
- (viii) Storage. No combustible materials shall be stored in the microturbine room.

(4) Within a boiler or other mechanical equipment room of a building, subject to the following:

- (i) Capacity. The total installed rated capacity of the microturbine system in this room shall not exceed 500 kW.
- (ii) Enclosure. The mechanical equipment room shall be enclosed within 2-hour fire-resistance rated walls.
- (iii) Fire suppression. The mechanical equipment room shall be fully sprinklered or provided with an equivalent fire suppression system acceptable to the Commissioner.
- (iv) Mechanical ventilation. Mechanical ventilation shall be provided for the mechanical equipment room at the rate sufficient to dissipate sensible heat released from all gas-burning equipment located within the

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mechanical equipment room in accordance with the microturbine manufacturer's recommendations, at a rate adequate to dilute the microturbine system rated flow rate of fuel gas below 25 percent of the lower flammability limit (LFL) of the fuel gas, or at an exhaust and make-up air rate of 80 times the maximum leakage rate of natural gas from the high-pressure system within the room at standard temperature and pressure based on the rated capacity of the gas compressor, whichever is greater. The ventilation rate shall not be less than required to maintain the ambient room temperature within the manufacturer's recommendations but shall not exceed 104 degrees Fahrenheit. Proper distribution of exhaust and make-up air must be provided to prevent pockets of increased gas concentration, including exhaust points high in the room, to address the lighter-than-air properties of natural gas. Mechanical ventilation shall operate continuously.

- (v) Gas detection and alarm. The mechanical equipment room shall be provided with a gas detection system with an alarm that announces in a supervised location. The gas detection system shall also trip the microturbine.
- (vi) Lighting. The mechanical equipment room shall be provided with adequate lighting in accordance with the New York City Building Code.
- (vii) Gas meters shall not be permitted within the mechanical equipment room.
- (viii) Storage. No combustible materials, including fuels, shall be stored in the mechanical equipment room.

CHAPTER 51 DORMITORIES

§51-01 Classification of Student Dormitory

(a) Applicability. Student dormitory is classified under the Zoning Resolution of the City of New York as a Use Group 3, community facility use. The Zoning Resolution allows residences of all kinds, including residences for students, under a Use Group 2 classification. This rule sets forth the criteria the Department shall use to designate a Class A building or part of a building as a Use Group 3 student dormitory. An owner that seeks to classify a rooming unit as a dormitory shall be subject to the provisions set forth in 1 RCNY 15-04(e).

(b) Definition. A student dormitory is a building or part of a building that is (1) operated by, or on behalf of, institution(s) that provide full-time day instruction and a course of study that may be pursued in fulfillment of the requirements of Sections 3204, 3205 and 3210 of the New York State Education Law, or post-secondary institution(s) authorized to grant a degree by the Regents of the University of the State of New York; (2) to house students enrolled at such institution(s). A student dormitory shall not be a single dwelling unit.

(c) Required documentation. No permit shall be issued to create a student dormitory unless the following documentation has been submitted to the Department:

(1) Proof of ownership or control.

a. Copies of documents demonstrating that the owner of the building or part of the building for which such permit is sought is an educational institution that provides a course of study that meets the requirements of subdivision (b) of this section, or

b. Copies of a lease of the building or part of the building for a minimum ten year term by an educational institution that meets the requirements of subdivision (b) of this section, or

c. Copies of documents evidencing (i) the establishment of a non-profit entity, all of whose members, directors, trustees, or other individuals upon whom is conferred the management of the entity, are representatives of participating educational institutions that meet the requirements of subdivision (b) of this section to provide dormitory housing for students of such participating educational institutions; and (ii) ownership or control of the building or part of the building by such non-profit entity for such purpose in the form of a deed or lease for a minimum ten-year term.

(2) Restrictive Declaration. Proof of recording of a restrictive declaration executed by Owner of the real property and any other party who holds an enforceable recorded interest that could result in such holder obtaining possession of the building or part of the building designated as a student dormitory. The agreement shall be binding upon all such parties' heirs, legal representatives, successors and assigns. The Declaration shall be in a form acceptable to the Commissioner and shall include the following terms:

a. The facility shall only be used as a student dormitory, as defined in this chapter, or other Use Group 3 use.

b. Under no circumstances shall the units in a student dormitory be offered for sale pursuant to a cooperative or condominium plan.

c. Owner agrees to forego defenses to the enforcement of the provisions of this section.

d. Owner agrees to prominently display the name(s) of the school(s) operating the student dormitory on the exterior of building.

(d) Term of Certificate of Occupancy. Where the student dormitory is not owned by an educational institution, but rather is leased, no certificate of occupancy shall be issued to the building for a term that exceeds the duration of the lease.

(e) Effect on other codes. The designation of a building or a part of a building as a student dormitory shall not by itself be determinative as to the occupancy, construction, or multiple dwelling classifications as determined pursuant to the Building Code, Housing Maintenance Code or Multiple Dwelling Law.

(f) If any clause, sentence, paragraph, subdivision, section, or part of this rule shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or

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part thereof directly involved in the controversy in which such judgment shall have been rendered.

CHAPTER 52 NOTIFICATION TO THE DEPARTMENT OF COMMENCEMENT OF WORK PURSUANT TO AN EARTHWORK PERMIT

§52-01 Notification to the Department of Commencement of Work Pursuant to an Earthwork Permit

(a) Notification to the Department. Pursuant to Section 27-195 of the Administrative Code and subject to the exceptions set forth in subdivision (e) herein, no earthwork within the property line shall commence unless the permit holder notifies the Department as here prescribed at least twenty-four (24) but no more than forty-eight (48) hours prior to the commencement of such work. The notification shall state the date that such earthwork is to commence. Should the notification date fall on a weekend or an official holiday, the permit holder shall notify the Department on the last business day before the commencement date.

(b) Cancellation. In the event that the earthwork does not begin on the date provided in the notification to the Department, the permit holder shall notify the Department of its cancellation not more than twenty-four (24) hours prior to but no later than the date for which the earthwork was scheduled. Should the cancellation date fall on a weekend or an official holiday, the permit holder shall notify the Department on the next business day after the intended commencement date. The permit holder shall notify the Department of the new intended commencement date pursuant to the provisions of subdivision (a), above.

(c) Method of notification and cancellation. Such notification and cancellation shall be made by telephone or electronically.

(d) Stop work order. The Commissioner may issue a stop work order if there is a failure to provide notice as required in this section and if the work is found to violate any of the provisions of the Building Code, the Zoning Resolution or other applicable law, rule or regulation. Upon issuance of such stop work order, the work shall be stopped for a minimum of three (3) business days to enable the Department to take any other appropriate action to ensure that the earthwork is being performed in a safe manner. The earthwork shall not recommence until the stop work order has been lifted.

(e) Exceptions. The provisions of this section shall not apply to:

(1) Hand excavation work that extends five (5) feet or less below the grade existing at the time of earthwork commencement and is two (2) feet or more from an existing foundation. This exception shall not apply to

any hand excavation work performed anywhere in existing or demolished basements or cellars that adjoin existing foundations.

(2) Test pits for geotechnical observation that do not exceed ten (10) feet in length, width or diameter and that are excavated under the supervision of a licensed professional.

(3) Work on cemetery grounds for burials.

(4) Emergency work performed by the Department of Housing Preservation and Development (HPD) or other agency as directed by the Commissioner or work on unsafe buildings performed by HPD or other agency pursuant to a precept.

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*CHAPTER 100

**Note: There is an intentional gap between Chapters 52 and 100.*

Subchapter A Administration

***§100-03 Fees payable to the Department of Buildings.**

**Note: There is an intentional gap in numbering.*

The department shall charge the following fees:

Equipment inspection fee:				
☐ High-pressure boiler periodically inspected as provided by section 28-303.10	\$65 for each inspection, for each boiler.			
☐ Reinspection fee following a violation.	\$65			
Acknowledgement.	\$2 each			
Certificate of occupancy.	\$5 per copy			
Certificate of pending violation: Multiple and private dwellings.	\$30 per copy			
Certified copy of license.	\$5 per copy			
Microfilming of applications for new buildings and alterations and associated documentation for certificates of occupancy, temporary certificates of occupancy and/or letters of completion, as required by rule of the commissioner.	\$35			
Preparing only or preparing and certifying a copy of a record or document filed in the department, other than a plan, certificate of occupancy or certificate of pending violation.	\$8.00 for the first page and \$5.00 for each additional page or part thereof (a page consists of one face of a card or other record).			
Half-size print from microfilm of a plan thirty-six by forty-eight inches or less.	\$8.00 per copy		\$5.00 per additional copy	
Half-size print from microfilm of a plan exceeding thirty-six by forty-eight inches.	\$16.00 per copy		\$5.00 per additional copy	
Electrician's license.	Original \$310	Renewal \$90	Late Renewal \$310 + \$90	Reissue \$310
License examination fee:				
☐ Elevator agency director certificate of approval.	\$350			
☐ Elevator agency inspector certificate of approval.	\$350			

***§101-01 Definition of existing building.**

**Note: There is an intentional gap in numbering.*

For the purposes of section 27-123.3 of the administrative code, the term "existing building" shall mean a building in existence prior to December 6, 1968 or a building constructed in accordance with the building laws and regulations in force prior to such date. For the purposes of section 27-123.1 of the administrative code, the term "existing building" shall mean a building in existence prior to the effective date of local law number 58 of 1987 (August 5, 1987). For the purposes of section 27-123.2 of the administrative code, the term "existing building" shall mean a building in existence prior to the effective date of local law number 10 of 1999 (March 24, 1999).

***§101-06 Special inspectors and special inspection agencies.**

**Note: There is an intentional gap in numbering.*

(a) Definitions.

For the purposes of this chapter, the following terms shall have the following meanings:

(1) *Accreditation.* Evaluation of agencies, including testing and calibration laboratories, fabricators and inspection bodies, against internationally acceptable standards to demonstrate their performance capability. Such accreditation is required to be conducted by a nationally recognized accreditation agency accrediting to ASTM E329-07 international standard, the requirements of this rule, and approved by the department.

(2) *Approved Construction Documents.* For the purpose of this rule approved construction documents shall include any and all documents that set forth the location and entire nature and extent of the "work" proposed with sufficient clarity and detail to show that the

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proposed work conforms to the provisions of this code and other applicable laws and rules. Such documents shall include but not be limited to shop drawings, specifications, manufacturer's instructions and standards that have been accepted by the design professional of record or such other design professional retained by the owner for this purpose.

(3) *Certification*. Documented acknowledgment by a nationally recognized organization of a technician's competency to perform certain functions.

(4) *Commissioner*. The commissioner of buildings or his or her designee.

(5) *Department*. The department of buildings.

(6) Initial acceptable qualifications. With respect to supplemental special inspectors for which Appendix A of this rule requires a certification, such technician shall be deemed qualified without such certification provided that such individual has the underlying skills, education and training for which such certification would provide validation, and the relevant experience prescribed by Appendix A of this rule or by the certifying body.

(7) *Job*. A construction project that is the subject of one (1) or more department-issued permits.

(8) *Materials*. Materials, assemblies, appliances, equipment, devices, systems, products and methods of construction regulated in their use by this code or regulated in their use by the 1968 building code.

(9) *New York City Construction Codes*. The New York City Plumbing Code, the New York City Building Code, the New York City Mechanical Code, the New York City Fuel Gas Code, and Title 28, chapters 1 through 5 of the Administrative Code. Any reference to "this code" or "the code" shall be deemed a reference to the New York City Construction Codes as here defined.

(10) *Registered Design Professional*. A New York State licensed and registered architect (RA) or a New York State licensed and registered professional engineer (PE).

(11) *Registered Design Professional Of Record*. The registered design professional who prepared or supervised the preparation of applicable construction documents filed with the department.

(12) *Relevant Experience*. Direct participation and practice related to the underlying construction activities that are the subject of the special inspection where such participation has led to accumulation of knowledge and skill required for the proper execution of such inspection.

(13) *Special Inspection*. Inspection of selected materials, equipment, installation, methods of construction, fabrication, erection or placement of components and connections, to ensure compliance with the code.

(14) *Special Inspection Agency*. An agency employing one (1) or more persons who are special inspectors and that has met all requirements of this rule.

(15) *Special Inspector*. An individual employed by a special inspection agency, who has the required qualifications, set forth in this rule to perform or witness particular special inspections required by the code or by the rules of the department, including but not limited to a qualified registered design professional.

(16) *Supervise/Supervision*. With respect to a designated Primary Inspector or Inspection Supervisor as indicated in Appendix A, supervision shall mean oversight and responsible control by a registered design professional having the necessary qualifications and relevant experience to perform responsibilities associated with the special inspection. Such supervision shall include ensuring training and/or education necessary to qualify the special inspector for his or her duties, including continued training and education necessary to keep pace with developing technology. Field supervision shall include responsibility for determining competence of special inspectors for the work they are authorized to inspect and on-site monitoring of the special inspection activities at the job site to assure that the qualified special inspector is performing his or her duties when work requiring inspection is in progress. With respect to a Director of a Special Inspection Agency, supervision shall mean oversight and responsible control by a registered design professional who shall ensure that qualified inspectors are dispatched for special inspections, that such special inspectors properly document their activities, and that reports and logs are prepared in accordance with section 28-114.2 of the Administrative Code. Such supervision shall include ensuring training and/or education necessary to qualify the special inspector for his or her duties, including continued training and education necessary to keep pace with developing technology.

(17) *Technician*. An employee of the inspection or testing agency assigned to perform the actual operations of inspection or testing. See ASTM E 329-07, paragraph 3.1.17.

(18) *Work*. The construction activity including techniques, tests, materials and equipment that is subject to special inspection.

(b) Duties.

(1) *Availability and Compliance*. A special inspector and/or special inspection agency shall have responsibilities as set forth in chapter 17 of the New York City Building Code and elsewhere in the codes where special inspections are required. The responsibilities of the special inspector or special inspection agency at a special inspection shall include those tasks and standards set forth in chapter 17 of the code, the reference standards and elsewhere in the code, this rule or any rule of any agency in connection with the work that is the subject of such special inspection.

(2) *Obligation to Avoid Conflict of Interest*. A special inspector and/or a special inspection agency shall not

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engage in any activities that may conflict with their objective judgment and integrity, including but not limited to having a financial and/or other interest in the construction, installation, manufacture or maintenance of structures or components that they inspect.

(3) Approved Construction Documents. The special inspector and/or special inspection agency shall:

(i) Examine all approved construction documents that relate to the work that is the subject of the special inspections.

(ii) Confirm that the documents are sufficient to enable the proper performance of the special inspection.

(iii) Confirm that the documents are acceptable to the registered design professional of record or another design professional retained by the owner and who prepared the documents for the construction of the job. Acceptance shall be demonstrated in writing by the design professional on the documents.

(iv) Confirm that the work that is the subject of the special inspection is in compliance with all relevant approved construction documents and with chapter 17 of the code or elsewhere in the construction codes or their referenced standards.

(4) Documentation. A special inspection agency shall maintain records of special inspections on a job-by-job basis for at least six (6) years or for such period as the commissioner shall determine, and shall make such records available to the department upon request. Such records shall include field logs, test results, laboratory reports, notes, noted deficiencies and dates of cures of such deficiencies, photographs and such other information as may be appropriate to establish the sufficiency of the special inspection.

(i) The supervisor shall review special inspection progress reports and final reports for conformance with the approved plans, specifications and workmanship provisions of chapter 17 of the code or elsewhere in the construction codes or their referenced standards. Such supervision and control shall be evidenced by the supervisor's signature and seal upon any required statements, applications and/or reports.

(ii) The principal of the special inspection agency shall file with the department within ten (10) days of satisfactory completion of any special inspection, notice of such completion on the forms and in the manner required by the department.

(5) Obligation to Cooperate with Inquiries. All special inspectors and/or special inspection agencies shall cooperate in any investigation by the department, or other city or law enforcement agency, into the activities at any job site or fabricating/manufacturing facility for which they have been designated a special inspector or special inspection agency and shall provide prompt, accurate and complete responses to reasonable inquiries by the department and other appropriate agencies about the conduct of such business.

(6) Limitation of Duties. Activities as a special inspection agency are specifically limited to those special inspections for which the special inspection agency has been registered and for which it has satisfied the requirements set forth in this rule and chapter 17 of the code. No special inspector or special inspection agency shall conduct any special inspection that such inspector or inspection agency is not qualified or registered to perform in accordance with the requirements of this rule and chapter 17.

(7) Obligation to Comply with an Order of the Commissioner. All special inspectors and/or special inspection agencies shall comply with an order of the commissioner.

(8) Equipment and Tools. The special inspection agency shall possess and maintain tools and equipment required to perform the specific special inspection. Such tools and equipment shall be maintained and calibrated periodically in accordance with applicable nationally accepted standards governing that equipment or tool.

(9) Reporting. The special inspection agency shall report any discrepancies noted during the inspection to the contractor and when applicable to the superintendent of construction, as well as to the site safety coordinator or site safety manager, for correction. If the discrepancies are not corrected, the discrepancies shall be brought to the attention of the owner, and the registered design professional of record prior to the completion of that phase of the work. The special inspector/special inspection agency shall immediately report conditions noted as hazardous to life, safety or health, to the attention of the commissioner.

(c) Registration of Special Inspection Agencies.

(1) Effective Date. On or after the effective date of this rule, all agencies including single person agencies performing special inspections must comply with the requirements of this section. All such agencies performing special inspections must be registered with the department as special inspection agencies by January 1, 2009 unless otherwise extended by the commissioner, as provided in paragraph (c)(9) of this rule.

(2) Form and Manner of Registration. An application for registration shall be submitted in a form and manner determined by the commissioner, including electronically, and shall provide such information as the commissioner may require. Such registration shall be deemed an acknowledgement by the special inspection agency of its obligations hereunder.

(3) Qualifications. Special inspection agencies shall be required to demonstrate accreditation by International Accreditation Service, Inc. or an equivalent accreditation agency accrediting to the standards set forth in this rule and ASTM E329-07 or a federal agency. Accrediting agencies, other than federal agencies must

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be members of an internationally recognized cooperation of laboratory and inspection accreditation bodies subject to a mutual recognition agreement. Agencies must insure that the special inspectors employed by the agency meet the qualification requirements set forth in Appendix A of this rule and perform special inspections only within the area of expertise for which such special inspector is qualified. A Professional Engineer who is listed in Appendix A as requiring qualification in civil, structural, mechanical, electrical, fire protection, geotechnical or such other designation shall have had the education, training and experience, including having passed the Principles and Practice of Engineering examination offered by the National Council of Examiners for Engineering and Surveying (NCEES) in the specific discipline or having obtained a bachelors degree in the specific field, that has led to an accumulation of knowledge and skill required for the Professional Engineer to hold himself/herself out as a professional practicing in that field.

(4) Insurance. A special inspection agency must have the following insurance coverage:

(i) Professional liability/errors and omissions insurance policy, for the minimum amount of five hundred thousand dollars (\$500,000.00), occurrence based, for the term of the registration,

(ii) General liability insurance policy for the minimum amount of one million dollars (\$1,000,000.00) and

(iii) Insurance required by the provisions of the New York State disability benefits law and other applicable provisions of the workers' compensation law.

(5) Agency Structure. The special inspection agency shall have a full-time director who is a registered design professional in responsible charge and all special inspections shall be performed under his or her direct supervision. The director shall not be retained by any other agency that provides special inspection or testing services. The director shall possess relevant experience in the inspection and testing industry and hold a management position in the agency. The agency structure shall comply with all relevant New York State and Federal laws. Notwithstanding anything to the contrary set forth in this paragraph, an agency that is limited to conducting fuel-oil storage and fuel-oil piping inspections (BC1704.16), fire alarm tests, sprinkler systems (BC1704.21), standpipe systems (BC1704.22), emergency power systems or site storm drainage disposal and detention (BC1704.20) may have a director who satisfies the requirements of inspection supervisor for such tests and inspections as set forth in Appendix A of this rule.

(6) Small Building Exception. Notwithstanding anything to the contrary set forth in the provisions of this rule and its appendix, with respect to jobs in

connection with the construction or alteration of Occupancy Group R-3 buildings, 3 stories or less in height, a registered design professional with relevant experience shall be qualified to perform special inspections other than inspections involving soils investigations, pier and pile installation, underpinning of structures, and protection of the sides of excavations greater than 10 feet in depth.

(7) Audits. The operations of special inspectors and special inspection agencies shall be subject to audit by the department at any time. Audits may examine applications for registration as well as the performance and documentation of special inspections. Audits may also be conducted upon receipt of complaints or evidence of falsification, negligence or incompetence.

(8) Interim Status and Application Deadlines. An agency employing special inspector(s) with initial acceptable qualifications shall be entitled until July 1, 2010 to perform those special inspections for which it is qualified, subject to the following requirements:

(i) The agency must certify compliance with this rule.

(ii) The agency must diligently pursue accreditation as a special inspection agency pursuant to the provisions of section (c)(3) of this rule.

(iii) Notwithstanding anything to the contrary set forth in this rule and Appendix A, an individual who satisfies all requirements set forth in Appendix A to qualify as a special inspector except for the required certification shall be deemed a special inspector until July 1, 2009 provided that such individual meets the initial acceptable qualifications. In order to continue as a special inspector beyond July 1, 2009, such individual shall obtain the certification required in Appendix A.

(iv) The agency shall certify such initial acceptable qualifications on such form as the department may require and shall file such certification with the department prior to performing any special inspections after the effective date of this rule

(9) Additional Powers of the Commissioner. Notwithstanding anything to the contrary set forth in the provisions of this rule, the commissioner may upon a determination of good cause extend the interim status of qualifications for any specific special inspection agency to a date beyond July 1, 2010 but in no event later than July 1, 2011.

(i) In the event the agency has failed by January 1, 2010 to receive the accreditation required by section (c)(8)(i) of this rule, the agency may apply to the commissioner who may, upon the showing of good cause by the agency, grant an extension of time and allow the continuance of the interim status of such agency, but in no event later than January 1, 2011.

(ii) The requirements and standards prescribed in this rule shall be subject to variation in specific cases by the commissioner, or by the Board of Standards and

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Appeals, under and pursuant to the provisions of paragraph two of subdivision (b) of section six hundred forty-five and section six hundred sixty-six of the New York City Charter, as amended.

(10) Registration Term. An initial registration issued under this rule is valid until July 1, 2010 unless otherwise extended by the commissioner in accordance with section (c)(9) of this rule. A renewal or initial registration issued after July 1, 2010 is valid for three years from the date of issuance.

(11) Registration Fees. The department shall charge the following registration fees:

- (i) A one (1) year initial fee of \$35;
- (ii) A triennial renewal fee of \$35; and
- (iii) A later renewal surcharge of \$35.

(12) Renewals. A renewal application shall be submitted between thirty (30) and sixty (60) days prior to the expiration date of the registration and shall be accompanied by proof that the agency has, during the one (1) year period immediately preceding renewal, maintained all certifications/accreditations and other requirements set forth in this rule and its Appendix.

(i) Renewal shall be precluded where there has been a finding by the commissioner that any special inspection or test conducted by the special inspector or special inspection agency has not been performed in accordance with the requirements set forth in the code, applicable reference standards or the rules of the department, or where there has been a finding by the commissioner of fraud or misrepresentation on any document or report submitted to the department by the special inspector or special inspection agency.

(ii) No special inspector or special inspection agency shall perform an inspection or test with an expired or lapsed registration.

(d) Disciplinary Actions.

(1) Suspension or revocation of registration and refusal to accept filings. The commissioner may, in accordance with the rules of the department, suspend or revoke a special inspection agency registration, with or without the imposition of penalties, for violation of any provision of the code or the rules of the department, or any other applicable laws or rules. The commissioner may refuse to accept any application or other document submitted pursuant to or in satisfaction of any requirement of this rule or of chapter 17 of the code or any rule or regulation of any agency that bears the signature of any special inspector who has been found, after an opportunity to be heard to have knowingly or negligently made a false statement or to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application, report or certification of the correction of a violation required under the provisions of this chapter, the code or any rule or regulation of any agency.

(2) Stop work and Suspension of Permits. Upon any suspension or revocation of registration pursuant to paragraph (d)(1) of this rule, unless replaced by another registered special inspector and/or special inspection agency within five (5) business days of such suspension or revocation, all jobs on which the special inspector and/or special inspection agency whose registration was suspended or revoked is designated, shall be stopped and the permits shall be suspended until such time as a duly registered special inspector and/or special inspection agency is designated to re-inspect such tests or such inspections performed by the disciplined special inspection agency, or until such permits expire.

(e) Obligations of Others. Nothing in this rule is intended to alter or diminish any obligation otherwise imposed by law, including but not limited to the obligation of an owner, construction manager, general contractor, contractor, materialman, architect, engineer, site safety manager, land surveyor, superintendent of construction or other party involved in a construction project to engage in sound engineering, design, and construction practices, and to act in a reasonable and responsible manner to maintain a safe construction site.

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APPENDIX A

Special Inspection Category	2008 Code Section	Qualifications ^{1,2}		
		Primary Inspector or Inspection Supervisor	Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor	Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor
1. General Building Construction				
Wall Panels, Curtain Walls, and Veneers	BC 1704.10	- RA or PE – Civil or Structural Engineering; and 1 Year relevant experience	- Bachelor's degree in Architecture or Civil Engineering or Structural Engineering; and 2 years relevant experience	Technician with 3 years relevant experience
Exterior Insulation Finish Systems (EIFS)	BC 1704.12	- PE or RA; and 1 year relevant experience	N/A	Technician with 2 years relevant experience
Chimneys	BC 1704.24	- PE or RA; and 1 year relevant experience	- Bachelor's degree in Architecture or Engineering; and 2 years relevant experience	- Technician with ICC Certification as a Residential or Commercial Mechanical Inspector; and 5 years relevant experience
Flood Hazard Mitigation	BC G105	- PE or RA; and 1 year relevant experience	N/A	N/A
Photoluminescent Exit Path Markings	1 RCNY 1026-01 (formerly RS 6-1)	- PE or RA; and - relevant experience	N/A	Technician with relevant experience
Small Building Special Inspections (Group R-3, 3 stories or less in height) ³		- PE or RA; and - relevant experience	N/A	Technician with relevant experience

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Special Inspection Category	2008 Code Section	Qualifications ^{1,2}		
		Primary Inspector or Inspection Supervisor	Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor	Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor
2. Fire Protection Systems & Fire-Resistant Construction				
Sprayed Fire-resistant Materials	BC 1704.11	• PE or RA; and • 1 year relevant experience	• Bachelor's degree in Architecture or Engineering; and (a or b) a. 1 year relevant experience; or b. ICC Certification as a Spray-applied Fireproofing Special Inspector	• Technician with ICC Certification as a Spray-applied Fireproofing Special Inspector; and • 3 years relevant experience
Smoke Control Systems	BC 1704.14	• PE or RA; and • 1 year relevant experience (mechanical and/or fire protection)	N/A	• Technician with NEBB Air Balancer Certification; and • 3 years relevant experience
Standpipe Systems and Sprinkler Systems	BC 1704.21 BC 1704.22	• PE – Mechanical Engineering; and • 1 year relevant experience OR • NYC Licensed Class A or Class B Master Fire Suppression Piping Contractor License; and • Independent of installer	• Bachelor's degree in Mechanical Engineering; and • 3 years relevant experience	Technician with NICET Level II Certification in Fire Protection – Inspection and Testing of Water-based Systems
Firestop, Draftstop, and Fireblock Systems	BC 1704.25	• PE or RA; and • 1 year relevant experience	• Bachelor's degree in Architecture or Engineering; and • 2 years relevant experience	• Technician with 3 years relevant experience

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Special Inspection Category	2008 Code Section	Qualifications ^{1,2}		
		Primary Inspector or Inspection Supervisor	Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor	Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor
Fire Alarm Test (When FDNY inspection not required)		- PE – Electrical or Fire Protection; and 1 year relevant experience OR - Licensed electrician independent of installer; and 3 years relevant experience	N/A	Technician with NICET Level II Certification in Fire Alarm Systems.
Emergency Power Systems (Generators)		- PE – Mechanical, Electrical, or Fire Protection; and 1 year relevant experience OR - Licensed electrician independent of installer; and 3 years relevant experience	Technician with 5 years relevant experience	N/A
3. Plumbing & Mechanical Systems				
Mechanical Systems	BC 1704.15	- PE or RA; and 1 year relevant experience; or - ICC Certification as a Residential or Commercial Mechanical Inspector	- Bachelor's Degree in Architecture, or Engineering; and 2 years relevant experience; and - ICC Certification as a Residential or Commercial Mechanical Inspector	- Technician with ICC Certification as a Residential or Commercial Mechanical Inspector; and 3 years relevant experience

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Special Inspection Category	2008 Code Section	Qualifications ^{1,2}		
		Primary Inspector or Inspection Supervisor	Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor	Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor
Fuel-Oil Storage and Fuel-Oil Piping Systems	BC 1704.16	• PE or RA; and • 1 year relevant experience OR • Licensed New York City Class A and B Oil Burner Equipment Installer; and • 1 year experience in the inspection of heating systems, Fuel burning-Fuel storage systems.	• Bachelors degree in Architecture, or Mechanical, Marine or Civil Engineering; and • 3 years relevant experience	• Technician with ICC Certification as a Residential or Commercial Mechanical Inspector; and • 5 years relevant experience
Site Storm Drainage Disposal and Detention Facilities	BC 1704.20	• PE or RA; and • 1 year relevant experience OR • NYC Licensed Master Plumber; and • 3 years relevant experience	• Bachelor's Degree in Architecture, Civil or Mechanical Engineering; and • 3 years relevant experience	N/A
Heating Systems	BC 1704.23	• PE or RA – Civil or Mechanical Engineering; and • 1 year relevant experience	• Bachelor's Degree in Architecture, or Civil or Mechanical Engineering; and • 3 years relevant experience; and • ICC Certification as a Residential or Commercial Mechanical Inspector	• Technician with ICC Certification as a Residential or Commercial Mechanical Inspector; and • 5 years relevant experience

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Special Inspection Category	2008 Code Section	Qualifications ^{1,2}		
		Primary Inspector or Inspection Supervisor	Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor	Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor
4. Structural Materials & Construction Operations				
Welding: Steel High pressure Steam Piping High pressure Gas Piping Aluminum (2 RNCY 25 – BSA RULE)	BC 1704.3.1 BC 1704.17 BC 1704.18 BC 1704.26	• PE or RA; and • AWS Certified Welding Inspector (AWS-CWI); OR • PE or RA; and • ICC Certification as a Structural Welding Inspector (ICC-SWI); and • 1 year relevant experience	• AWS Certified Welding Inspector (AWS-CWI) OR • ICC Certification as a Structural Welding Inspector (ICC-SWI) • 3 years relevant experience	• AWS Certified Associate Welding Inspector (AWS-CAWI) Note: AWS-CAWI only permitted to inspect when an AWS-CWI or ICC-SWI is on site supervising
Structural Steel – Erection & High-Strength Bolting Note: Inspection can also be performed by agency approved to inspect welding	BC 1704.3.2, BC 1704.3.3	• PE – Civil/Structural; and • ICC Certification as a Structural Steel and Bolting Inspector; and • 1 year relevant experience	N/A	• Technician with ICC Certification as a Structural Steel and Bolting Inspector; and • 3 years relevant experience
Structural Cold-formed Steel	BC 1704.3.2.4	• PE or RA; and • 1 year relevant experience	• Bachelor's degree in engineering or architecture; and • 2 years relevant experience	• Technician with ICC Certification as a Structural Steel and Bolting Special Inspector; and • 3 years relevant experience
Concrete – Cast-in-place & Precast Note: Licensed concrete testing lab to perform sampling and testing of cylinders	BC 1704.4	• PE or RA; and • 1 year relevant experience	• ACI Certification as Concrete Construction Special Inspector (ACI-CCSI) OR • ICC Certification as Concrete Special Inspector (ICC-CSI)	• ACI Certification as an Associate Concrete Construction Special Inspector (ACI-ACCSI) Note: ACI-ACCSI only permitted to perform inspection under on-site supervision by PE, RA, ACI-CCSI, or ICC-CSI

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Special Inspection Category	2008 Code Section	Qualifications ^{1,2}		
		Primary Inspector or Inspection Supervisor	Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor	Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor
Prestressed Concrete	BC 1704.4	• PE – Civil/Structural; and • 1 year relevant experience	• Bachelor's degree in engineering; and • ICC Certification as Prestressed Concrete Special Inspector; and • 1 year relevant experience	• ICC Certification as Prestressed Concrete Special Inspector; and • 3 years relevant experience
Masonry	BC 1704.5	• PE or RA; and • 1 year relevant experience	• Bachelor's degree in engineering or architecture; and • ICC Certification as a Structural Masonry Special Inspector; and • 1 year relevant experience	• ICC Certification as a Structural Masonry Special Inspector; and • 2 years relevant experience
Wood construction – Prefabricated wood I-joists and metal-plate-connected wood trusses	BC 1704.6	• PE or RA; and • 1 year relevant experience	N/A	• ICC Certification as a Commercial or Residential Building Inspector; and • 2 years relevant experience
Soils - Site Preparation	BC 1704.7.1, BC 1704.7.2, BC 1704.7.3	• PE – Geotechnical, Civil, or Structural; and • 1 year relevant experience	N/A	N/A
Soils- Fill Placement, In-place Density	BC 1704.7.1, BC 1704.7.2, BC 1704.7.3	• PE – Geotechnical, Civil, or Structural; and • 1 year relevant experience	• Bachelor's degree in Geotechnical, Civil, or Structural engineering; and • 1 year relevant experience	• Technician with NICET Level I Geotechnical Certification; and • 2 years relevant experience OR • Technician with ICC Certification Soils Special Inspector • 1 year relevant experience

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Special Inspection Category	2008 Code Section	Qualifications ^{1,2}		
		Primary Inspector or Inspection Supervisor	Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor	Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor
Soils Investigations	BC 1704.7.4	• PE – Geotechnical, Civil, or Structural; and • 1 year relevant experience	• Bachelor's degree in Geotechnical, Civil, or Structural engineering; and • 1 year relevant experience	• Technician with NICET Level II Geotechnical Certification; and • Must take and pass Soils classification sections of NICET certification
Pile Foundations and Drilled Pier Installation	BC 1704.8 BC 1808.2.2	• PE – Geotechnical, Civil, or Structural; and • 1 year relevant experience	• Bachelor's degree in Geotechnical, Civil, or Structural engineering; and • 3 years relevant experience Note: Supplemental Inspector only permitted to inspect when multiple driving rigs are used on the same site and Primary Inspector is on site supervising	• Technician with NICET Level III Geotechnical Certification Note: Supplemental Inspector only permitted to inspect when multiple driving rigs are used on the same site and Primary Inspector is on site supervising
Pier Foundations	BC 1704.9	• PE – Geotechnical, Civil, or Structural; and • 1 year relevant experience	• Bachelor's degree in Geotechnical, Civil or Structural; and • 3 years relevant experience	N/A
Underpinning	BC 1704.9.1	• PE – Geotechnical, Civil, or Structural; and • 1 year relevant experience	• Bachelor's degree in Geotechnical, Civil or Structural; and • 3 years relevant experience	N/A
Structural safety - Stability, and Mechanical Demolition	BC 1704.19	• PE – Civil/Structural; and • 1 year relevant experience	• Bachelor's Degree in Civil or Structural Engineering; and • 3 years relevant experience	N/A

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Special Inspection Category	2008 Code Section	Qualifications ^{1,2}		
		Primary Inspector or Inspection Supervisor	Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor	Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor
Excavation - Sheeting, Shoring, and Bracing	BC 1704.19, 3304.4.1	• PE – Geotechnical, Civil, or Structural; and • 1 year relevant experience	• Bachelor's degree in Geotechnical, Civil or Structural; and • 3 years relevant experience	• Technician with 5 years relevant experience
Seismic Isolation Systems	BC 1707.8	• PE; and • 2 years relevant experience	• Bachelor's degree in Geotechnical, Civil, or Structural engineering; and • 5 years relevant experience	• N/A

Notes:

- Abbreviations in the qualifications descriptions:
 - ACI – American Concrete Institute
 - AWS – American Welding Society
 - ICC – International Code Council
 - NEBB – National Environmental Balancing Bureau
 - NICET – National Institute for Certification in Engineering Technologies
 - PE – A New York State Licensed and Registered Professional Engineer
 - RA – A New York State Licensed and Registered Architect
- Bachelor's Degrees must be from an accredited institution or equivalent
- Small Building Inspections - For Group R-3 buildings, 3 stories or less in height, all special inspections may be performed by a qualified PE or RA or a qualified person under their direct supervision without the need for certification by the department, with the exception of the special inspection of the following operations:
 - Soils Investigations
 - Pier and Pile installation
 - Underpinning of structures
 - Protection of the sides of excavations greater than 10 feet in depth

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§101-07 Inspections and approved agencies.

(a) **Definitions.** For the purposes of this section, all terms used herein shall have the same meanings as set forth in the building code. In addition, the following terms shall have the following meanings:

(1) *Approved construction documents.* Any and all documents that set forth the location and entire nature and extent of the work proposed with sufficient clarity and detail to show that the proposed work conforms to the provisions of the building code and other applicable laws and rules. Such documents shall include shop drawings, specifications, manufacturer's instructions and standards that have been accepted by the design professional of record or such other design professional retained by the owner for this purpose.

(2) *Approved boiler inspection agency.* An agency employing qualified boiler inspectors, as defined below.

(3) *Approved inspection agency.* An agency that is approved by the department as qualified to inspect at regular intervals the material that is to be or is listed and labeled, to verify that the labeled material is representative of the material tested. Such term shall include, when approved pursuant to department rules, a third party testing or certification agency, evaluation agency, testing laboratory, testing service or other entity concerned with product evaluation.

(4) *Approved progress inspection agency.* An agency that is approved by the department as qualified to perform one or more of the progress inspections required by section BC 109 of the building code.

(5) *Approved testing agency.* An agency that is approved by the department as qualified to test and evaluate the performance of one or more of the materials regulated in its use by the building code. Such term shall include, when approved pursuant to department rules, a third party testing or certification agency, evaluation agency, testing laboratory, testing service or other entity concerned with product evaluation. Such term shall also include a licensed concrete testing laboratory.

(6) *Certificate of compliance.* A certificate stating that materials meet specified standards or that work was done in compliance with approved construction documents and other applicable provisions of law.

(7) *Qualified boiler inspector.* An inspector who has been issued a certificate of competence by the State Department of Labor and who is employed by an authorized insurance company, a high pressure boiler operating engineer licensed pursuant to the provisions of the New York City Administrative Code, a class A or class B oil burning equipment installer licensed pursuant to the provisions of such Code, a master plumber licensed pursuant to the provisions of such Code, or a journeyman plumber acting under the direct and continuing supervision of a master plumber

licensed pursuant to the provisions of such Code. For inspection of boilers at properties owned or managed by the Department of Education, such term shall include an individual who has passed the National Board Commission examination and who has 5 years relevant experience, as defined below, approved by the department.

(8) *Qualified exterior wall inspector.* A New York State licensed civil or structural engineer with 1 year relevant experience or a New York State registered architect with 1 year relevant experience.

(9) *Relevant experience.* Direct participation and practice related to the underlying construction activities that are the subject of the special or other inspection where such participation has led to accumulation of knowledge and skill required for the proper execution of the special or other inspection.

(10) *Supervision.* Oversight and responsible control by a registered design professional having the necessary qualifications and relevant experience to effectively perform responsibilities associated with the inspection being supervised. Such supervision shall include ensuring the inspector's training/education through whatever arrangements are necessary to the inspector's duties and shall also include plans for continued training to keep pace with developing technology. Field supervision shall include responsibility for determining competence of special inspectors for the work they are authorized to inspect and monitoring the inspection activities at the jobsite to assure that the qualified inspector is performing his or her duties when work requiring inspection is in progress. The supervisor shall review inspection progress reports and final reports for conformance with the approved plans, specifications and workmanship provisions of the building code. Such supervision and control shall be evidenced by the supervisor's signature and seal upon any required statements, applications and/or reports.

(11) *Technician.* An employee of the inspection or testing agency assigned to perform the actual operations of inspection or testing. See ASTM E329-07, paragraph 3.1.17.

(b) General requirements for approved agencies.

(1) Availability and compliance. An approved agency shall have responsibilities set forth in this rule and in the building code. Such agency shall employ experienced personnel qualified to conduct, supervise and evaluate the tests or inspections that it undertakes.

(2) Duties. The approved agency shall:

(i) Examine all relevant documents, including approved construction documents and/or manufacturers' instructions that define and describe requirements in connection with the test or inspection to be performed.

(ii) Confirm that the documents are sufficient to enable the proper performance of the test or inspection.

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(iii) Confirm that any relevant approved construction documents are acceptable to the registered design professional of record or another design professional retained by the owner for the purpose of accepting shop drawings and that the manufacturers' instructions are current. Acceptance shall be demonstrated in writing on the drawing by the registered design professional.

(iv) Confirm through the test or inspection that the installation and materials are in compliance with all relevant documents, reference standards and the building code.

(3) Documentation. An approved agency shall maintain records of inspections and tests for at least 6 years or for such shorter period as the commissioner shall determine and shall make such records available to the department upon request. Such records shall include field logs, test results, laboratory reports, notes, photographs and such other information as may be necessary or appropriate to establish the sufficiency of the inspection. The principal of the approved agency shall furnish to the department upon request such records of any inspection or test, in the manner required by the department.

(4) Obligation to cooperate with inquiries. All approved agencies shall cooperate with any investigation by the department, or other city or law enforcement agency, into the activities at any job site or fabricating/manufacturing/testing facility for which such agencies have undertaken any inspections or tests and shall provide prompt, accurate and complete responses to reasonable inquiries by the department and other such city or law enforcement agencies about the conduct of such activities.

(5) Limitation of duties. An approved agency shall not engage in any activity for which it has not been registered, licensed or accredited. An inspector or technician employed by an approved agency shall not perform inspections or tests beyond the area of expertise for which he or she is qualified in accordance with the standards set by the department, the accrediting agency, if applicable, and the agency supervisor.

(6) Obligation to comply with an order of the commissioner. All approved agencies shall comply with an order of the commissioner.

(7) Insurance. Every approved agency shall maintain the following insurance coverage:

(i) A general liability insurance policy for the amount of one million dollars;

(ii) Insurance required by the provisions of the New York State Worker's Compensation and Disability Laws; and

(iii) For progress inspection agencies and qualified exterior wall inspectors only, in addition to the requirements of (i) and (ii) above, a Professional Liability/Errors and Omissions insurance policy, occurrence based, for the term of the registration or accreditation.

(8) Agency structure. An approved agency's structure shall comply with all applicable New York State and Federal laws.

(9) Audits. The operations of approved agencies shall be subject to audit at any time. Audits may examine applications for registration or accreditation as well as the performance and documentation of inspections and tests. Audits may also be conducted upon receipt of complaints or evidence of falsification, negligence or incompetence.

(c) Qualifications of approved agencies.

(1) Except as otherwise provided in subdivision (d) of this section, on or after the effective date of this section, all approved agencies, including single person approved agencies, shall comply with the requirements of this section and Title 28-114 of the New York City Administrative Code and shall meet the qualifications set forth herein.

(2) Testing and inspection agencies.

(i) A testing and/or inspection agency shall be deemed an approved testing and/or approved inspection agency for testing and/or inspecting materials and listing and labeling materials to specified standards in accordance with the building code and its referenced standards where such agency has achieved accreditation for such testing and/or inspections from International Accreditation Service, Inc. or an equivalent accrediting agency accrediting to the standards set forth in ASTM Designation: E 329-07 or a federal agency. Accrediting agencies, other than federal agencies, must be members of an internationally recognized cooperation of laboratory and inspection accreditation bodies subject to a mutual recognition agreement.

(ii) An approved testing and/or approved inspection agency shall have in responsible charge a director who shall be qualified by education and relevant experience to undertake the tests or inspections performed. Qualification may be based on the standards set forth in ASTM E329-07. The director shall personally supervise the testing and/or inspection of materials for compliance with prescribed nationally recognized standards. Concrete testing laboratories shall follow the provisions of subdivision (c)(6) of this section.

(iii) Technicians shall be qualified by education and relevant experience to perform all tests or inspections they may be required to conduct under the supervision of the director. Qualification may be based on the standards set forth in ASTM E329-07.

(iv) An approved testing agency shall furnish to the department such proof of qualifications of all personnel and information regarding the equipment used to perform tests as the department may from time to time request, and any other such information that the commissioner deems appropriate in assessing the competency of the agency's operations.

(v) All approved testing and approved inspection agency inspection and test reports shall be retained in a

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form acceptable to the department and shall bear the name of the approved agency, its accreditation, license or department acceptance identification information where applicable, the name of the director who supervised the inspection or test, the names of all personnel who performed the inspection or test, and the names of all witnesses to such inspection or test.

(3) Progress inspection agencies.

(i) Registered design professionals with relevant experience shall be deemed approved progress inspection agencies, without further requirement of registration or accreditation, for the purpose of conducting the progress inspections required by section BC 109 of the building code. Such progress inspections shall include the following:

- (A) Preliminary. See section 28-116.2.1 of the New York City Administrative Code and section 109.2 of the building code.
- (B) Footing & foundation. See section 109.3.1 of the building code.
- (C) Lowest floor elevation. See section 109.3.2 of the building code.
- (D) Frame inspection. See section 109.3.3 of the building code.
- (E) Energy Code Compliance Inspections. See section 109.3.5 of the building code.
- (F) Fire-resistant rated construction. See section 109.3.1 of the building code.
- (G) Final. See section 28-116.2.4.2 of the New York City Administrative Code and section 109.5 of the building code.
- (H) Public assembly emergency lighting. See section 1006 and 1024 of the building code and section 28-116.2.2 of the Administrative Code.

(ii) A progress inspection agency shall conduct required progress inspections, provided such inspections are conducted by a registered design professional with relevant experience or a person under such design professional's direct supervision.

(iii) A progress inspection agency's performance of a progress inspection shall include verification that any special inspections that were required to have been conducted prior to the progress inspection have been documented as completed.

(4) Elevator inspection agencies.

(i) Notwithstanding anything to the contrary set forth herein, elevator inspection companies, including their agency directors and agency inspectors that currently hold or hereafter secure a Certificate of Approval from the department issued pursuant to Chapter 11 of Title 1 of the Rules of the City of New York shall be deemed approved elevator inspection agencies without further requirement of registration or accreditation, for the purpose of conducting the periodic elevator inspections and tests required by section 28-304.6 of the Administrative Code.

(ii) Written or oral tests required by 1 RCNY 11-01(2)(ii) shall require familiarity with the standards set forth in section 3001.2 and appendix K of the building code.

(iii) Tests and inspections performed after the effective date of this section shall be performed in compliance with reference standards set forth in section 3012.1 and appendix K of the building code, provided that for the period from January 1, 2008 through September 15, 2008, inspections and tests need not be witnessed by another approved elevator inspection agency.

(iv) Effective January 1, 2009, periodic elevator inspections and tests required by section 28-304.6.1 of the Administrative Code shall be performed in compliance with the following requirements:

(A) The test must be performed by an approved elevator inspection agency and witnessed by an approved elevator inspection agency not affiliated with the agency performing the test.

(B) The approved elevator inspection agency responsible for performing the test shall designate skilled elevator trade personnel in its employment to perform the test under the direct supervision of a director who holds a Certificate of Approval from the department issued pursuant to the 1968 Building Code and 1 RCNY 11-01. Such designation by the director shall be in writing and shall indicate the director's endorsement of the qualification of the personnel designated to conduct the test.

(C) The approved elevator inspection agency responsible for witnessing the test shall designate to witness such test an inspector in its employment who holds a Certificate of Approval from the department issued pursuant to the 1968 Building Code and 1 RCNY 11-01.

(D) The witnessing inspector shall affix the inspection date and his or her agency's Certificate of Approval number to the inspection certificate at the site. The witnessing inspector and the director of the witnessing agency shall further sign and indicate that agency's Certificate of Approval number in the test report.

(5) Boiler inspection agencies.

(i) Notwithstanding anything to the contrary set forth herein, a qualified boiler inspector shall be deemed an approved boiler inspection agency, without further requirement of registration or accreditation, for the purpose of conducting the periodic inspections required by section 28-303.2 of the Administrative Code. Such approved boiler inspection agencies may complete required periodic boiler inspections for the period from January 1, 2008 through December 31, 2008 in compliance with the requirements of the 1968 Building Code and 1 RCNY 2-01. Notwithstanding the above, reports of periodic boiler inspections for the period January 1, 2008 to December 31, 2008 shall be

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accompanied by a certification that identified defects have been corrected. The inspection report must be submitted to the department prior to December 31, 2008.

(ii) Effective January 1, 2009, periodic boiler inspections required by section 28-303.2 of the Administrative Code shall be performed in compliance with the following requirements:

(A) Low pressure boiler annual inspection reports shall be submitted for each calendar year on such forms and in such manner as required by the department. The report shall include:

((a)) An inspection report for each boiler identifying the inspector or inspection agency;

((b)) The owner's annual statement completed in compliance with section 28-303.6 of the Administrative Code; and

((c)) A certification by the owner that identified defects have been corrected. The report must be filed within 45 days of the inspection but in no event later than December 31st of each calendar year. Any required part of the report not filed within 45 days of the inspection and on or before December 31st shall be deemed late and shall subject the owner to penalties as provided in Administrative Code sections 28-201.2.2 and 28-202.1.

(B) A low pressure boiler annual inspection must be conducted between November 16th of the preceding calendar year through November 15th of the calendar year for which the report is being submitted at a date that follows the preceding annual inspection by 6 months or more. The inspector must verify that a department-issued boiler number is affixed to the boiler and such number must be used in all correspondence between the inspector and the department. If an inspection reveals any dangerous condition in a boiler that threatens life or safety and that requires an immediate shut down of the boiler, the inspector must immediately notify the boiler division at the department of the condition via fax or email at the number or address provided on the department's website, <http://www.nyc.gov/buildings>.

(C) Low pressure boiler annual inspection reports not filed within 12 months from the date of the inspection will be deemed expired. Expired inspection reports will not be accepted by the department to satisfy the annual inspection report filing requirement as prescribed by section 28-303 of the Administrative Code and this section.

(6) Concrete testing laboratories.

(i) Except as provided in subdivision (d) of this rule, a concrete testing laboratory shall be deemed an approved agency and a licensed concrete testing laboratory pursuant to the provisions of Article 406 of Title 28 of the Administrative Code for purposes of testing and inspecting concrete-related construction activities in accordance with the building code and its

referenced standards where such laboratory has achieved accreditation from AASHTO Accreditation Program or an equivalent accrediting agency accrediting to the standards set forth in ASTM Designations: C1077, C1093 and E 329-07 or a federal agency. Accrediting agencies, other than federal agencies, must be members of an internationally recognized cooperation of laboratory and inspection accreditation bodies subject to a mutual recognition agreement.

(ii) A licensed concrete testing laboratory shall have in responsible charge a director who shall be qualified by education and relevant experience to undertake the tests or inspections performed. Qualification may be based on the standards set forth in ASTM C1077, C1093 and E 329-07. The director shall personally supervise the inspection and tests for compliance with prescribed nationally recognized standards. The director shall be a registered design professional.

(iii) Technicians shall be qualified by education and relevant experience to perform all tests or inspections they may be required to conduct under the supervision of the director. Field technicians shall be certified as ACI Field Testing Technician – Grade I, or other equivalent certification acceptable to the commissioner.

(iv) Laboratory technicians shall be certified as ACI Concrete Testing Laboratory Technician – Level 1, or other equivalent certification acceptable to the commissioner. Qualification may be based on the standards set forth in ASTM C1077, C1093 and E 329-07.

(v) The concrete testing laboratory shall furnish to the department such proof of qualifications of all personnel and information regarding the equipment used to perform tests as the department may from time to time request, and any other such information that the commissioner deems appropriate in assessing the competency of the laboratory's operations.

(vi) All concrete testing laboratory inspection and test reports shall be presented in a form acceptable to the department and shall bear the name of the laboratory or service and its accreditation and department-issued license number where applicable, the name of the director who supervised the inspection or test, the names of all personnel who performed the inspection or test, and the names of all witnesses. Reports shall be signed and sealed by the director who supervised the inspection or test

(7) Exterior wall inspections.

(i) Examination of a building's exterior walls and appurtenances thereof pursuant to section 28-302 of the Administrative Code shall be performed by or under the direct supervision of a qualified exterior wall inspector.

(ii) A qualified exterior wall inspector shall maintain records of inspections and tests for at least 6 years and shall make such records available to the department upon request.

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(iii) A qualified exterior wall inspector shall maintain insurance coverage as set forth in subdivision (b)(7) above.

(iv) Except as modified by the building code and this section, the provisions of 1 RCNY 32-02 shall apply.

(d) Interim status and application deadlines. An approved agency that is required to achieve accreditation shall be entitled, until July 1, 2010, to perform those inspections and tests for which it is seeking accreditation, provided that the following are true:

(1) The agency is diligently pursuing accreditation by the required accreditation services or an equivalent accreditation agency approved by the department.

(2) The agency is in good standing with the department and is licensed and/or accepted by the department pursuant to the laws in effect prior to July 1, 2008 to perform specific tests and inspections. Such agencies shall be limited to the performance of those tests for which they are under such prior law specifically licensed or accepted to perform.

(3) On or before July 1, 2010, an agency with interim status as an approved agency shall achieve accreditation as set forth in this rule. In the event the approved agency has failed by July 1, 2010 to achieve such accreditation, the agency may apply to the commissioner who may, upon a showing of good cause, grant an extension of time to achieve accreditation and allow the continuance of the interim status.

(e) Suspension or revocation of approved agency status.

(1) In accordance with department rules, the commissioner may suspend or revoke an approved agency's approval, with or without the imposition of penalties, for violation of any provision of Title 28 of the Administrative Code or the building code or the rules of the department, or any other applicable law or rule. The commissioner may refuse to accept any application or other document submitted pursuant to or in satisfaction of any requirement of law or rule that bears the signature of any approved agency or director that has been found, after notice and an opportunity to be heard, to have knowingly or negligently made a false statement or to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application, report or certification of the correction of a violation required under the provisions of Title 28 of the Administrative Code or the building code or any rule of any agency.

(2) Invalidation of tests and inspections upon suspension or revocation of approved agency status. Upon any suspension or revocation of approved agency approval pursuant to subdivision (e), the owner of a building at which such approved agency was required or scheduled to perform special, progress or periodic inspections shall immediately designate another approved agency to re-do such tests or inspections

performed by the disciplined agency. Any periodic inspections performed by a disciplined agency shall be rejected in the current cycle of such inspections and any owner of a building requiring such periodic inspection shall, upon notice of such disciplinary action, retain another approved agency to perform the periodic inspection.

(f) Obligations of others. Nothing in this section is intended to alter or diminish any obligation otherwise imposed by law on others, including but not limited to, the owner, construction manager, general contractor, contractor, materialman, architect, engineer, site safety manager, land surveyor, superintendent of construction or other party involved in a construction project, to engage in sound engineering, design, and construction practices, and to act in a reasonable and responsible manner to maintain a safe construction site.

***§101-10 Final Inspection and Sign-Off prior to letter of completion.**

**Note: There is an intentional gap in numbering.*

(a) Final Inspection. Where permitted work does not require the issuance of a certificate of occupancy and where the final inspection is performed by an approved agency, the final inspection shall be performed after all work authorized by the permit is completed, but in no event later than one (1) year from the date of the expiration of the last valid permit.

(b) Inspection Report. A final inspection report complying with the requirements of section 28-116.2.4.2 of the Administrative Code shall be filed within thirty (30) days of the date of the final inspection that enables the inspector to attest that the work is substantially compliant with the approved construction documents, the building code, and other applicable laws and rules.

(c) Applicability. The requirements in this section shall apply to all final inspections performed after July 1, 2008, regardless of when the underlying permit was issued.

Subchapter B Enforcement

§102-01 Violation reclassification and certification of correction.

(a) Pursuant to section 28-204.1 of the Administrative Code, any person who shall violate or fail to comply with any provision or provisions of law enforced by the Department or with any order issued pursuant thereto shall be liable for a civil penalty that may be recovered in a proceeding before the Environmental Control Board ("ECB"). Such proceeding shall be commenced by service of a notice of violation ("NOV") returnable before the board. Such notice of violation may be issued by employees of the Department or of other city agencies designated by the Commissioner and may be served by such employees or by a licensed process server.

(b) Classification of violations. For purposes of classifying violations pursuant to section 28-201.2 of the Administrative Code, the following terms shall have the following meanings:

(1) IMMEDIATELY HAZARDOUS VIOLATION.

Immediately hazardous violations are those specified as such by the New York City Construction Codes, or those

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where the violating condition poses a threat that severely affects life, health, safety, property, the public interest, or a significant number of persons so as to warrant immediate corrective action, or, with respect to outdoor advertising, those where the violation and penalty are necessary as an economic disincentive to the continuation or the repetition of the violating condition. Immediately hazardous violations shall be denominated as Class 1 violations.

(2) MAJOR VIOLATION. Major violations are those specified as such by the New York City Construction Codes or those where the violating condition affects life, health, safety, property, or the public interest but does not require immediate corrective action, or, with respect to outdoor advertising, those where the violation and penalty are appropriate as an economic disincentive to the continuation or the repetition of the violating condition. Major violations shall be denominated as Class 2 violations.

(3) LESSER VIOLATION. Lesser violations are those where the violating condition has a lesser effect than an immediately hazardous (Class 1) or major violation (Class 2) on life, health, safety, property, or the public interest. Lesser violations shall be denominated as Class 3 violations.

(c) Correction and certification of correction.

(1) Each NOV issued by the Commissioner shall contain an order of the Commissioner directing the respondent to correct the condition constituting the violation and to file a certification with the Department that the condition has been corrected

(2) The following violation cannot be certified as corrected prior to a hearing before ECB. The respondent must appear at the hearing prior to the submission of the certification to the Department:

(i) A violation for filing a false certification;

(3) The required certification shall be completed on the form issued with the NOV or obtained from the Department in accordance with the instructions contained therein.

(4) The respondent must appear at the ECB hearing for all violating conditions unless those charges are cured or a pre-hearing stipulation is offered, timely accepted by the respondent, and approved in writing by ECB. Where more than one violation of law is listed on the same NOV, the respondent may submit a single certification covering one or all of the violating conditions.

(5) The certification shall be signed by one with personal knowledge of the correction of the violating condition and notarized by a notary public or commissioner of deeds.

(6) The certification shall be accompanied by true and legible copies of any and all documentary proof of compliance.

(7) The completed certification must be returned to the Department at the address provided on the City's website, NYC.gov.

(8) For violations classified as Class 3 or for those Class 2 violations eligible for a cure, respondents may avoid a hearing by submitting a certification of correction acceptable to and

received by the Department no later than forty days from the date of the Commissioner's order to correct set forth in the NOV. For violations classified as Class 1, a certification acceptable to the Department must be received by the Department forthwith.

(9) Failure to submit an acceptable certification for all violating conditions indicated on the NOV on a Department of Buildings form within the time period prescribed in paragraph (8) of this subdivision shall require the respondent to appear at a hearing at ECB on the date indicated on the NOV. If no certificate of correction is received within the time period prescribed in paragraph (8) of this subdivision, the respondent is also subject to issuance of a violation for failure to certify correction and the imposition of civil penalties as defined in Title 28-202.1.

(d) Mitigated and zero penalties. Mitigated or zero penalties are available in the following circumstances under the following conditions.

(1) Cure.¹ An eligible violation may be cured by correction before the first scheduled hearing date at ECB. All violations that are designated as Class 3 violations are eligible for cure. Some, but not all, types of violations that are designated as Class 2 violations are eligible for cure. Those types of Class 2 violations that are eligible for cure will be indicated within the ECB Buildings Penalty Schedule found in Chapter 31 of Title 15 of the Rules of the City of New York ("ECB Buildings Penalty Schedule"). In order to cure, a certificate of correction acceptable to the Department must be filed at the Department within forty days from the date of the Commissioner's order to correct set forth in the NOV. A cure constitutes an admission of the violation; dispenses with the need for a hearing at ECB; constitutes a predicate violation for subsequent violations; and, consistent with the provisions of Section 28-204.2, and with the provisions of the ECB Buildings Penalty Schedule, results in a zero penalty. A violation that has been charged as an Aggravated II violation is never eligible for a cure, even if there is a "Yes" in the "Cure" column in the ECB Buildings Penalty Schedule for that violation description.

¹*Section 28-204.2 of the Administrative Code provides for a zero penalty for Lesser violations that are corrected within the prescribed, or cure, period. For purposes of this rule, certain Major violations will also be treated as eligible for cure to the extent that section 28-202.1 of the Administrative Code specifies no minimum penalty for such violations.*

(2) Stipulation. An eligible violation may be subject to stipulation where the Commissioner offers to the respondent a stipulation prior to or at a hearing to extend the time for compliance upon such terms and conditions as the Commissioner prescribes. Violations that are eligible for stipulation are indicated as such on the ECB Buildings Penalty Schedule. The respondent must admit the violation subject to stipulation and agree to correct it and file an acceptable certification of correction with the Department. The stipulation may be signed and submitted to ECB either before the first scheduled hearing date at ECB or else on the first scheduled hearing date but prior to any actual hearing on that date, in which case it is considered a **pre-hearing**

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stipulation, or may be entered into at the first ECB hearing in which case it is considered a **hearing stipulation**. A reduced penalty will be imposed in connection with a pre-hearing stipulation in an amount indicated for the charge in question in the ECB Buildings Penalty Schedule. Specifically, the penalty imposed for that violation will be half of the penalty amount (rounded to the nearest dollar) of the penalty amount that would otherwise have been imposed at a hearing for that particular violation. In connection with a stipulation entered into at a hearing, a hearing penalty will be imposed in an amount indicated for the charge in question in the ECB Buildings Penalty Schedule. A stipulation, whether a pre-hearing stipulation or a hearing stipulation, gives the respondent seventy-five days from the first scheduled hearing date within which to correct the violation and file a certificate of correction, failing which any reduced penalty that may have been imposed in connection with a pre-hearing stipulation will be adjusted to the standard hearing penalty set forth in the ECB Buildings Penalty Schedule. A stipulation is effective only if it is approved by ECB. A pre-hearing stipulation dispenses with the need for a hearing at ECB. No stipulation shall take effect unless, in the case of a pre-hearing stipulation, it is offered by the Department prior to the first scheduled hearing date, signed by respondent prior to the first scheduled hearing date and approved by ECB in writing, or unless, in the case of a hearing stipulation, it is offered by the Department at the hearing, accepted by the respondent at that hearing, and is approved in writing by ECB. A violation that has been charged as an Aggravated II violation is never eligible for a stipulation, even if there is a "Yes" in the "Stipulation" column in the ECB Buildings Penalty Schedule for that violation description.

(3) Mitigation. An eligible violation may be subject to mitigation where the respondent proves at the hearing that the condition was corrected prior to the first scheduled hearing date at ECB. Violations that are eligible for mitigation are indicated as such on the ECB Buildings Penalty Schedule. A penalty is imposed on mitigations in accordance with the ECB Buildings Penalty Schedule. If a mitigated penalty is imposed, that penalty will be half of the penalty amount of the penalty amount that would otherwise have been imposed at a hearing for that particular violation. An acceptable certificate of correction must thereafter be filed at the Department. A violation that has been charged as an Aggravated II violation is never eligible for mitigation, even if there is a "Yes" in the "Mitigation" column in the ECB Buildings Penalty Schedule for that violation description.

(e) Certificate of correction review procedures.

(1) The Department shall review all certificates and accompanying documentation to determine their acceptability.

(2) The Department shall notify the respondent if the certification is accepted or rejected and, if rejected, the reasons for the rejection and the documents necessary to correct the problem.

(3) Corrected certifications must be received by the Department no later than the close of business forty days from

the date of the Commissioner's order to correct set forth in the NOV.

(f) Aggravated penalties. Aggravated penalties shall be imposed in accordance with the ECB Buildings Penalty Schedule and with the following provisions. Notice of aggravated penalties shall either be set forth in the NOV or otherwise provided to the respondent prior to the date of the first scheduled hearing at ECB.

(1) Aggravated penalties of the first order. Aggravated penalties of the first order ("Agg. I") shall be imposed when evidence establishes the same condition or the same charge under the New York City Construction Codes or the predecessor charge under the laws in effect prior to July 1, 2008 in a prior enforcement action against the same owner or responsible party during the previous three years.

(2) Aggravated penalties of the second order. Aggravated penalties of the second order ("Agg. II") shall be imposed in the following instances:

(i) When the respondent or defendant is found in violation of any law or rule enforced by the Department where the violation of law is accompanied by or results in a fatality or serious injury or where the violating condition affects a significant number of people; or

(ii) Where the respondent or defendant refuses to give the Department requested information necessary to determine the condition of a building or site; or

(iii) Where the respondent or defendant has a history of non-compliance with laws or rules enforced by the Department at one or more locations, including but not limited to a pattern of unreasonable delays in correcting violations, a pattern of failing to obey Stop Work Orders, filing false documents, or multiple defaults.

(iv) For purposes of this section, "in violation" shall mean to be adjudged in violation of any law or rule enforced by the Department following a hearing, to admit the charge, or to sign a stipulation agreement either at or before a hearing before any administrative or judicial tribunal. Failure to appear at a hearing leading to entry of a default order or judgment shall also be deemed a finding "in violation."

(g) Additional Daily and Monthly Penalties. Additional daily penalties may be imposed in connection with certain continuing and uncorrected Class 1 violations. Additional monthly penalties may be imposed in connection with certain continuing and uncorrected Class 2 violations. If the Department seeks such penalties in connection with a particular Class 1 or Class 2 charge, that will be indicated on the NOV. Such daily or monthly penalties, if applicable, are in addition to the set, flat-amount penalty that also is indicated in the ECB Buildings Penalty Schedule as applicable to the type of violation in question taking into account the classification level and Aggravated level of the particular violation. Imposition of such additional daily and monthly penalties is authorized pursuant to Section 28-202.1 of the New York City Administrative Code.

(1) Accrual of Daily Penalties. Daily penalties, if applicable, will accrue at the rate of \$1,000 per day for a total of forty-five days running from the date of the Commissioner's order to

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correct set forth in the NOV, unless the violating condition is proved by the respondent at the hearing to have been corrected prior to the end of that forty-five day period, in which case the daily penalties will accrue for every day up to the date of that proved correction.

(2) **Accrual of Monthly Penalties.** Monthly penalties, if applicable, accrue at the rate of \$250 per month for a total of one month running from the date of the Commissioner's order to correct set forth in the NOV, unless the violating condition is proved by the respondent at the hearing to have been corrected prior to the end of a month period.

(h) **Applicability.** On and after July 1, 2008 any work performed without a required permit will be presumed subject to enforcement under the New York City Construction Codes. Thus, the option afforded by 28-101.4 to use *[the] either the 1968 Building Code or the New York City Construction Codes applies only to work for which an application is filed with the Department. If and when the work is the subject of an application to legalize, the option will be available once again.

**As enacted but probably not intended.*

(i) **Legal References.** The legal references referred to in the table below that reflects the classification of violations include the following:

(1) Title 28 of the New York City (NYC) Administrative Code. References to Title 28 of the NYC Administrative Code begin with "28-" (for example, "28-201.1"). The citation "28-Misc." refers to provisions of Title 28 that are not specifically designated elsewhere in the table.

(2) Title 27 of the NYC Administrative Code (also known as the "1968 Building Code"). References to title 27 of the NYC Administrative Code begin with "27-" (for example, "27-371"). The citation "27-Misc." refers to provisions of Title 27 that are not specifically designated elsewhere in the table.

(3) The "New York City Construction Codes," which consist of:

- The New York City plumbing code (PC)
- The New York City building code (BC)
- The New York City mechanical code (MC)
- The New York City fuel gas code (FGC).

References to these New York City Construction Codes are designated by the various abbreviations set out above (for example, "BC3010.1"). The citations "BC-Misc.", "PC-Misc.", "MC-Misc." and "FGC-Misc." refer to provisions of the New York City building, plumbing, mechanical or fuel gas codes that are not specifically designated elsewhere in the table.

(4) **Appendices to the New York City Construction Codes.** The New York City Construction Codes include all enacted appendices. Administrative Code §28-102.6. References to Appendices are cited by using the abbreviation for the particular Construction Code followed by the applicable Appendix letter (for example, "H") followed by the applicable section number (for example, "BC H103.1").

(5) The NYC Zoning Resolution (ZR) and the Rules of the City of New York (RCNY). References to the Zoning Resolution and to the Rules of the City of New York are

designated by the abbreviations "ZR" and "RCNY" (for example, "ZR25-41"; "1 RCNY9-01"). The citations "1 RCNY-Misc." and "ZR-Misc." refer to provisions of 1 RCNY or the Zoning Resolution that are not specifically designated elsewhere in the table.

(6) **Reference Standards** that pertain to Title 27 of the NYC Administrative Code (RS). References to the Reference Standards are designated by the abbreviation set out above (for example, "RS-16"). The citation "RS-Misc." refers to Reference Standards that are not specifically designated elsewhere in the table.

(7) **Citations to the New York City Construction Codes.** Whenever a section or subdivision of the New York City Construction Codes is cited or referred to, subordinate consecutively numbered subdivisions or paragraphs of the cited provision are deemed to be included in such reference unless the context or subject matter requires otherwise.

(j) **Classification of particular violations.** Particular violations shall be classified as indicated in the following table:

Section of Law	Classification	Violation Description
1 RCNY-Misc, RS-Misc	Class 1	Miscellaneous violations.
1 RCNY-Misc, RS-Misc	Class 2	Miscellaneous violations.
1 RCNY-Misc, RS-Misc	Class 3	Miscellaneous violations.
1 RCNY 27-03	Class 1	Prohibited sign on sidewalk shed or construction fence.
1 RCNY 9-01	Class 1	Licensed Rigger designated an unqualified foreman.
1 RCNY 9-01	Class 2	Licensed Rigger designated an unqualified foreman.
1 RCNY 9-03	Class 1	Licensed Rigger failed to ensure scaffold worker met minimum req.
1 RCNY 9-03	Class 2	Licensed Rigger failed to ensure scaffold worker met minimum req.
27-185 & BC 3007.1	Class 2	Operation of an elevator without equipment use permit or service equipment Certificate of Compliance.

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27-228.5	Class 2	Failure to file an Architect/Engineer report certifying exit/directional signs are connected to emergency power source/ storage battery equipment.
27-369 & BC 1020.2	Class 1	Failure to provide un-obstructed exit passageway.
27-371 & BC 715.3.7	Class 2	Exit door not self-closing.
27-382 & BC 1006.3	Class 2	Failure to provide power for emergency exit lighting.
27-383(b) & BC 403.16	Class 1	Failure to install photo-luminescent exit path marking in a high-rise building.
27-391 & BC 3002.3	Class 2	Emergency signs at elevator call stations missing, defective or non-compliant with section requirements.
27-393 & BC 1019.1.7	Class 2	Stair identification signs missing and/or defective.
27-509 & BC 3111.1	Class 3	Fence exceeds permitted height.
27-528 & BC 1024.1.3	Class 2	Approved Place of Assembly plans not available for inspection.
27-901(z)(1) & PC 301.6	Class 2	Piping installed in elevator/ counterweight hoistway.
27-904 & FGC 406.6.2	Class 1	Gas being supplied to building without inspection and certification by DOB.
27-904 & FGC 406.6.2	Class 2	Gas being supplied to building without inspection and certification by DOB.
27-921(a) & PC 107.3	Class 1	Failure to have new or altered plumbing system tested.
27-921(a) & PC 107.3	Class 2	Failure to have new or altered plumbing system tested.
27-972(h) & BC 907.2.12.3	Class 2	Failure to install an acceptable two-way voice communication system with central station connection.
27-Misc, 28-Misc, BC -Misc	Class 1	Miscellaneous violations.
27-Misc, 28-Misc, BC -Misc	Class 2	Miscellaneous violations.

27-Misc, 28-Misc, BC -Misc	Class 3	Miscellaneous violations.
28-104.2.2	Class 2	Failure to provide approved/ accepted plans at job site at time of inspection.
28-105.1	Class 2	Failed to obtain a temporary construction permit prior to installation/use of sidewalk shed.
28-105.1	Class 1	Work without a permit.
28-105.1	Class 2	Work without a permit.
28-105.1	Class 3	Work without a permit.
28-105.1	Class 2	Work without a permit: Expired permit.
28-105.1	Class 1	Construction or alteration work w/o a permit in manufacturing district for residential use.
28-105.1	Class 2	Construction or alteration work w/o a permit in manufacturing district for residential use.
28-105.1	Class 1	Demolition work without required demolition permit
28-105.1	Class 1	Plumbing work without a permit in manufacturing district for residential use.
28-105.1	Class 2	Plumbing work without a permit in manufacturing district for residential use.
28-105.1	Class 2	Outdoor sign on display structure without a permit.
28-105.1	Class 1	Outdoor Ad Co sign on display structure without a permit.
28-105.12.2	Class 2	Work does not conform to approved construction documents and/or approved amendments.
28-105.12.2	Class 3	Work does not conform to approved construction documents and/or approved amendments.
28-105.12.2	Class 1	Work does not conform to approved construction documents and/or approved amendments in a manufacturing district for residential use.

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28-105.12.2	Class 2	Work does not conform to approved construction documents and/or approved amendments in a manufacturing district for residential use.
28-105.12.2	Class 1	Place of Assembly contrary to approved construction documents.
28-105.12.2	Class 2	Place of Assembly contrary to approved construction documents.
28-105.12.2	Class 1	Outdoor Ad Co sign is contrary compliance with construction documents.
28-117.1	Class 1	Operation of a Place of Assembly without a current Certificate of Operation.
28-117.1	Class 2	Operation of a Place of Assembly without a current Certificate of Operation.
28-118.2	Class 1	New building or open lot occupied without a valid certificate of occupancy.
28-118.3	Class 1	Altered/changed building occupied without a valid Certificate of Occupancy as per §28-118.3.1 - §28-118.3.2.
28-118.3	Class 2	Altered/changed building occupied without a valid Certificate of Occupancy as per §28-118.3.1 - §28-118.3.2.
28-118.3	Class 1	Change in occupancy/use of C of O as per §28-118.3.1 - §28-118.3.2 by operating a Place of Assembly as per when current C of O does not allow such occupancy.
28-118.3	Class 2	Change in occupancy/use of C of O as per §28-118.3.1 - §28-118.3.2 by operating a Place of Assembly as per when current C of O does not allow such occupancy.
28-118.3.2	Class 1	Occupancy contrary to that allowed by the Certificate of Occupancy or Building Department records.
28-118.3.2	Class 2	Occupancy contrary to that allowed by the Certificate of Occupancy or Building Department records.

28-118.3.2	Class 3	Occupancy contrary to that allowed by the Certificate of Occupancy or Building Department records.
28-202.1	Class 1	Additional daily penalty for Class 1 violation of 28-210.1 - 1 or 2 family converted to greater than 4 family.
28-202.1	Class 2	Additional monthly penalty for continued violation of 28-210.1
28-202.1	Class 1	Additional daily civil penalties for continued violations.
28-202.1	Class 2	Additional monthly civil penalties for continued violations.
28-202.1	Class 2	Additional monthly penalty for continued violation of 28-210.2
28-204.4	Class 2	Failure to comply with the commissioner's order to file a certificate of correction with the Department of Buildings.
28-207.2.2	Class 1	Unlawfully continued work while on notice of a stop work order.
28-210.1	Class 1	Residence altered for occupancy as a dwelling from 1 or 2 families to greater than 4 families.
28-210.1	Class 2	Residence altered for occupancy as a dwelling for more than the legally approved number of families
28-210.2	Class 2	Maintain or permit conversion of industrial/manufacturing bldg to residential use w/out C of O/code compliance
28-210.2	Class 2	Plumbing work contrary to approved app'n/plans that assists/maintains convers'n of indust/manuf occupancy for resid use
28-211.1	Class 1	Filed a certificate, form, application etc., containing a material false statement(s).
28-301.1	Class 1	Failure to maintain building in code-compliant manner.

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28-301.1	Class 2	Failure to maintain building in code-compliant manner.
28-301.1	Class 3	Failure to maintain building in code-compliant manner.
28-301.1	Class 1	Failure to maintain building in code-compliant manner: Use of prohibited door and/or hardware per BC 1008.1.8; 27-371(j).
28-301.1	Class 2	Failure to maintain building in code-compliant manner: Use of prohibited door and/or hardware per BC 1008.1.8; 27-371(j).
28-301.1	Class 1	Failure to maintain building in code-compliant manner: illumination for exits, exit discharges and public corridors per BC 1006.1;27-381.
28-301.1	Class 2	Failure to maintain building in code-compliant manner: illumination for exits, exit discharges and public corridors per BC 1006.1;27-381.
28-301.1	Class 1	Failure to maintain building in code-compliant manner: floor numbering signs missing and/or defective per BC 1019.1.7;27-392
28-301.1	Class 2	Failure to maintain building in code-compliant manner: floor numbering signs missing and/or defective per BC 1019.1.7;27-392
28-301.1	Class 1	Failure to maintain building in code-compliant manner: high-rise to provide exit sign requirement(s) within exits per BC 1011.1.1; 27-383.1.
28-301.1	Class 2	Failure to maintain building in code-compliant manner: high-rise to provide exit sign requirement(s) within exits per BC 1011.1.1;27-383.1.
28-301.1	Class 1	Failure to maintain building in code-compliant manner: lack of emergency power or storage battery connection to exit signs per BC 1011.5.3; 27-384 (c).
28-301.1	Class 1	Failure to maintain building in code-compliant manner: lack of emergency lighting for exits, exit discharges and public corridors per BC 1006.1; 27-542.

28-301.1	Class 2	Failure to maintain building in code-compliant manner: lack of emergency lighting for exits, exit discharges and public corridors per BC 1006.1; 27-542.
28-301.1	Class 2	Failure to maintain building in code-compliant manner: failure to provide non-combustible proscenium curtain per BC410.3.5; 27-546.
28-301.1	Class 1	Failure to maintain building in code-compliant manner: no fire stopping per BC 712.3; 27-345.
28-301.1	Class 2	Failure to maintain building in code-compliant manner: no fire stopping per BC 712.3; 27-345.
28-301.1	Class 1	Failure to maintain building in code-compliant manner: Improper exit/exit access doorway arrangement per BC 1014.2; 27-361.
28-301.1	Class 1	Failure to maintain building in code-compliant manner: service equipment – elevator per BC 3001.2; 27-987.
28-301.1	Class 2	Failure to maintain building in code-compliant manner: service equipment – elevator per BC 3001.2; 27-987.
28-301.1	Class 3	Failure to maintain building in code-compliant manner: service equipment – elevator per BC 3001.2; 27-987.
28-301.1	Class 1	Failure to maintain building in code-compliant manner: service equipment – boiler.
28-301.1	Class 2	Failure to maintain building in code-compliant manner: service equipment – boiler.
28-301.1	Class 3	Failure to maintain building in code-compliant manner: service equipment – boiler.
28-301.1	Class 1	Failure to maintain building in code-compliant manner: lack of a system of automatic sprinklers where required per BC 903.2; 27-954.

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28-301.1	Class 2	Failure to maintain building in code-compliant manner: lack of a system of automatic sprinklers where required per BC 903.2; 27-954.
28-301.1	Class 2	Failure to maintain building in code-compliant manner: installation/maintenance of plumbing materials/equipment per PC102.3;27-902.
28-301.1	Class 2	Failure to maintain building in code-compliant manner: Gas vent reduced or undersized as per FGC 504.2; 27-887.
28-301.1	Class 2	Failure to maintain building in code-compliant manner: failure to comply with law for water supply system per PC 602.3; 27-908(c).
28-301.1	Class 2	Failure to maintain building in code-compliant manner: failure to comply with law for drainage system per PC 702.1; 27-911.
28-301.1	Class 2	Failure to maintain building in code-compliant manner: Plumbing fixture(s) not trapped and/or vented per PC 916.1 & PC 1002.1; 27-901(o).
28-301.1	Class 1	Failure to maintain building in code-compliant manner: Misc sign violation by Outdoor Ad Co as per 27-498 through 27-508 & BC H103.1.
28-301.1	Class 2	Failure to maintain sign in accordance w Tit.27;Tit.28; ZR;RCNY
28-302.1	Class 1	Failure to maintain building wall(s) or appurtenances.
28-302.1	Class 2	Failure to maintain building wall(s) or appurtenances.
28-302.1	Class 3	Failure to maintain building wall(s) or appurtenances.
28-302.4	Class 2	Failure to submit a required report of critical examination documenting condition of exterior wall and appurtenances.

28-302.5	Class 2	Failure to file an amended report acceptable to this Department indicating correction of unsafe conditions.
28-303.7	Class 2	Failure to file complete boiler inspection report.
28-401.16	Class 2	Held self out as licensed, certified, registered etc., to perform work requiring a DOB license w/o obtaining such license.
28-401.9	Class 1	Failure to file evidence of liability &/or property damage insurance.
28-401.9	Class 1	Failure to file evidence of compliance with Workers Comp, law and/or disability benefits law.
28-404.1	Class 1	Supervision or use of rigging equipment without a Rigger's license.
28-404.4.1	Class 2	Licensed Master/Special Rigger failed to place appropriate "Danger" sign while using rigging equipment.
28-405.1	Class 1	Supervision or use of power-operated hoisting machine without a Hoisting Machine Operator's license.
28-405.1	Class 2	Supervision or use of power-operated hoisting machine without a Hoisting Machine Operator's license.
28-408.1	Class 2	Performing unlicensed plumbing work without a master plumber license.
28-502.6	Class 1	Misc sign viol'n by outdoor ad co of Tit.27;Tit.28;ZR;or BC
BC 1016.2	Class 2	Failure to maintain building in code-compliant manner: provide required corridor width per BC 1016.2; 27-369
BC 3010.1 & 27-1006	Class 1	Failure to promptly report an elevator accident involving personal injury requiring the services of a physician or damage to property.
BC 3301.2 & 27-1009(a)	Class 1	Failure to safeguard all persons and property affected by construction operations.

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BC 3301.2 & 27-1009(a)	Class 2	Failure to safeguard all persons and property affected by construction operations.
BC 3301.2 & 27-1009(a)	Class 1	Failure to institute/maintain safety equipment measures or temporary construction – No guard rails
BC 3301.2 & 27-1009(a)	Class 1	Failure to institute/maintain safety equipment measures or temporary construction – No toe boards.
BC 3301.2 & 27-1009(a)	Class 1	Failure to institute/maintain safety equipment measures or temporary construction – No handrails.
BC 3301.9 & 27-1009 (c)	Class 2	Failure to provide/post sign(s) at job site pursuant to subsection.
BC 3303.3 & 27-1020	Class 2	Failure to post D.O.T. permit for street/sidewalk closing.
BC 3303.4 & 27-1018	Class 2	Failure to maintain adequate housekeeping per section requirements.
BC 3304.3 & 1 RCNY 52-01(a)	Class 1	Failure to notify the Department prior to the commencement of earthwork.
BC 3304.3 & 1 RCNY 52-01(b)	Class 2	Failure to notify the Department prior to the cancellation of earthwork.
BC 3304.4 & 27-1032	Class 1	Failure to provide protection at sides of excavation.
BC 3306 & 27-1039	Class 1	Failure to carry out demolition operations as required by section.
BC 3306.2.1	Class 1	Failure to provide safety zone for demolition operations.
BC 3306.3 & 27-195	Class 1	Failure to provide required notification prior to the commencement of demolition.
BC 3306.5	Class 1	Mechanical demolition without plans on site.
BC 3307.3.1 & 27-1021(a)	Class 1	Failure to provide sidewalk shed where required.
BC 3307.6 & 27-1021	Class 2	Sidewalk shed does not meet code specifications.
BC 3307.7 & 27-1021(c)	Class 2	Job site fence not constructed pursuant to subsection.
BC 3309.4 & 27-1031	Class 1	Failure to protect adjoining structures during excavation operations.
BC 3310.5 & 27-1009(d)	Class 1	Failure to have Site Safety Manager or Coordinator present as required.
BC 3314.2 & 27-1042	Class 1	Erected or installed supported scaffold 40 feet or higher without a permit.
BC 3314.1.1 & 27-1050.1	Class 2	Failed to notify Department prior to use/inst. *off C-hooks/outrigger beams in connection with Suspended Scaffold
BC 3314.4.3.1 & 27-1045	Class 1	Failure to perform safe/proper inspection of suspended scaffold.
BC 3314.4.3.1 & 27-1045(b)	Class 1	No record of daily inspection of Suspended Scaffold performed by authorized person at site.
BC 3314.4.5 & 26-204.1 (a)	Class 1	Erected, dismantled repaired, maintained, modified or removed supported scaffold without a scaffold certificate of completion.
BC 3314.4.5 & 26-204.1 (a)	Class 2	Erected, dismantled repaired, maintained, modified or removed supported scaffold without a scaffold certificate of completion.
BC 3314.4.6 & 26-204.1 (c)	Class 1	Use of supported scaffold without a scaffold user certificate.
BC 3314.4.6 & 26-204.1 (c)	Class 2	Use of supported scaffold without a scaffold user certificate.
BC 3314.6.3 & 27-1009	Class 1	Failure to provide/use lifeline while working on scaffold.
BC 3314.6.3 & 27-1009	Class 2	Failure to provide/use lifeline while working on scaffold.
BC 3316.2 & BC 3319.1 & 27-1054	Class 1	Inadequate safety measures: Oper'n of crane/ derrick/ hoisting equip in unsafe manner).**
BC 3319.3	Class 1	Operation of a crane/derrick without a Certificate of Operation.
BC 3319.3 & 27-1057(b)	Class 2	Operation of crane/derrick without Certificate of Approval/Certificate of Operation.
BC 3319.3 & 27-1057(d)	Class 2	Operation of a crane/derrick without a Certificate of Onsite Inspection.

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PC-Misc, FGC-Misc, MC-Misc	Class 1	Miscellaneous violations.
PC-Misc, FGC-Misc, MC-Misc	Class 2	Miscellaneous violations.
PC-Misc, FGC-Misc, MC-Misc	Class 3	Miscellaneous violations.
RS 6-1	Class 1	Failure to file affidavits and/or comply with other requirements set forth for photoluminescent exit path marking.
ZR 42-543	Class 1	Outdoor Ad Co sign in M Dist exceeds height limit.
ZR 22-00	Class 2	Illegal use in residential district.
ZR 22-32	Class 1	Outdoor Ad Co has impermissible advertising sign in an R Dist.
ZR 22-342	Class 1	Outdoor Ad Co sign in R Dist exceeds height limits.
ZR 25-41	Class 2	Violation of parking regulations in a residential district.
ZR 25-41	Class 3	Violation of parking regulations in a residential district.
ZR 32-00	Class 2	Illegal use in a commercial district.
ZR 32-63	Class 1	Outdoor Ad Co advertising sign not permitted in specified C Dist.
ZR 32-64	Class 2	Sign(s) in specified C Dist exceed(s) surface area restrictions.
ZR 32-64	Class 1	Outdoor Ad Co sign(s) in specified C Dist exceed surface area limits.
ZR 32-652	Class 2	Sign in specified C Dist extends beyond street line limitation.
ZR 32-653	Class 2	Prohibited sign on awning, canopy, or marquee in C Dist.
ZR 32-655	Class 1	Outdoor Ad Co sign exceeds permitted height for specified C Dist.
ZR 42-00	Class 2	Illegal use in a manufacturing district.
ZR 42-52	Class 1	Outdoor Ad Sign not permitted in M Dist.

ZR 42-53	Class 1	Outdoor Ad sign in M Dist exceeds surface area limits.
ZR-Misc	Class 2	Miscellaneous violations of the Zoning Resolution.
ZR-Misc	Class 3	Miscellaneous violations of the Zoning Resolution.
ZR-Misc.	Class 1	Misc sign violation under the Zoning Resolution by an Outdoor Ad Co
ZR-Misc.	Class 2	Misc sign violation under the Zoning Resolution

**As enacted but "of" probably intended.*

***As enacted but "y)" probably not intended.*

§102-02 Compensation of registered design professionals in accordance with section 28-216.6 of the administrative code.

In accordance with the provisions of Administrative Code section 28-216.6, registered design professionals appointed by a recognized professional organization to act on any survey or appointed to resolve disagreement between surveyors shall each be paid the sum of one hundred dollars.

***Subchapter D**

***§104-08 Qualifications for site safety manager and site safety coordinator certificates.**

**Note: There is a numerical gap in numbering.*

(a) *Site safety managers.* The Department of Buildings shall issue a site safety manager certificate to an individual who shall have satisfied the requirements of section 28-402.2 of the Administrative Code.

(1) For purposes of satisfying the requirements of section 28-402.2 of the Administrative Code, equivalent education and construction experience shall consist of successful completion within two years of application for certification of an OSHA 30-hour safety course and one of the following:

(i) Eight years of experience within 10 years prior to the date of the application as a building code enforcement official charged with enforcement of the provisions of the New York City Building Code. The enforcement must have included inspections of major buildings under construction and thus this basis for qualification excludes officials whose primary role is to perform inspections of occupied or vacant buildings; or

(ii) Eight years of field experience working on buildings within 10 years prior to the date of the application as a safety official for a governmental entity or construction firm or as a safety manager or safety engineer for a safety consulting firm specializing in construction. The experience must have included 4 years relevant work on major buildings under construction; or

(iii) Successful completion of a New York State Apprenticeship Program for Site Safety Manager approved by the Department; or

(iv) Ten years of experience within 12 years prior to the date of the application working in a relevant construction trade with plans in furtherance of building construction, five years of which must have been on major buildings under construction and three of those five years must have been in

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an on-site supervisory position.

(A) For purposes of this subdivision, each year of formal training or education in a program with emphasis on construction at a college, technical or trade school may be substituted for one year of construction work up to a maximum of three years.

(v) Experience acquired pursuant to this subdivision must have been full-time experience acquired in the United States.

(2) A holder of a site safety manager certificate may not simultaneously hold either an active site safety coordinator certificate or an active registration as a superintendent of construction.

(3) An acceptable 18 month on-the-job training program shall include the following:

(i) The buildings worked on must have been major buildings;

(ii) The work must have been performed under the direct and continuing supervision of a certified site safety manager. For purposes of this subdivision, direct and continuing supervision shall include daily training at the location specified in the monthly summaries in the presence of the supervising certified site safety manager;

(iii) The training program must have been full-time and paid;

(iv) Dated and notarized summaries must have been completed by the certified supervising site safety manager at the end of every month specifying the location and nature of the construction activity at the location for the month covered;

(v) The program must cover all phases of construction and must specify precisely the activity in which the trainee was engaged for the month covered by each monthly summary, including but not limited to excavation, foundation work, plumbing, electrical, and mechanical;

(vi) The supervising certified site safety manager may supervise a maximum of two trainees simultaneously;

(vii) Completion within two years of application for certification of an OSHA 30-hour safety course.

(b) *Site Safety Coordinators.* The Department of Buildings shall issue a site safety coordinator certificate to an individual who shall have satisfied the requirements of section 28-403.2 of the Administrative Code.

(1) For purposes of satisfying the requirements of section 28-403.2 of the Administrative Code, equivalent education and construction experience shall consist of successful completion within two years of application for certification of an OSHA 30-hour safety course and one of the following:

(i) Five years of experience within 10 years prior to the date of the application as a building code enforcement official charged with enforcement of the provisions of the New York City Building Code. The enforcement must have included inspections of major buildings under construction and thus this basis for qualification excludes officials whose primary role is to perform inspections of occupied or vacant buildings; or

(ii) Five years of field experience working on buildings within 10 years prior to the date of the application as a safety official for a governmental entity or construction firm or as a

safety manager or safety engineer for a safety consulting firm specializing in construction. The experience must have included 2.5 years relevant work on major buildings under construction; or

(iii) Five years of experience within 10 years prior to the date of the application working in a relevant construction trade with plans in furtherance of building construction, three years of which must have been on major buildings under construction and two of those three years must have been in an on-site supervisory position.

(A) For purposes of this subdivision, each year of formal training or education in a program with emphasis on construction at a college, technical or trade school may be substituted for one year of construction work up to a maximum of two years.

(iv) Experience acquired pursuant to this rule must have been full-time experience acquired in the United States.

(2) A holder of a site safety coordinator certificate may not simultaneously hold either an active site safety manager certificate or an active registration as a superintendent of construction.

(3) Applicants for a site safety coordinator certificate shall not be required to take an examination in order to qualify for the certificate.

(c) The term "major building" as used in this rule shall have the meaning given to it in Chapter 33 of the New York City Building Code.

APPENDIX A

DEPARTMENT OF BUILDINGS

Promulgation of Amendments to Regulations Relating to Public Access to Records

Pursuant to Section 1105 of the New York City Charter and by virtue of the authority vested in me as Commissioner of Buildings by Section 643 of such Charter, herewith promulgated are the following amendments to regulations of the Commissioner of Buildings relating to Regulations Relating to Public Access to Records.

REGULATIONS RELATING TO PUBLIC ACCESS TO RECORDS

RULE 1. PURPOSE- The Department of Buildings, in full accordance with the letter and spirit of the State Freedom of Information Law, effective September 1, 1974, does hereby enact regulations to permit all members of the public access to its records.

RULE 2. DEFINITIONS-(a) the term "records" shall mean all information on file which the Department of Buildings is authorized to disclose to the public pursuant to Article 6 of the Public Officers Law and Section 1113 and 1114 of the New York City Charter. Records shall be classified in two categories as follows:

(1) *Records routinely made available for public inspection.* Such records include, but are not limited to: building applications, plans, certificates of occupancy, index cards and index printouts, violations and complaints with the complainant's name and address deleted.

(2) Records not routinely made available for public inspection.

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(b) The term "offices" shall mean the offices of the Department of Buildings which are located at the addresses provided in the City's website, <http://www.nyc.gov>.

RULE 3. AVAILABILITY-(a) Routine records may be requested at the office where such records are maintained. Requests for said records should be made to the Records Control Officer in the respective office or his/her designee.

(b) Requests for copies or the viewing of records which are not routinely available for public inspection must be made in writing to the Records Access Officer, General Counsel's Office, Department of Buildings (address provided in the City's website, <http://www.nyc.gov>).

(c) Records are available for public inspection and copying on weekdays and, except holidays, during regular business hours which may vary from office to office.

RULE 4. DESIGNATION OF RECORDS CONTROL OFFICERS- The respective records control officers of the Department of Buildings for the respective offices are hereby designated as follows:

(a) Executive offices

(1) Materials and Equipment Acceptance Division-Director

(2) Division of Cranes and Derricks-Assistant Commissioner

(3) Central Billing Section - Director of Fiscal Operations

(b) Borough offices

(1) Borough of Manhattan- Borough Manager

(2) Borough of The Bronx- Borough Manager

(3) Borough of Brooklyn- Borough Manager

(4) Borough of Queens- Borough Manager

(5) Borough of Staten Island - Borough Manager

(c) Boiler Division Office - Chief, Boiler Division

(d) Elevator Division Office - Director, Elevator Division

(e) Bureau of Electrical Control- Director

Existing Rules 5, 6, 7 and 8, which were effective September 1, 1974, are deleted and proposed Rules 5 and 6 are added.

RULE 5. FEES- A maximum fee of twenty-five cents is to be charged for each photocopy of departmental records not in excess of nine inches by fourteen inches except for certificates of pending violations (violation searches) and photocopies of individual violations. The fee for certificates of pending violations and for photocopies of individual violations will remain as stated in Section 26-214 of the Building Code. This exception from the twenty-five cents maximum fee limit, which applies to violation searches and copies of violations, does not apply to copies of Bureau of Electrical Control notice of violations and certificates of electrical inspection. The fee charged for any photocopy of departmental records which is larger than nine inches by fourteen inches is to be the actual cost of reproduction.

RULE 6. REVIEW OF DENIAL OF ACCESS- A denial by Records Access Officer may be appealed in writing within thirty days after the receipt of the denial. Appeals should be directed to the F.O.I.L. Appeals Officer (address provided in the City's website, <http://www.nyc.gov>)

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