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

Chapter
Section Rules

APPENDIX A
DEPARTMENT OF BUILDINGS

Promulgation of Amendments to Regulations Relating to Public Access to Records

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.

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

Mechanical Engineers ("ASME") Certificate of Authorization

(b) *Boiler identification and records.*

(1) The owner of a boiler or any other person acquiring a new or replacement boiler shall file the forms as shown in the instructions for "Boiler Filing Submission for Replacement, Repair, Installation or Legalization," where required.

(2) The Department of Buildings boiler number is to be affixed to the boiler by a non-combustible tag, painted on the boiler, or clearly visible and appropriately displayed in close proximity to the boiler.

(3) The Department of Buildings boiler numbers are to be used in all correspondence between qualified boiler inspectors and the Department. Boiler numbers can be obtained in any one of the borough offices via the public access terminals.

(4) The owner of a boiler is to notify the Department of Buildings Boiler Division within 30 days of the owner's change of address. The Department of Buildings boiler number is to be used in all correspondence.

(c) *Inspection and filing requirements.*

(1) All low pressure boiler annual inspection reports by qualified boiler inspectors shall be submitted on forms supplied by the Department of Buildings within 30 days following the inspection.

(2) "Low Pressure Boiler Annual Inspection Reports" are to be submitted with a $30.00 filing fee to the Department of Buildings.

(3) If an inspection reveals any dangerous condition in a boiler which threatens life or safety and which requires an immediate shut down of the boiler, the qualified boiler inspector must send immediate notification of the condition to the Chief Boiler Inspector at the Department of Buildings at the address provided in the City's website, http://www.nyc.gov.

(d) *Revocation of qualified boiler inspector's authorization to submit boiler inspection reports to the department.*

(1) qualified boiler inspector's failure to comply with any of these rules or a qualified boiler inspector's falsification of any form or inspection report filed with the Department may result in revocation of authorization to submit boiler inspection reports to the Department, pursuant to Rule 13-11 of Title 1 of the Rules of the City of New York (1 RCNY §13-01).

(e) *Low pressure boiler welding repairs.*

(1) All low pressure boiler welding repairs shall be performed by certified welders, as required by the New York State Industrial Code Rules 4-6.2 (12 NYCRR 4-6.2) and 14-3.2 (12 NYCRR 14-3.2).

(2) All welded repairs must have a metal tag attached to the weld. The metal tag shall list the name of the certified welder, the certified stamp number of the certified welder and the date of the welded repair.

(f) *Failure to comply.*

(1) The failure to comply with requirements relating to boiler inspections and welding repairs may result in the issuance of a notice of violation and related enforcement proceedings.

§2-02 Reduction of Penalties for Late Filing of Annual Low Pressure Boiler Inspection Reports.

(a) Pursuant to Section 27-793(c) of the New York City Administrative Code ("the code"), each owner of a boiler that is subject to periodic inspection must file with the Department an annual statement accompanied by a qualified boiler inspector's signed report of a boiler inspection. The first report must be filed within thirty (30) days of the installation of a new boiler. Thereafter, such report must be filed on or before December 31 of the year of each annual inspection.

(b) Penalties for the late filing of reports listed in (a) above are set forth in Section 26-125(d) of the code. Pursuant to Section 26-125(e) of the code, such penalties may be reduced in cases where [*sic*] sufficient evidence is submitted to prove that the required annual inspection was performed prior to December 31 of the year for which the inspection report was due or within thirty (30) days of initial installation but the inspection report was filed late. This rule sets forth the procedures that must be followed to obtain a reduction of penalties for the late filing of annual boiler inspection reports pursuant to Section 26-125(e).

(c) All requests for the reduction of penalties for the late filing of annual boiler inspection reports must be made in writing and accompanied by the supporting evidence listed in paragraphs (d) and (e) below. The requests must be addressed to the Department of Buildings, Boiler Division at the address provided in the City's website, http://www.nyc.gov.

(d) All requests for a reduction in penalties must be accompanied by a copy of the inspection report and by a notarized statement from the qualified boiler inspector who performed the inspection or from the authorized insurance company whose employee performed the inspection indicating the date that the required annual boiler inspection was performed. If the boiler inspection was performed by a licensed New York City Oil Burner Equipment Installer or a licensed New York City Master Plumber, the statement must contain the seal of the licensee.

(e) In addition to the statement listed in paragraph (d) above, additional evidence must be submitted to prove the date of inspection. Examples of such evidence include but are not limited to the following**:**

(1) Invoices for completed inspections;

(2) Canceled checks to qualified boiler inspectors for completed inspection;

(3) Route sheets of inspectors employed by authorized insurance companies indicating dates and addresses of inspections;

(4) Receipts of payment for completed inspections; and

(5) Executed contracts with authorized insurance companies and other qualified boiler inspectors indicating dates of inspection.

CHAPTER 3 VACANT AND UNGUARDED BUILDINGS

§3-01 Sealing and Protection of Vacant and Unguarded Buildings.

Where buildings are vacant, unguarded, open to unauthorized entry and are required to be sealed pursuant to the provisions of an unsafe building order issued by the Department of Buildings or a determination by the Department of Housing Preservation and Development that the condition is dangerous to life, health and safety, they shall be sealed and protected in the following manner:

(a) *Buildings with exterior walls constructed of brick or other masonry.*

(1) All exterior openings including door openings, which are in the cellar, basement and first story, or which are less than ten (10) feet from grade, shall be sealed with concrete block or stucco on plywood as provided below. All exterior openings which are on the course of a fire escape or are above the first

story and less than six (6) feet measured horizontally from an opening in an adjoining building shall be sealed with concrete block or stucco on plywood as provided below. One door opening, readily visible from the street, may, at the discretion of the owner, be sealed with a padlocked metal roll-up door, one (1) hour fire rating metal door or an exterior door of one (1) and three-quarter (3/4) inch solid wood covered with twenty six (26) U.S. gage [*sic*] galvanized metal with edging turned over and nailed with flat head galvanized nails. The door of solid wood shall be hung in such a manner that no screws are exposed on the outside of the door on either the hinges or the hasps. Hinges shall not have removable hinge pins. Two hasps and locks shall be provided, located so as to divide the height of the door in equal sections.

(2) *Concrete Block Seal.*

(i) Concrete block shall conform to the provisions of Reference Standard RS-10 of the New York City Building Code.

(ii) All door and window frames shall be removed before concrete blocks are installed. Brickwork which new concrete blocks will abut, shall be cleaned and thoroughly wetted before blocks are installed.

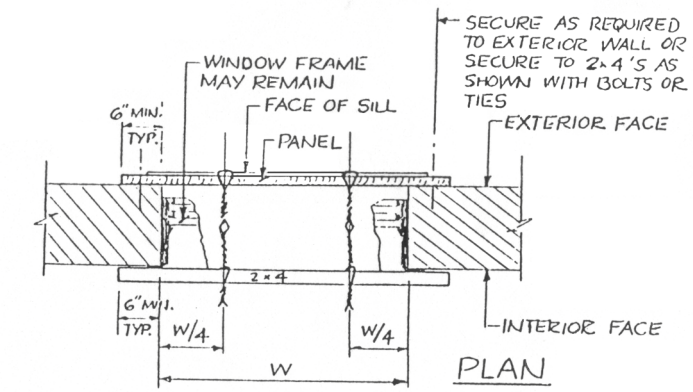
(iii) Doors and windows, not exceeding three (3) feet in width, shall be sealed with concrete block at least four (4) inches in thickness. Openings exceeding three (3) feet in width shall be sealed with concrete blocks at least eight (8) inches in thickness.

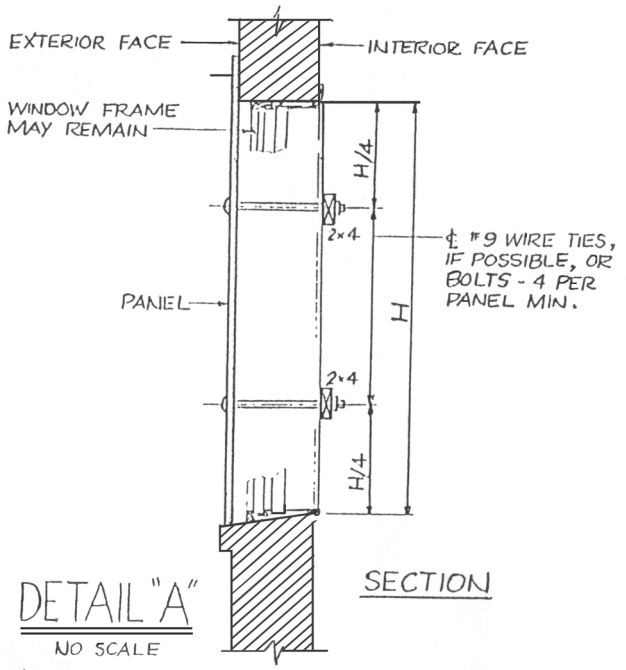
(iv) Concrete blocks shall be laid in masonry cement mortar with a mix of not more than three (3) parts of sand for each part of masonry cement by volume. Joints in masonry shall be broken and exterior faces shall be struck. Blocks shall not extend beyond the brick line. Masonry cement shall conform to the provisions of Reference Standards RS-10 of the Building Code.

(3) *Stucco on Plywood Seal.* (i) If the window frame is in a condition whereby plywood can be secured to it, five-eighths (5/8) inch CDX grade plywood shall be nailed into such frame openings with eight d (8d) common nails every twelve (12) inches. Galvanized wire lath [*sic*] shall then be nailed to plywood using one (1) inch roof nails every twelve (12) inches. Wire lath [*sic*] shall be covered by an one (1) inch coat of portland cement with a float finish. Cement shall not extend beyond the opening's brickline.

(ii) If a window or door frame is in a condition whereby such plywood cannot be secured to it, the frame shall be removed. The opening shall then be framed-out with new grade one (1) wood or metal two (2) x four (4) inch top and bottom plates with wood or metal studs every sixteen (16) inches on center.

(iii)Openings exceeding three (3) feet shall be framed-out





ALTERNATE METHOD OF SECURING PANELS TO WINDOW OPENINGS, SIMILAR FOR OTHER OPENINGS.

with new grade one (1) two (2) x four (4) inch top and bottom plates with wood or metal studs every sixteen (16) inches on center.

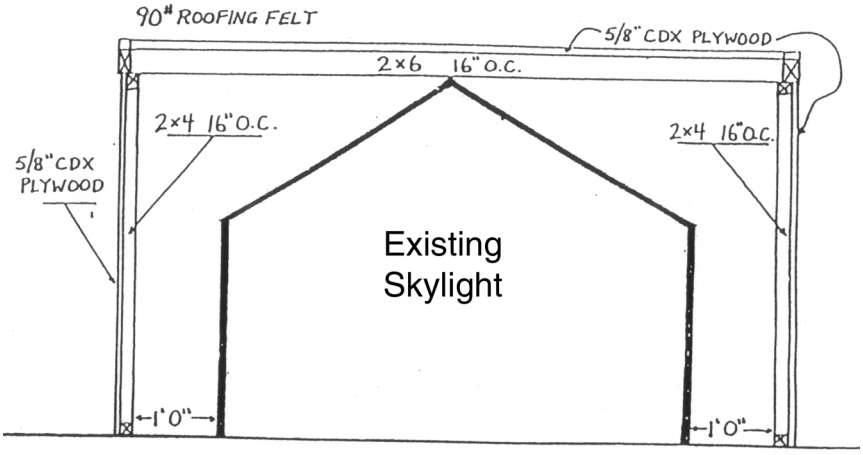
(b) *Buildings with exterior walls constructed of material other than masonry.* All exterior openings including door openings, which are in the cellar, basement and first story, on the course of a fire escape, are less than six (6) feet measured horizontally from an opening in an adjoining building or which are less than ten (10) feet from grade, shall be sealed with stucco on plywood as provided in this section or with five-eighths (5/8) inch CDX grade plywood which may be nailed directly to the window frame if such frame is in a condition that will enable such plywood to be attached, fastened directly to the exterior wall, or secured with bolts and battens in accordance with Detail "A" (annexed below). If such frame is not in a condition to enable such plywood to be attached, the opening shall be framed-out with new grade one (1) wood or metal two (2) x four (4) inch top and bottom plates with wood or metal studs every sixteen (16) inches on center. One door opening, readily visible from the street, may, at the discretion of the owner, be sealed with a padlocked metal roll-up door, one (1) hour fire rating metal door or an exterior door of one (1) and three-quarter (3/4) inch solid wood covered with twenty six (26) U.S. gage [*sic*] galvanized metal with edging turned over and nailed with flat head galvanized nails. The door of solid wood shall be hung in such a manner that no screws are exposed on the outside of the door on either the hinges or the hasps. Hinges shall not have removable hinge pins. Two hasps and locks shall be provided, located so as to divide the height of the door in equal sections.

(c) *Openings in roofs which are accessible from an adjoining building shall be sealed as follows:*

(1) Ventilating equipment and similar protruding structural elements in roofs shall be completely removed, except that dumbwaiter shafts extending above roof level need not be removed if the door opening into the shaft is sealed with concrete blocks or stucco on plywood. Openings remaining after removal of such equipment and/or protruding structural elements shall be sealed with one (1) inch thick tongue and groove boards, not less than six (6) inches in nominal width or with five-eighths (5/8) [*sic*] inch CDX plywood, nailed onto three (3)-inch by eight (8)-inch joists, not more than sixteen (16) inches on center. Joists shall be secured to the roof timbers framed about the openings in a sound and secure manner. Boards shall be covered with ninety (90) pound roofing felt secured by one (1) inch roofing nails every twelve (12) inches or roofing cement to provide a watertight durable cover. Skylights at the top of the dumbwaiter shafts shall be sealed by removing the assembly, framing out the opening with new grade one (1) two (2) x four (4) inch joists on edge, sixteen (16) inches on center and then covered with five-eighths (5/8) inch CDX grade plywood. Such plywood shall then be covered with ninety (90) pound roofing felt secured by one (1) inch roofing nails every twelve (12) inches or roofing cement to provide a watertight durable cover.

(2) Roof skylights shall be secured by constructing a frame which encloses all sides of the skylight. The frame shall be constructed using new grade one (1) two (2) x four (4) inch single bottom plate and double top plate with wood or metal studs every sixteen (16) inches on center. Bottom plates shall be nailed to the building's roof joists with sixteen d (16d) common nails or sixteen d (16d) concrete nails every twelve (12) inches. Top plates shall overlap at the corners. New grade one (1) two (2) x six (6) inch joists on edge with headers, every sixteen (16) inches on center, shall bear on top plates. The entire frame shall then be covered with five-eighths (5/8) inch CDX grade plywood. A watertight durable cover shall be provided on the top of the frame using (90) pound roofing felt secured by one (1) inch roofing nails every twelve (12) inches or roofing cement. A diagram for enclosure of roof skylight is provided at Detail "B" below.

(3) Public hall roof bulkheads shall be sealed as follows: Windows of bulkheads shall be removed and sealed with concrete blocks or stucco on plywood as provided in this section. Doors of bulkheads may be secured shut if the frame and door are in a condition whereby the door may be adequately secured. If not in such condition, the door and frame shall be removed and the opening shall be sealed with concrete blocks or stucco on plywood as provided in this section. Openings at top of roof bulkheads shall be sealed by removing the assembly, framing out the opening with new grade one (1)



Detail "B"
Enclosure For Roof Skylights

two (2) x eight (8) inch joists on edge, sixteen (16) inches on center and then covered with five-eighth (5/8) inch CDX grade plywood. Such plywood shall then be covered with ninety (90) pound roofing felt secured by one (1) inch roofing nails every twelve (12) inches or roofing cement to provide a watertight durable cover.

(d) *Notification to Utilities*. Notification shall be made to the steam, electric and gas utility companies which provide service to the buildings to request discontinuance of service to the buildings. In addition, water service to the building shall be discontinued and certification to that effect from the Department of Environmental Protection shall be filed with the department.

(e) *Rubbish Removal and Examination.* Prior to the completion of sealing of exterior openings as set forth in this section, all decomposable debris and rubbish shall be removed from the yards, courts and any area at the perimeter of the premises and the building shall be treated to exterminate rodents by a licensed exterminator.

(f) *Hazardous Combustible Material Within Buildings*. If hazardous materials which could cause a fire or explosion are discovered within the building, they shall be removed and disposed of in an appropriate manner prior to sealing.

§3-02 Obtaining Access to Keys of Sealed Premises.

(a) *Submission of Request.*

Persons wishing to have access to the keys to a premises sealed by the Department of Buildings must appear in person at the Executive Offices of the New York City Department of Buildings. At this time they must submit form OP-14, "Request for Access to Sealed Premises," with sections "A - Ownership Interest" and "B - Statement of Intent" both completed and notarized. Copies of the form are available at the Executive Offices of the Department of Buildings.

(b) *Verification of Ownership Interest.*

(1) The General Counsel's Office reviews the form to verify an ownership or leasehold interest in the premises.

The person seeking to obtain access must provide the General Counsel's Office with some identification including a photograph (e.g. driver's license, passport) and whatever document establishes the person's ownership or leasehold interest in the premises. Examples of such documents include the following:

(i) a copy of a recorded deed;

(ii) a signed lease, along with the owner's name(s), address(es) and telephone number(s);

(iii) a mortgage agreement;

(iv) a State certified Certificate of Incorporation;

(v) signed partnership documents; and

(vi) any other document deemed acceptable by the Commissioner.

(2) A representative of the General Counsel's Office will review the above documentation to verify ownership interest. If ownership interest is verified, the representative will sign and date the form where indicated. This representative gives a copy of the signed form to the person seeking to obtain access and gives the original form to the office of Borough Operations.

(c) *Obtaining the Key.*

(1) Once the General Counsel's Office signs the form verifying ownership interest, the person seeking to obtain access must bring the following documents to the Office of the Executive Chief Inspector to substantiate the affirmations required by subdivision c of Section 26-127.1 of the Administrative Code:

(i) a copy of Form OP-14 signed by the General Counsel's Office:

(ii) a copy of the computer index sheet listing the application and violations for the premises**;**

(iii) a copy of the vacate order;

(iv) a copy of all relevant outstanding violations;

(v) a copy of any relevant work permit issued by the Department of Buildings;

(vi) a copy of all relevant plans approved by the Department; and

(vii) any other document deemed necessary by the Commissioner.

(2) A representative of the office of the Borough Operations will review the above documentation to determine if the person has the requisite need to gain access to the premises. If it is determined that access should be granted, the representative of the office of the Borough Operations will:

(i) have a photograph taken of the person seeking to obtain access, initial the photograph and attach it to the form;

(ii) obtain a copy of the identification including a photograph (e.g. drivers license, passport) and attach it to the form;

(iii) indicate on the form reasons for granting access;

(iv) specify on the form the date by which the keys must be returned;

(v) sign the form; and

(vi) give a copy of both sides of the completed form to the person receiving the key.

(d) *Returning the key.*

(1) All keys must be returned to the office of Borough Operations by the date indicated on the form.

(2) If a vacate order has been rescinded, all locks and chains must be returned with the keys.

(3) In order to obtain an extension of time for keeping the key, the person seeking access must appear in person at the Executive Offices with a notarized letter stating the reason for this request. A representative from the office of Borough Operations will review the request and, if accepted, will note the new return date on the original form and initial the change. The notarized letter will be attached to the original form.

§3-03 Hearings to determine whether sealing orders were properly issued.

(1) Hearings to determine whether sealing orders were properly issued by the Department of Buildings may be arranged through the General Counsel's office. A person challenging a sealing order may obtain a hearing by submitting a written request to the office of the General Counsel.

(2) The office of Administrative Trials and Hearings (OATH) will be notified to schedule a hearing after the General Counsel's office receives the written request for the hearing. OATH will set the date and time for the hearing. The General Counsel's office will notify the person requesting the hearing as soon as OATH calendars the hearing. In the event that the person seeking the hearing fails to appear, the Commissioner's Order to seal the premises will remain in effect.

3-04 Obtaining Access to Keys of Premises Sealed Pursuant to §26-127.2 of the Administrative Code.

(a) *Submission of Request*. Persons wishing to have access to the keys to a premises sealed by the Department of Buildings

pursuant to §26-127.2 of the Administrative Code must appear in person at the Executive Offices of the New York City Department of Buildings. At this time they must submit the form, "Request for Access to Premises Sealed for Zoning Violations," with section "A - Ownership Interest" and "B - Statement of Intent" both completed and notarized. Copies of the form are available from the Administrative Enforcement Unit ("AEU") at the Executive Offices of the Department of Buildings.

(b) *Verification of ownership interest.* (1) The AEU reviews the form to verify an ownership or leasehold interest in the premises. The person seeking to obtain access must provide the AEU with some identification including a photograph (e.g. driver's license, passport) and whatever document establishes the person's ownership or leasehold interest in the premises. Examples of such documents include the following:

(i) a copy of a recorded deed;

(ii) a signed lease, along with the owner's name(s), address(es) and telephone number(s);

(iii)a mortgage agreement;

(iv)a State certified Certificate of Incorporation;

(v) signed partnership documents; and

(vi) any other document deemed accepted by the Commissioner.

(2) A representative of AEU shall review the above documentation to verify ownership interest. If ownership interest is verified, the representative will sign and date the form where indicated. A copy of the signed form shall be provided to the person seeking to obtain access.

(c) *Obtaining the key*. (1) Once the AEU signs the form verifying ownership interest, the person seeking to obtain access must submit copies of the following documents to the AEU:

(i) Form entitled "Request for Access to Premises Sealed for Zoning Violations," with section A signed by AEU;

(ii) the sealing order;

(iii)any other document deemed necessary by the commissioner.

(2) A representative of the AEU will review the above documentation to determine if the person has the requisite need to gain access to the premises. If it is determined that access should be granted, the representative of the AEU will:

(i) have a photograph taken of the person seeking to obtain access, initial the photograph and attach it to the form;

(ii) obtain a copy of the identification including a photograph (i.e. driver's license, passport) and attach it to the form;

(iii) indicate on the form reasons for granting access;

(iv)specify on the form the date by which the keys must be returned;

(v) sign the form; and

(vi) give a copy of both sides of the completed form to the person receiving the key.

(d) *Returning the key.* (1) All keys must be returned to the AEU by the date indicated on the form.

(2) If a sealing order has been rescinded, all locks and chains must be returned with the keys.

(3) In order to obtain an extension of time for keeping the key, the original person seeking access must appear in person at the AEU with the key and a notarized letter stating the reason for this request and, if accepted, will note the new return date on the original form and initial the change. The notarized letter will be attached to the original form.

CHAPTER 4 CERTIFICATES OF OCCUPANCY, LIVE LOADS AND OCCUPANCY LOADS

§4-01 Posting Requirements.

(a) A copy of the Certificate of Occupancy indicating the live loads and occupant loads shall be posted within every building for which a Certificate of Occupancy has been issued, except in one and two-family dwellings, and such posted Certificate of Occupancy shall be deemed in full compliance with §27-225 of the Administrative Code. In a commercial or industrial structure for which no Certificate of Occupancy was issued, a sign shall be posted and maintained in a conspicuous place on each floor stating the live loads.

(b) The copy of the Certificate of Occupancy shall be posted in the main entrance hall or lobby leading to the elevator of each building when there are elevators and to the main entrance hall to the stairs when there are no elevators and shall be posted near the main entrance door when there is no entrance hall to stairs or elevators.

(c) The Certificate of Occupancy shall be posted in a frame having a size sufficient to accommodate properly the Certificate of Occupancy.

(d) The frame shall be faced with glass or other transparent facing which will permit the Certificate of Occupancy to be read without difficulty.

(e) Frames shall be constructed of corrosion resistant metal or durable [*sic*] impact and flame resistant plastic.

(f) Frames shall be constructed in such manner as to prevent removal of the facing or the Certificate of Occupancy, without the use of special tools.

(g) Certificates shall be placed in such location as to be readily available to interested persons, and the bottom of the frame shall be located between 54 to 66 inches above the floor.

(h) Sufficient lighting shall be provided to make the Certificate of Occupancy legible at all times when the building is occupied.

(i) In place of posting the Certificate of Occupancy in a location specified under §4-01(b), it may be located as specified in this rule but only in those buildings where there is a resident caretaker or superintendent on the premises or where there is a building manager on the premises and where such caretakers, superintendents or managers or their assistants are present in the building at all times when the building is occupied. In such buildings, the Certificate of Occupancy may be posted within the entrance hall of the apartment or office of the caretaker or superintendent or inside the entrance to an office of a building manager. The Certificate of Occupancy shall be posted in such locations in the manner specified by the foregoing rules.

(j) A diagrammatic plan approved by the Department of Buildings, as required by §27-564 of the Administrative Code, shall be posted in accordance with the requirements for a Certificate of Occupancy indicated in these rules showing:

(1) the weight of any piece of machinery or equipment weighing more than 1,000 pounds and its identifying description and location.

(2) the maximum design wheel load and the total maximum

weight of any vehicle that may be brought into the building.
(3) the equivalent uniform partition loads, or in lieu of this, a statement to the effect that the design was predicated on actual partition loads.
A diagrammatic key plan shall not be required where the above information is clearly noted on the posted Certificate of Occupancy.
Section 4-01(j) shall not apply to any structure or portion thereof erected and altered in compliance with any code in effect prior to December 6, 1968. Notice of the permitted floor loads in such buildings shall be posted as required by the former code.

CHAPTER 5 CONCRETE

§5-01 Conveyance by Pumping Methods.
The specified compressive strength f'c, of concrete conveyed by pumping methods shall not exceed 5,000 pounds per square inch.
(b) *Mix Proportioning.*
(1) All controlled concrete to be pumped shall:
(i) Comply with all provisions of §27-605: Mixes
(ii) [*sic*] Normal and Heavyweight Concrete to [*sic*] be proportioned in accordance with ACI 211.1-74, utilizing Table 1.

Table 1. Volume of Coarse Aggregate per Unit of Volume of Concrete[1]

Maximum size of aggregate	Volume of dry-rodded coarse aggregate per unit. Volume of concrete for different finness** Moduli of Sand[2]			
	2.40	2.60	2.80	3.00
3/8	.475	.456	.437	.418
½	.561	.542	.523	.504
¾	6.27	.608	.509	.570
1	.675	.656	.637	.617
1 ½	.712	.693	.675	.655
2	.741	.722	.703	.684
3	.779	.760	.741	.722

1.Values established at Median-Point (reduced 5%). See footnote Table 5.3.6 ACI 211.1-74.
2.The type and gradation [*sic*] of the course aggregate, delivery system and job conditions may require these values to be varied. However in no event shall the variations exceed the maximum allowance noted in ACI 211.1-74 Table 5.3.6.

(iii) For sand lightweight concrete [*sic*] proportioned in accordance with ACI 211.2.-69 utilizing Table 2 except that the air dry unit weight of the concrete may exceed 115 lb. per cu. ft. when tested at age 56 days in accordance with procedure in ASTM C 567.

Table 2. Volume of Coarse Lightweight Aggregate per Cubic Yard of Concrete[1]

Maximum size lightweight aggregate, in	Fineness Module of Natural Sand 2.40	2.60	2.80	3.00
	Course* aggregate cu. Ft. per yard[2]			
3/8	9.3	8.9	8.5	8.1
½	11.1	10.7	10.3	9.9
¾	13.2	12.8	12.4	12.0

Notes:
1.Volumes are based upon lightweight aggregate at a total moisture content of 8 percent in loose conditions as described in ASTM C29.
2.These values may be increased based upon the type, gradation [*sic*] and moisture content of the aggregates, delivery system and job conditions.

2) (i) The type, gradation [*sic*] and moisture content of the aggregate delivery system and job conditions may affect the slump necessary at the mixer for the proper conveying of the concrete. For these reasons in addition to the recommended mix established from the preliminary trial mix data obtained in accordance with §27-605(a)(2), two alternate mixes also shall be recommended. These alternate mixes shall be based upon the water cement ratio curve in the preliminary test data to produce concrete having slumps greater than the maximum specified in §27-605(a)(2) in increments of 1-inch for concrete manufactured with gravel or stone aggregate but [*sic*] not to exceed 8 inches or increments of 2 inches for concrete manufactured with lightweight aggregates but not to exceed 9 inches.
(ii) It shall be permissible to use these mixes interchangeably during the course of the work, providing the slump at [*sic*] the mixer is equal to or less than that provided for the applicable recommended mix.
(iii) The recommended preliminary trial mix shall indicate the design unit weight in lbs. per cu. ft. of the fresh concrete and the estimated air dry unit weight at 56 days.
(c) *Testing and inspection of controlled concrete.*
(1) Those samples of concrete for test purposes required by RS-10-3, §4.3.1. which are designated to be "taken out of the bucket, hopper or forms" shall be obtained by passing a receptacle completely through the discharge stream of the delivery line or by completely diverting the discharge into a container. Transport the sample concrete to the place where fresh concrete tests of slump, air content, temperature and unit weight are to be performed and where specimens for strength tests are to be molded in accordance with RS-10-51 and RS 10-52 as directed by the Architect or Engineer designated for controlled concrete inspection. Each of the foregoing three (3) test cylinders per one hundred and fifty (150) cubic yards required under §4.3.1 of RS 10-3 shall be taken from a different delivery vehicle.
(2) Where the concrete is discharged directly into the forms by pumping methods the slump taken at the end of the delivery line shall be used to determine conformance with the slump specified for the work.
(3) The results of tests of samples taken at the end of the pump delivery line shall be shown on the same report with corresponding tests of samples taken from the same batch at the mixer.
(4) (i) Included in the duties of the on-site inspector as provided by §27-607 shall be:
(A) That water is added only to the mixer or under the following circumstances to the hopper of the pump:
When a portion of the concrete is discharged from the mixer into the pump hopper at a slump below that specified in the preliminary trial mix and too low for pumpability, water may be added to this concrete in the pump hopper to bring it to the specified slump provided all pumping action is stopped. Before pumping is resumed the concrete in the hopper must be thoroughly re-mixed for a minimum period of 2 minutes after all of the water has been added. If the concrete cannot be properly re-mixed it shall be removed from the hopper and discarded.
The balance of the batch in the mixer shall be adjusted to the specified slump before further discharge.

(B) Examination of the conveying line for leakage of cementitious material.
(C) Verify that no aluminum pipe is used.

(ii) Included in the duties of the batch plant inspector as provided for in §27-605(a).
(5) A.B., shall be:

(i) To make adjustments for variations in fineness modulus of the fine aggregate as per ASTM C 33, Section 3.4. When the difference of fineness modulus of the fine aggregate is more than 0.2 for each 0.2:
(A) Below the Design Fineness Modulus deduct 50 lbs. from the dry batch weight of the fine aggregates and add 50 lbs. for normal weight (20 lbs. lightweight) to the dry batch weight of the coarse aggregates.
(B) Above the Design Fineness Modulus add 50 lbs. to the dry batch weight of the fine aggregate and deduct 50 lbs. for normal weight (20 lbs. lightweight) from the dry batch weight of the coarse aggregates.

(ii) To test lightweight aggregates for total moisture content each day before the first concrete for the project is batched and thereafter at appropriate intervals during the day or whenever a moisture change may be evident. The moisture content of each test shall be reported on the corresponding inspection ticket accompanying each load of concrete.

(iii) To immediately notify the concrete producer and the contractor when the total moisture content of the lightweight aggregate [*sic*] is 8 percent or less, that a change to an alternate mix may be necessary to maintain the water cement ratio and the slump specified for the work as determined at the end of the delivery line**.**

(d) *Job Practices.*
(1) Slump shall be maintained as uniformly as possible from batch to batch in conformance with the specified slump.
(2) Delivery systems shall be in good condition. No dented or worn thin section shall be used.
(3) All connections shall have clean grooves, be equipped with gaskets and securely coupled except at the end of the system where sections are being reconnected gaskets may be omitted.
(4) All vertical risers shall be straight and firmly secured. Pipe bends shall also be restrained against movement caused by the pumping action.
(5) Clean out procedures shall assure that there is no uncontrolled ejection of concrete or clean out devices at the end of the delivery line. If pressure water is used for cleanout, care shall be taken that the water is not deposited into the form.
(6) Care shall be taken that portland cement and sand slurry used to prime the delivery line shall not be deposited in the form without the approval of the architect or engineer designated for Controlled Inspection. All other types of printing liquids shall not be permitted to be placed in the form.
(7) Pumping aids, coloring agents, and all other admixtures shall be permitted only when included in the preliminary trial mix design.
(8) Flexible hose, used in the system shall be handled so as to permit the full flow of the concrete without restriction, reduction of cross sectional area of kinking.
(9) Free hanging, coupling connected sections of flexible delivery line shall have additional restraint between each section across each joint.
(10) Personnel shall avoid standing close to the outlet end of the concrete pump.

(e) *Quality Control.*
(1) The engineer who designed the structure shall specify on his plans, or an amendment thereto, that concrete may be conveyed by pumping.
(2) The placement of concrete by pumping shall be suspended on any project where required test reports are not submitted to the Borough Superintendent within six weeks from the date of placement and sampling.

§5-02 Licensing of Concrete Testing Laboratories.

(a) *General.* (1) Each laboratory shall have in responsible charge a Director who shall be professionally qualified and who shall personally supervise all technical functions of the laboratory relating to testing of concrete and concrete materials. Sections 27-605 and 27-607 of the Administrative Code require that a licensed Professional Engineer or a Registered Architect supervise the testing of materials and the inspection of concrete construction.
(2) All technicians shall be qualified to perform all tests they may be required to conduct under the supervision of the Director.
(3) The laboratory shall annually furnish to the Department of Buildings a list of all personnel who are supervising and performing tests and their qualifications.

Note: §502(b)(6) shall also be complied with.
(4) The laboratory shall furnish to the Department of Buildings a list of all the equipment used to perform tests on concrete and concrete materials.
(5) The laboratory shall request and have an inspection made of its procedure and equipment by the "Cement and Concrete Reference Laboratory" whenever the "Cement and Concrete Reference Laboratory" is inspecting laboratories in this area on its cyclical tour of inspection. These inspections shall be made at the cost and expense of the laboratory seeking a license. A copy of the inspection report shall be promptly submitted to the Department of Buildings.
(6) The laboratory shall correct within 10 days any condition ordered by the Department of Buildings which in its judgement may adversely affect the results of any test.
(7) A license shall be issued to each applicant upon proof of compliance with these rules and upon payment of a fee of one hundred dollars ($100).
(8) The annual renewal fee shall be fifty dollars ($50).
(9) A violation of any of these rules or the falsifying or misrepresentation of any fact in any required report shall constitute cause for revocation or suspension of the license by the Commissioner, after a hearing upon prior notice of at least ten calendar days. However, notwithstanding the foregoing, when the public safety may be imminently jeopardized or when false report has been made, the Commissioner shall have the power, pending a hearing and determination of charges, to forthwith suspend the license for a period not exceeding five working days. The presence of batch tickets at a plant filled in on any day other than the day the specific batch is to be delivered to the construction site, whether signed or unsigned, shall constitute a false report.
(10) All reports submitted by the laboratory shall bear its name and its license number.
(11) Renewal of licenses or certificates of qualification, heretofore issued, and issuance of new licenses shall be conditioned upon and subject to the provisions of §§26-131 through 26-139 and 26-

200 through 26-204 of the Administrative Code.
(12) The laboratory shall display a copy of its license on its premises.
(13) The Director shall furnish all of his employees an identification card with a photograph of the employee affixed thereto.
(14) The Director shall maintain a daily record of the activities of all of his employees, indicating the time of departure to and return from batch plant or construction site inspections, the construction project to which the employee is assigned, and the batch plant visited. This record shall be maintained for 2 years and shall be made available to the department personnel.

(b) *Personnel.*
(1) The Director shall be qualified by virtue of education and experience to supervise all tests of concrete and concrete materials conducted by the laboratory. He shall be qualified to practice Professional Engineering or Architecture in the State of New York.
(2) All technicians performing tests on the chemical composition of cement shall be qualified analytical chemists.
(3) All other technicians, field personnel, and all personnel having direct supervision of technical staff shall be qualified by education and experience to take samples and perform required tests. Qualifying education and experience may include a degree in engineering, suitable experience in concrete construction, suitable training in concrete industry sponsored programs and the like.
(4) Satisfactory proof of such qualifications for concrete field testing technicians shall include certification resulting from the ability to pass a qualification test following the guidelines of the American Concrete Institute as set forth in ACI publication CP-2(82).
(5) All concrete field testing technicians shall be qualified pursuant to §5-02(b)(4) on or before July 1, 1985.
(6) The Department of Buildings shall annually publish in the City Record, on or before the first of July, a listing of concrete field testing technicians qualified pursuant to §5-02(b)(4).
(7) The Director shall submit to the department an affidavit that all technicians and field personnel are qualified to perform their designated tasks and shall keep on the premises a record of the qualifications of all personnel, which shall be made available to the department upon request.

(c) *Reports.* Reports shall be presented in a form acceptable to the Department of Buildings.

(d) *Tests.*
(1) The following specifications of the American Society for Testing and Materials (ASTM) shall be considered as part of these rules:

C29-78 Test for Unit Weight and Voids in Aggregate.
C31-85 Methods of Making and Curing Concrete Test Specimens in the Field.
C39-84 Test Method for Compressive Strength of Cylindrical Concrete Specimens.
C40-84 Test Method for Organic Impurities in Fine Aggregates for Concrete.
C42-84a Methods of Obtaining and Testing Drilled Cores and Sawed Beams of Concrete.
C70-79 Standard Method of Test for Surface Moisture in Fine Aggregate.
C88-83 Test Method for Soundness of Aggregates by Use of Sodium Sulfate or Magnesium Sulfate.
C109-86 Test Method for [*sic*] Compressive Strength of Hydraulic Cement Mortars (Using 2-inch or 50 cube Specimens).
C114-85 Method of Chemical Analysis of Hydraulic Cement.
C115-79b Standard Method of Test for Fineness of Portland Cement by the Turbidimeter.
C117-84 Test Method for Material Finer than 75-um (No. 200) Sieve in Mineral Aggregates by Washing.
C127-84 Test Method for Specific Gravity and Absorption of Coarse Aggregate.
C128-84 Test Method for Specific Gravity and Absorption of Fine Aggregate.
C136-84a Method for Sieve Analysis of Fine and Coarse Aggregates.
C138-81 Standard Method of Test for Unit Weight, Yield and Air Content (Gravimetric) of Concrete.
C143-78 Test Method for Slump of Portland Cement Concrete.
C151-84 Test Method for Autoclave Expansion of Portland Cement.
C172-82 Method of Sampling Fresh Mixed Concrete.
C173-78 Standard Method of Test for Air Content of Freshly-Mixed Concrete by the Volumetric Method.
C183-83a Method of Sampling and Acceptance of Hydraulic Cement Mortar.
C184-83 Test for Fineness of Hydraulic Cement by the 150-um (No. 100) and 75-um (No. 200) Sieves.
C187-86 Test Method for Normal Consistency of Hydraulic Cement.
C190-85 Test Method for Tensile Strength of Hydraulic Cement Mortars.
C191-82 Test Method for Time of Setting of Hydraulic Cement by Vicat Needle.
C192-81 Method of Making and Curing Concrete Test Specimens in the Laboratory.
C204-84 Test Method for Fineness of Portland Cement by Air Permeability Apparatus.
C230-83 Specification for Flow Table for Use in Tests of Hydraulic Cement.
C231-82 Standard Method of Test for Air Content of Freshly-Mixed Concrete by the Pressure Method.
C260-86 Specification for Air-Entraining Admixtures for Concrete.
C266-77 Test for Time of Setting of Hydraulic Cement by Gillmore Needles.
C494-86 Specification for Chemical Admixtures for Concrete.
C131-81 Resistance to Abrasion of Small-Size Coarse Aggregate by Use of Los Angeles Machine.
C535-81 Resistance to Degradation of Large-Size Coarse Aggregate by Abrasion and Impact in the Los Angeles Machine, Test for
C803-82 Penetration Resistance to Hardened Concrete, Test for
E4-83a Practices for Load Verification of Testing Machines.

(2) All testing of cement shall be conducted in accordance with the Standard Specifications of the American Society for Testing and Materials (A.S.T.M.).

(e) *Curing and testing of concrete specimens.*

(1) The laboratory shall be equipped with a suitable size enclosed room for the curing of all concrete test specimens. It shall be of such size that specimens can be easily handled during storage and preparation for testing. The room shall be equipped with the necessary equipment to maintain a temperature of 73.4 degrees ± 3.0 degrees F. at all times, as per A.S.T.M. C-192. The room also shall be equipped to maintain a relative humidity of 95 percent plus in order that the specimens will be maintained in a moist condition in which free water is on the surface at all times. The test specimen shall not be exposed to a stream of running water.
(2) The laboratory shall have equipment for determining relative humidity and temperature of the room and recording devices to monitor them.
(3) The laboratory shall be equipped with a power operated testing machine with a variable speed control. It shall be of sufficient capacity and capable of applying load without shock at a rate of loading prescribed in §4(b) of A.S.T.M. C-39.
(4) The testing machine shall be equipped with two steel bearing blocks with hardened faces, one of which is a spherically seated block that normally will bear on the upper surfaces of the specimen and the other a plain rigid block on which the specimen will rest. The bearing faces of these blocks used for compression testing of concrete shall have a Rockwell hardness of not less than 55 HRC. The bearing faces shall be at least as large and preferably slightly larger than the surface of the specimen to which the load is applied. The bearing faces when new shall not depart from a plan by more than 0.0005-inch at any point and they shall be maintained within a permissible variation limit of 0.001-inch. The movable portion of the spherically seated block shall be designed so that the bearing face can be rotated freely and tilted through small angles in any direction.
(5) The machine, if hydraulic, shall be equipped with a dial gauge having a sufficient diameter to allow the increments of load to be read within plus or minus 1/2 percent of the load being applied.
(6) The machine shall show a certificate of calibration or verification within the time limits set by requirements of A.S.T.M. E-4. If any major repairs have been made on the testing machines, the machine shall be re-calibrated.

(f) *Equipment.* The laboratory shall provide and maintain in proper working condition the following equipment as a minimum requirement:
(1) Necessary for concrete mix designs:
(i) Concrete mixer
(A) 1 1/2 cubic foot capacity
(B) 3 1/2 cubic foot total drum volume
(ii) Slump cone 8-inches in diameter at the base and 4-inches at the top of a height of 12-inches and conforming to A.S.T.M. C143.
(iii) A tamping rod consisting of a round, straight steel rod 5/8-inch in diameter.
(iv) Cylindrical metal measures of 1/2 cubic foot and a cubic foot capacity conforming to the requirements of A.S.T.M. C138.
(v) A sturdy, flat plate about 15-inches square for striking off the concrete in the measure.
(vi) Appropriate air meter.
(vii) Necessary scoops, wood floats, trowels.
(viii)A balance or scale sensitive to 0.1 pound, having a capacity of not less than 100 pounds.

(1) Necessary equipment for preparation of concrete test cylinders:
(i) for compression tests:
(A) Capping plates for cement or plaster caps. Plate glass at least 1/4-inch thick, or machined metal plates at least 1/2-inch thick or polished stone plates of suitable materials, such as granite or diabase and at least 3-inches thick. A capping plate shall be at least 1-inch greater in diameter than the specimen.
(B) Capping plates for use with mixtures of sulphur and granular materials, or similar materials and dimensions, recessed to retain the molten mixture.
(C) The surface of any capping plate shall not depart from a plane by more than .002-inch in the diameter of the specimen.
(D) Straight edge and feeler gauges to check planeness of capping plates and caps.
(E) Calipers and rule for checking size of cylinders.
(F) Controlled temperature melting pot if sulphur mixtures are to be used. Mixing pans, scoops, spoons, trowels, spatulas, etc., if cement or plaster caps, are to be used.
(G) Appropriate grinding equipment may be substituted for the capping equipment.
(ii) Materials Required:
(A) For cement or plaster caps, any of the following:
Type I Portland Cement
High Alumina Cement (Lumnite)
Type III Portland Cement
High strength gypsum plasters such as: Hydrostone and Hydrocal White
(Note: Plaster of Paris is not satisfactory).
(B) For sulphur caps either of the following:
Laboratory prepared mixtures of sulphur and granular materials
Proprietary mixtures such as: Vitroband, Leadite, Cylcap, etc.
(Note: See A.S.T.M. C1982 for limitations of various type caps).
(3) Necessary for analysis of fine and coarse aggregates:
(i) Square or round mesh sieves, Pan Nos. 200, 100, 50, 30, 16, 8, 4, 1/4-inch, 3/8-inch, 1/2-inch, 3/4-inch, 1-inch, 1 1/2-inches, 2-inches, 3-inches, 3 1/2-inches, No. 12.
(ii) Sieve shaking equipment.
(iii) Scales:
(A) Gram scale sensitive to at least 0.1 gram.
(B) Gram scale with at least 5,000 gram capacity and sensitive to 1 gram.
(C) Pound scale sensitive to 1/4-ounce.
(D) Steel brush to brush sieves.
(E) Oven-heat continuously between 221 degrees and 230 degrees F.
(F) Containers for holding solutions.
(G) Perforated containers for immersing aggregates in solutions - wire baskets.
(H) Calibrated Volumetric (milliliters) graduate, 500 milliliters capacity.
(I) Conical metal mold 1 1/2-inches diameter at top, 3 1/2-inches diameter at bottom, 2 7/8-inches high.
(J) Tamping rod - 12-ounces, having a flat circular tamping face 1-inch in diameter.
(K) Tamping rod - 5/8-inch diameter, 24-inches length.
(L) Cubic foot cylindrical measure either 1/2 cubic foot, 1/4 cubic foot, 1/3 cubic foot, 1/10 cubic foot or 1 cubic foot.
(M) 500 milliliters flask.
(N)Thermometer - heats over 100 degrees C.

(4) Necessary for field testing and inspection:
(i) Thermometer, 0 degrees-200 degrees F.
(ii) Scale, 100 lbs. capacity.
(iii)6-inch round by 12-inch long container.
(iv)Slump cone and 5/8-inch by 24-inch rod.
(v) Air meter.
(vi)Rule, 12-inches.
(g) *Cement testing.*
(1*) Introduction*. Cement testing shall be done in laboratories equipped to make the basic tests required for evaluating cement.
(2) *Division into physical and chemical tests*. These tests are divided into two parts, physical and chemical and all physical test specimens shall be prepared in a room or area where the temperature is controlled within the limits of 20 to 27.5 degrees C. and the humidity at not less than 50 percent.
(3) Physical test equipment:
(i) Analytical balance complete with calibrated weights.
(ii) Scale of 2,000 gram capacity accurate to 0.1 percent.
(iii) Wagner Turbidimeter or Blaine permeability apparatus calibrated with standard cement from the Bureau of Standards.
(iv) One 325 mesh sieve as well as 100, 50, 30 and 16 mesh sizes.
(v) Electrically driven mixer bowl and paddle.
(vi) Flow table and flow mould.
(vii) Trowel and tamper for cubes.
(viii) Cube moulds and sealing compound.
(ix) Autoclave, moulds and comparator with steel reference bar.
(x) Vicat apparatus and moulds.
(xi) Gillmore needles and glass plates for samples.
(xii) LeChatelier flask.
(xiii) Supply of graded Ottawa Sand.
(xiv) Glass graduates of 100, 150 and 200 ml. capacity.
(xv) Cylindrical measure of 400 ml.
(xvi) Straight edge and spatula.
(xvii) Calibrated testing machine of not less than 30,000 lbs., capacity equipped with spherically seated upper steel block of not more than 3 1/2 inch [*sic*]diameter.
(4) A.S.T.M. standard tests for cements. Standard tests for cements as required by A.S.T.M. are as follows:
Fineness
Soundness
Time of setting
Air content of mortar
Compressive tests of 2-inch by 2-inch cubes.
(5) Chemical composition of cement:
(i) The laboratory shall be equipped with an analytical balance and standard weights, platinum and porcelain crucibles, curettes, pipettes, etc.
(ii) Distilled water and all reagents necessary for the determination of the oxides of silica, iron, aluminum, magnesium, sulphur, calcium, and insoluble residue by one of approved.
(iii) All tests shall be performed in a room equipped with fume chamber, gas burners, working benches, by a qualified analytical chemist.
(iv) Special tests such as the alkalis of sodium and potassium shall be made as outlined by the A.S.T.M**.**

§5-03 Approval of Prequalified Concrete Mixes.
(a) *Source of concrete.*
Concrete proportioned according to prequalified mixes shall be produced only from batch plants, approved by the Commissioner pursuant to rules and regulations of the department.
(b) *Mix designs not previously accepted.*
Each concrete producer or group of producers seeking approval of mix designs that have not been previously accepted by the Department shall file an application with the M.E.A. Division, Department of Buildings at the address provided in the City's website, http://www.nyc.gov. and shall furnish the following:
(1) A compilation of the proposed mix designs listing the batch weights, types of aggregates and other ingredients together with a numbering system that will provide identification of each mix for testing and recording purposes. Each compilation shall contain a title sheet upon which a master list of all the mixes shall be designated. Opposite each mix a space shall be provided for the signature of the examiner and the date of the approval of that particular mix.
When a mix has been approved for use as a "PREQUALIFIED MIX", the examiner shall affix his signature and the date in the space provided, and then he shall affix the approval stamp of the Commissioner of Buildings.
(2) For each mix utilizing a different combination of aggregates, admixtures, cement type, water-cement ratio, etc., a report of preliminary trials made by a testing laboratory licensed under §26-200 together with an attestation by the Architect or Engineer who supervised the making of the preliminary tests. The laboratory report shall include the following information:
(i) *Fine and coarse aggregate*.
Type (natural or manufactured sand, gravel, stone, etc.).
Weight per. cu. ft. dry rodded.
Specific gravity.
Percentage of voids.
Percentage of absorption.
Fineness modulus (see ASTM Definitions C125).
Gradation and comparison to ASTM C-33; also size of coarse aggregate.
(ii) Cement-type.
(iii) Batch weights.
(iv) Admixtures-type and amount.
(v) Test results of each particular mix design being submitted for approval. Separate tests shall be made for each compressive strength.
(vi) Attestation of the Architect or Engineer engaged by the producer or producers to supervise the tests.
(vii) Board of Standards and Appeals Cal. No. for items requiring Board approval, such as lightweight aggregate admixtures, etc.
(viii) Such other information required by §§27-605(a) (1), (2) and(3).
(3) Each concrete producer or group of producers that submits for approval the information required hereabove, shall be assigned an application number which is to be known as the "PREQUALIFIED MIX REFERENCE NUMBER". This REFERENCE NUMBER shall be valid only for the calendar year for which it is issued. All applications shall be submitted before November 1 of each year for review and for prequalification for the calendar year next following.
When the concrete proposed for use is to be produced using the mix designs from a summary compilation that has been approved, the architect or engineer who has been retained to make or supervise the Controlled Inspection shall verify that the mixes have been approved as

"PREQUALIFIED MIXES" and shall file a statement for each project setting forth the PREQUALIFIED MIX REFERENCE NUMBER from which the concrete mix proportions are to be selected.

(c) *Mix designs previously approved and used.*

(1) Each concrete producer making an application shall be assigned a PREQUALIFIED MIX REFERENCE NUMBER in the same manner as designated in Rule §5-03(b)(3).

(2) The application shall set forth the details of location, date and laboratory that pertained to the previous project. It also shall include a statement setting forth the average strength obtained from tests made at the job, together with a summary of the total number of tests made and, of those tests, how many fell below the specified strength.

(3) A copy of the laboratory report that was originally accepted shall be submitted. It shall contain the information listed under Rule §5-03(b)(2) (Reports with the water-cement ratios selected at a point on the curve established by preliminary mix tests corresponding to a strength of concrete 15% higher than the minimum ultimate strength called for on the plans shall not be accepted, unless the water-cement ratio complying with section §27-605(a)(2) can be determined).

(4) The Architect or Engineer retained for the Controlled Inspection shall file a statement similar to the one mentioned in §5-03(b)(3).

§5-04 Approval of Concrete Production Facilities.

(a) The scope of these rules relating to facilities for the production of concrete under Article 5 of Subchapter 10 of Chapter 1 of Title 27 of the Administrative Code shall be applicable to batch plant installations of either a permanent or temporary nature, located on or off the site of construction.

(b) Application for approval of a batch plant shall be made on behalf of the owner by an engineer on department forms filed with the Commissioner of Buildings at the address provided in the City's website, http://www.nyc.gov. No off-site batch plants will be acceptable unless the legal use of the premises as a batch plant has been previously approved by either the Department of Buildings or the Department of Small Business Services.

(c) The concrete producer shall supply a list of all plant equipment to be used in the batching of concrete on forms furnished by the department.

(d) The concrete producer shall engage a Licensed Professional Engineer, not in his regular employ, to inspect the batching facilities. This inspection shall be made at the cost and expense of the concrete producer seeking plant approval. A copy of the verification of the inspection shall be submitted with the application for plant approval on forms furnished by the department.

(e) The applicant shall follow inspection procedures and complete the check list on forms furnished by the department which shall accompany the application for plant approval.

(f) The concrete producer shall promptly correct any objection made by the department which in its judgement it deems may adversely affect the quality of the concrete being placed. Should the department find any objection because of the producer's failure to meet the necessary standards for plant approval, corrections shall be made within 30 working days after the receipt, by the producer, of a written notice from the department.

(g) Approval of plant facilities shall be fully reviewed every two years upon a renewal submission for approval by the concrete producer provided the plant is not relocated during the two-year period.

(h) If a concrete plant is relocated from the location as filed on the original application form after initial approval is received, a new submission shall be required.

(i) During the two-year approval period, if any equipment is changed, added to, modified or moved within the same premises as originally filed, notification will be sent to the Commissioner of Buildings, Materials and Equipment Acceptance Division at the address provided in the City's website, http://www.nyc.gov. Accompanying said notification shall be an amendment to the application verified by an affidavit from a professional engineer not in the regular employ of the concrete producer stating that the modification meets all requirements of the check list.

(j) The concrete producer shall be required to produce concrete in accordance with all applicable provisions of the Building Code and all pertinent reference standards referred to therein.

(k) The concrete producer shall be required to submit attestations and certifications specified in §§27-605 and 27-606 promptly for the appropriate type of concrete for each construction project. Where automated batching equipment is used, the tapes recording the batched weights shall be available for inspection for a period of two years.

(l) Concrete produced for the construction of buildings subject to controlled inspection of concrete shall not be batched and delivered to the construction site unless a person designated for batch plant inspection is present at the plant. However, it shall be permissible to deliver the concrete in the absence of the person designated for inspection when there are extenuating circumstances, provided the design architect or engineer and the architect or engineer designated for control inspections are notified promptly by phone with a `circumstances under which the uninspected concrete was shipped and shall supply all necessary facts such as the times and dates and volume of concrete batched and delivered, the design strength and mix proportions, and the application number, location, and contractor that the concrete is being delivered to. Similarly, the appropriate Borough Superintendent's office is to be promptly notified by phone with a follow-up letter together with copies of the other required notification letters.

(m) Approval shall be for a period of two years. However, temporary approval of batch plants may be authorized at the discretion of the Commissioner for a period of ninety days, provided an application for approval with necessary information furnished on appropriate forms is filed, and provided the application is otherwise acceptable in other respects. Temporary approvals may be renewed for additional ninety day periods, at the discretion of the Commissioner.

(n) Concrete producers shall be required to permit complete plant inspections by department personnel periodically.

(o) A copy of the batch plant approval will be forwarded to the owner of each facility and shall be posted in a conspicuous place at the plant.

(p) A violation of any of these rules or the falsifying or misrepresentation of any fact in the application or in any report shall constitute cause for revocation or suspension of any approval by the Commissioner, after a hearing upon prior notice of at least ten calendar days. For temporary approvals,

the falsifying or misrepresentation of any fact in the application or in any report shall be cause for immediate revocation of such temporary approval by the Commissioner. However, notwithstanding the foregoing, when the public safety may be imminently jeopardized, or when a false report has been made, the Commissioner shall have the power, pending a hearing and determination of charges, to forthwith suspend any approval for a period not exceeding five calendar days.

CHAPTER 6 CRANES

§6-01 Erection and Dismantling of Climber/Tower Cranes. An Erection and Dismantling Plan and Procedure for Climber/Tower Cranes, other than truck and crawler mounted tower cranes; shall be submitted to the Crane and Derrick Division of the Department of Buildings by a Licensed Professional Engineer or Registered Architect for the erection of any such Climber/Tower Cranes.
The procedure and plan submitted shall include the following:

(a) Identification of the equipment used; including all machines used in the erection or dismantling.

(b) A detailed identification of the assemblies and sub-assemblies for the erection and dismantling of the equipment.

(c) Location of the equipment, sidewalk sheds (or Department of Transportation street closing permits, if applicable), surrounding buildings, protection for their roofs and the pick-up points and loads and radius of swing of all loads. In addition, the safe load from the approved load radius chart shall be submitted for lift radius.

(d) A weight list of all assemblies and sub-assemblies that are to be lifted. Components are to be clearly marked with their weight painted on the assembly or stamped on metal tags attached to the assembly.

(e) The center of gravity of all unsymmetrical components shall be located and shown.

(f) The manufacturer of the Climber/Tower Crane shall certify as to the weight of assemblies and sub-assemblies. Alternately the Professional Engineer or Registered Architect applicant shall certify an erection or dismantling weight list with indication how such weights were determined.

(g) The approved Erection and Dismantling procedure and sequence with weights of assemblies and sub-assemblies, shall be given to the operator of the crane or derrick and to the rigger prior to commencement of the work.

(h) All accepted or approved installed safety devices on a crane involved in the erection or dismantling procedure shall be calibrated within the preceding three months. The certification of the calibration shall be submitted to the Crane and Derricks Division. The safety device
.s of the Climber/Tower Crane shall be checked as a part of the inspection procedure.

(i) A time schedule including date and time of day that the erection or dismantling is to take place. Erection or dismantling shall not be conducted prior to sunrise, or subsequent to sunset, and shall be limited by
§24-224, of the Administrative (Air Pollution) Code.

(j) No Climber/Tower Crane shall be erected, operated, or disassembled in any roadway, sidewalk, or street unless a permit is first obtained from the Bureau of Highways of the NYCDOT.

(k) The Licensed Master Rigger or [*sic*] Licensed Climber/Tower Rigger, and the Site Safety Coordinators shall be present at the job site during erection and dismantling. Their names as well as the company performing the work, shall be included in the data submitted.

(l) Cranes used to erect or dismantle Climber/Tower Cranes or Derricks located either within the lot line or on the street shall be indicated; and continue to be subject to the on-site inspection permit Buildings Notice procedures but such application shall be submitted to the Cranes and Derricks Division.

(m) A load radius chart approved by the Cranes and [*sic*] Derricks Division of the Buildings Department shall be posted in the cabin of crane.

CHAPTER 8 DEMOLITION

§8-01 Commencement of Demolition. (a) *Definition*.
(1) Commencement of demolition. Commencement of demolition shall mean the removal of partitions, ceilings, flooring, windows, piping and fixtures for plumbing and heating or any component parts of a vacant building or structure to be demolished. The removal of interior wood doors shall not be considered commencement of demolition.
(2) Heavy duty and light duty sidewalks sheds. A sidewalk shed is for heavy duty use or light duty use.

(i) A heavy duty sidewalk shed is designed to carry a live load of at least 300 pounds per square foot (psf). Live load, including storage of materials, shall not exceed 300 psf unless the sidewalk shed is designed to carry a live load greater than 300 psf, and an application for a permit thereof is filed by a licensed architect or engineer and approved by the Department.

(ii) A light duty sidewalk shed is designed to carry a live load of at least 150 pounds per square foot. Storage of materials of any kind is not permitted on light duty sheds.

(b) No demolition of a building or structure shall commence until a complete application has been filed and a permit has been obtained from the Department of Buildings.

(c) Prior to filing of an application for a demolition permit, the applicant must submit a pre-demolition report to the Department and obtain a pre-demolition inspection and sign-off by the Department**.**

(d) *Posting of signs.* (1) Prior to the filing of an application for a demolition permit, the demolition contractor shall post a sign in a readily visible location on the front of the building to be demolished or on the sidewalk shed or other protective structure listed in §26-252(a) of the Administrative Code of the City of New York adjacent to such building with the following information:

Demolition Contractor
Name of the Contractor
Business Address
Business Telephone No.
Department of Buildings Complaint Number
Date of Expiration of Sidewalk Shed Permit, if applicable
A space shall be reserved on the sign for the posting of the demolition permit

(2) Where a sidewalk shed is erected, the sign shall also state whether it is a heavy duty sidewalk shed or light duty

sidewalk shed. If the shed is for light duty use, the sign shall include the statement that storage is not permitted on the shed.
(3) After a demolition permit is obtained, the sign shall also contain a copy of the approved demolition permit.
(4) The sign shall be posted prior to the commencement of demolition, shall measure 25 square feet and the lettering shall be block lettering with a minimum height of three inches. The sign shall be posted upon the wall or fence or shed and shall be of contrasting color from the background. No sign shall be required when the building to be demolished does not exceed 15 feet in height. The sign must be in place 24 hours prior to commencement of any demolition activity and remain visible at the site until all work is completed.
(5) Other than as set forth above and in 1 RCNY §27-03, there shall be no other information, pictorial representations, or any business or advertising messages posted on the sidewalk shed or bridge or other structure listed in §26-252(a) of the Administrative Code which is erected at the demolition site.

(e) Requirements for demolition permits.
(1) A complete application shall be filed with the Department, along with all the necessary reports and certifications.
(2) The building or structure, or affected part thereof, shall be vacant and unoccupied.
(3) All gas, electric, water, steam or other supply lines shall be disconnected and certifications by the respective utility companies or agency to that effect are to be filed pursuant to Administrative Code
§27-168. Where the use of electricity or water is required during demolition, such electric or water lines as are necessary may be maintained provided they are protected as required by the Departments of Building and Environmental Protection; provided further that the consent of the utility company is filed for the maintenance of the electric service and a certification is filed from the Bureau of Water Supply of the Department of Environment Protection that a permit for the use of water in the demolition has been issued.
(4) The building or structure shall be treated effectively for the extermination of rats and a certification shall filed to that effect by a licensed exterminator or the Health Department.
(5) Where a sidewalk shed is required a permit for its erection shall be obtained and the sidewalk shed erected in accordance with Administrative Code §27-1021.
(6) Where renewal for an application for a sidewalk shed or other protective structure listed in §26-252(a) of the Administrative Code of the City of New York and pursuant to §27-1021 of the Administrative Code is required, such application must be signed by the owner of the affected property.
(7) A permit will not be issued if the applicant demolition contractor has outstanding violations of the Building Code on other demolition jobs where such applicant (i) has failed to respond to notices of violation of an administrative tribunal issued for such violations within the time required by law and has failed to cure such default and/or (ii) has failed to appear on the return date or dates or any subsequent return date or dates of any summonses issued in a criminal proceeding for such violations and has failed to remedy such non-appearance and/or (iii) has failed to comply with orders to correct such violations and/or (iv) has failed to certify such correction to the department within the time required by law and has failed to remedy such non-compliance.

CHAPTER 9 RIGGING OPERATIONS

§9-01 Supervisory Responsibilities of a Licensed Master or Special Rigger. (a) *Applicability*. In accordance with section 26-172 of the Administrative Code, all rigging work, other than work exempted under section 26-173 of such code, must be performed by or under the supervision of a licensed special or master rigger. The rules in this section set forth the specific supervisory responsibilities of a licensed special or master rigger.

(b) *Definitions.*
Rigging Foreman. "Rigging Foreman" shall mean an individual, male or female, designated by a licensed master or special rigger in accordance with subdivision i of this section. Such person shall have the qualifications set forth in subdivision h of this section.
Critical Picks. "Critical Picks" shall mean rigging operations involving loads that:

(i) are at or above 95% of approved rated capacity of the crane or rigging equipment,

(ii) are asymmetrical or have a wind sail area exceeding 500 square feet,

(iii) may present a problem because of clearance, drift, or other interference,

(iv) are fragile or of thin shell construction and are not provided with standard rigging ears,

(vi) require multiple cranes or derricks (tandem picks), or

(vi) require out of the ordinary rigging equipment, methods or setup.

(c) *Planning*. Except as otherwise specifically provided in subdivision (g)(2) of this section, the licensee must personally plan the equipment set-up and operation of all rigging operations. This responsibility may not be delegated.

(d) *Supervision of rigging operations other than critical picks.* Except as otherwise provided in subdivision e of this section, a licensee need not be personally on site during rigging operations provided that a rigging foreman designated by the licensee pursuant to subdivision i of this section is continuously on site and he or she performs and/or manages the work under the off site supervision of the licensee as follows:
(1) the licensee and the rigging foreman at the work site are in frequent and direct contact with each other
during the course of the rigging operation,
(2) for work involving the use of cranes, derricks, work platforms, suspension scaffolds or other rigging setup where the safe founding or support of such equipment is a cause of concern (i.e. over sidewalks, roadways or yards where vaults or other subsurface structures exist; or where hooks or clamps are used on parapet walls to support hanging scaffolds, etc.) the licensee personally visits the work site to inspect and approve the rigging equipment founding and setup prior to commencement of rigging operations and each time the founding or support changes,
(3) the licensee is readily available to provide on site supervision should the [*sic*] need arise, and
(4) the rigging foreman has in his or her possession at the work site the "Certificate of License Record" of the licensee (tear-off) issued by the Department, which shall be presented upon the demand of any enforcement officer.

(e) Supervision of critical picks. The licensee must be continuously on site during critical picks and must personally perform or personally supervise all critical picks. Off site supervision of critical picks is not permitted.

(f) *Rigging Crew*. Except as otherwise provided in subdivision (g) of this section, all members of the rigging crew must be employees on the payroll of such licensee or where the license is used by the holder thereof for or on a behalf of a partnership, corporation or other business association as provided for in section 26-138(b) of the Administrative Code such members must be employees on the payroll of such partnership, corporation or business association.

(g) *Specially Crew*. Except as otherwise provided in this subdivision and except as provided for in section 26-138(b) of the Administration Code, the licensee and/or a rigging foreman designated by a licensee may not perform or supervise rigging work for another person, corporation, partnership on business association. Where rigging work is best handled by or requires crews of a specialty trade (e.g. handling hazardous materials or chemicals such as asbestos, or climbing, erecting or dismantling tower cranes) the licensee and/or a rigging foreman designated by such licensee may perform or supervise work on behalf of a person, partnership, corporation or business association engaged in such specialty trade, subject to the following conditions:

(1) the Cranes and Derricks Division of the department must approve the licensee's written request for such proposed rigging operation,

(2) the licensee must either plan the equipment setup and operation or be an active participant of the planning team,

(3) for loads of one thousand two hundred pounds or more and for all critical picks, the licensee must provide continuous on site personal supervision to the rigging crew,

(4) for loads below one thousand two hundred pounds which are not critical picks, the licensee need not be on site if a rigging foreman designated by such licensee is continuously on site.[*sic*] He or she manages the work under the off site supervision of the licensee in accordance with the conditions set forth in items (1), (2), (3), and (4) of subdivision (d) of this section,

(5) the licensee and/or his or her designated rigging foreman must have full authority to examine rigging hardware, to approve rigging setups, to mandate changes and to stop the job,

(6) the licensee is responsible for all aspects of rigging safety on the job, and

(7) the licensee shall confirm that members of the specialty crew are insured to the minimum requirements specified in section 26-178 of the code and are covered by worker's compensation by the specialty crew's employer.

(h) Qualifications for designation as a rigging foreman.

(1) An individual designated as a rigging foreman by a licensed special or master rigger shall:

(i) be an employee on the payroll and covered by the worker's compensation insurance of the licensee or the business association of the licensee,

(ii) be at least 18 years of age,

(iii) be able to read and write English,

(iii) be able to identify critical picks,

(iv) be familiar with the relevant sections of the Building Code, OSHA safety standards and industry safety practices,

(v) have been trained to react properly to mechanical malfunctions or adverse weather, and

(vi) be able to evaluate the fitness of the rigging crew, including, where applicable, the issuance of a certificate of fitness pursuant to section 9-03 of this chapter.

(2) An individual designated as a rigging foreman by a licensed special rigger shall, in addition to the qualifications set forth in paragraph one of this subdivision, have the following additional qualifications:

(i) have at least 1 year's practical experience in the hoisting and rigging business, and

(ii) be able to explain the risks incident to such business and precautions to be taken in connection therewith.

(3) an individual designated as a rigging foreman by a licensed master rigger shall, in addition to the qualifications set forth in paragraph one of this subdivision, have the following additional qualifications:

(i) have at least 5 years practical experience in the hoisting and rigging business, and

(ii) be knowledgeable about and be able to explain the risks incident to the following, where applicable to the particular job:

(A)rigging operations and precautions to be taken in connection therewith,

(B) safe loads and computation thereof,

(C) types and methods of rigging, and

(D) pertinent hardware such as ropes, cables, blocks, poles, derricks, sheerlegs and other tools used in connection with rigging operations.

(i) Designation of a Rigging Foreman. Designation shall consist of the filing of written notification with the Department's Licensing Division of the following information:

(1) A list of all rigging foreman employed by the licensee or the business association of the licensee. Each rigging foreman's full name, home address, and home phone number shall be included on the list.

(2) The notification shall be signed by the licensee, shall contain his or her license number and shall be on the business letterhead of the licensee or of the business association of the licensee. The notification shall contain a representation by the licensee that all of the rigging foreman designated by him or her have the qualifications specified in subdivision h of this section.

(3) The list must be updated within two weeks of any change in the reported information relating to designated individuals or within two weeks of the termination of a designation by the filing of a new notification listing all rigging foreman designated by the licensee. The new notification shall contain the information set forth in items (1) and (2) above. The new list will supersede any earlier filed notification.

(j) Photo Identification Card. The licensee shall issue a photo identification card (see Exhibit 1) to each rigging foreman designated by him or her with the licensee's signature affixed thereto. Such card shall be carried by the rigging foreman at all times while he or she is engaged in any of the duties requiring such designation and shall be presented upon the demand of any authorized enforcement officer. It shall be the responsibility of the licensee to retrieve the identification card when such designation is terminated. A designation shall be terminated by the licensee if (1) the person leaves the employ of the licensee or business association of the licensee, (2) the licensee finds that the designee is not competently performing his

or her duties or, (3) the licensee finds that the designee has acted in an unsafe or irresponsible manner in performing his or her duties.

(k) Responsibility. The designation of one or more rigging foreman shall not affect the licensee's and/or business association's responsibility or liability for all aspects of rigging safety including but not limited to the actions of rigging foreman, rigging crews and specialty crews, if any.

(l) Failure to comply with rules. If these rules are not complied with the Department may order that rigging operations stop, commence disciplinary action against the licensee and/or commence proceedings for the impositions of fines or civil penalties.

§9-02 Supervisory Responsibilities of a Licensed Master or Special Sign Hanger.

(a) *Applicability*. In accordance with section 26-182 of the Administrative Code, all sign hanging work, other than work exempted under section 26-184 of such code, must be performed by or under the supervision of a licensed sign hanger. The rules in this section set forth the specific supervisory responsibilities of a licensed special or master sign hanger.

(b) *Definitions.*

Sign Hanging Foreman. "Sign Hanging Foreman" shall mean an individual, male or female, designated by a licensed master or special sign hanger in accordance with subdivision h of this section. Such person shall have the qualifications set forth in subdivision g of this section.

Critical Picks. "Critical Picks" shall mean sign hanging operations involving loads that:

(i) are at or above 95% of approved rated capacity of the crane or rigging equipment,

(ii) are asymmetrical or have a wind sail area exceeding 1500 square feet,

(iii) may present a problem because of clearance, drift, or other interference,

(iv) are fragile or of thin shell construction and are not provided with standard rigging ears,

(v) require multiple cranes or derricks (tandem picks), or

(vi) require out of the ordinary rigging equipment, methods or setup.

(c) *Planning.* The licensee must personally plan the equipment set-up and operation of all sign hanging operations. This responsibility may not be delegated.

(d) *Supervision of sign hanging operations other than critical picks.* Except as otherwise provided in subdivision e of this section, a licensee need not be personally on site during sign hanging operations provided that a sign hanging foreman designated by the licensee pursuant to subdivision h of this section is continuously on site and he or she performs and/or manages the work under the off-site supervision of the licensee as follows:

(1) the licensee and the sign hanging foreman at the work site are in frequent and direct contact with each other during the course of the sign hanging operation,

(2) for work involving the use of cranes, derricks, work platforms, suspension scaffolds or other rigging setup where the safe founding or support of such equipment is a cause of concern (i.e. over sidewalks, roadways or yards where vaults or other subsurface structures exist; or where hooks or clamps are used on parapet walls to support hanging scaffolds, etc.) the licensee personally visits the work site to inspect and approve the rigging equipment founding and setup prior to commencement of rigging operations and each time the founding or support changes, and

(3) the licensee is readily available to provide on site supervision should the need arise, and

(4) The sign hanging foreman has in his or her possession at the work site the "Certificate of License Record" of the licensee (tear off) issued by the Department, which shall be presented upon the demand of any authorized enforcement officer.

(e) *Supervision of critical picks*. The licensee must be continuously on site during critical picks and must personally perform or personally supervise all critical picks. Off site supervision of critical picks is not permitted.

(f) *Sign Hanging Crew*. All members of the sign hanging crew must be employees on the payroll of such licensee or, where the license is used by the holder thereof for or on behalf of a partnership, corporation or other business association as provided for in section 26-138(b) of the Administration Code, such members must be employees on the payroll of such partnership, corporation or business association. Except as provided for in section 26-138(b) of the Administrative Code, the licensee and/or a sign hanging foreman designated by a licensee may not perform or supervise sign hanging work for another person, corporation, partnership or business association.

(g) *Qualifications for designation as a sign hanging foreman.*

(1) An individual designated as a sign hanging foreman by a licensed special or master sign hanger shall:

(i) be an employee on the payroll of and covered by the worker compensation insurance of the licensee or the business association of the licensee,

(ii) be at least 18 years of age,

(iii)be able to read and write English,

(iv) be able to identify critical picks,

(v) be familiar with the relevant sections of the Building Code, OSHA safety standards and industry safety practices,

(vi) have been trained to react properly to mechanical malfunctions or adverse weather,

(i)be able to evaluate the fitness of the sign hanging crew, including where applicable, the issuance of a certificate of fitness pursuant section 9-03 of this chapter,

(viii) be able to read plans and specifications relating to sign construction and erection, including supporting framework and other supports,

(xi) have a knowledge of the problems and practices of sign construction and hanging, and

(xii) be familiar with the equipment and tools used in sign installations.

(2) An individual designated as a sign hanging foreman by a licensed special sign hanger shall, in addition to the qualifications set forth in paragraph one of this subdivision, have at least 3 years practical experience in sign hanging work,

(3) An individual designated as a sign hanging foreman by a licensed master sign hanger shall, in addition to the qualifications set forth paragraph one of this subdivision, have at least 5 years practical experience in sign hanging work,

(h) *Designation of a Sign Hanging Foreman.* Designation

shall consist of the filing of written notification with the Department's Licensing Division of the following information:
(1) A list of all sign hanging foreman employed by the licensee or by the business association of the licensee. Each sign hanging foreman's full name, home address, and home phone number shall be included on the list.
(2) The notification shall be signed by the licensee, shall contain his or her license number and shall be on the business letterhead of the licensee or of the business association of the licensee. The notification shall contain a representation by the licensee that all of the sign hanging foreman designated by him or her have the qualifications specified in subdivision g of this section.
(3) The list must be updated within two weeks of any change in the reported information relating to designated individuals or within two weeks of the termination of a designation by the filing of a new notification listing all sign hanging foremen designated by such licensee. The new notification shall be filed in the manner and shall contain the information set forth in items (1) and (2) above. The new list will supersede any earlier filed notification.

(i) *Photo Identification Card.* The licensee shall issue a photo identification card (see Exhibit 1) to each individual designated by him or her as a sign hanging foremen with the licensee's signature affixed thereto. Such card shall be carried by the sign hanging foremen at all times while he or she is engaged in any of the duties requiring such designation and shall be presented upon the demand of any authorized enforcement officer of the city. It shall be the responsibility of the licensee to retrieve the identification card when such designation is terminated. A designation shall be terminated by the licensee if (1) the person leaves the employ of the licensee or business association of the licensee, (2) the licensee finds that the designee is not competently performing his or her duties or, (3) the licensee finds that the designee has acted in an unsafe or irresponsible manner in performing his or her duties.

(j) Responsibility. The designation of one or more sign hanging foremen shall not affect the licensee's and/or business association's responsibility or liability for all aspects [*sic*] of sign hanging safety including but not limited to the actions of sign hanging foremen and sign hanging crews.

(k) Failure to comply with rules. If these rules are not complied with the Department may order that sign hanging operations stop, commence disciplinary action against the licensee and/or commence proceedings for the imposition of fines or civil penalties.

§9-03 Minimum Requirements for Individuals Working on Suspension Scaffolds

(a) *Applicability.* In accordance with section 26-172 and 26-182 of the Administrative Code and Subchapter 19 of Chapter 1 of Title 27, "Safety of Public and Property During Construction Operations," the rules in this section establish minimum requirements for all individuals working on or operating suspension scaffolds, either performing construction or alteration work pursuant to a permit issued by the Department, or performing rigging or sign hanging work under the supervision of a licensed master or special rigger or a master or special sign hanger.

(b) Minimum Requirements. Only the following individuals may work on or operate a suspension scaffold:
(1) Where work is performed either by or under the supervision of a licensed rigger or sign hanger, the following persons may work on or operate a suspension scaffold:

(i) a licensed master or special rigger,

(ii) a licensed master or special sign hanger,

(iii) a rigging or sign hanging foremen as described in §9-01 and §9-02, or

(iv) a rigging or sign hanging crew member issued a certificate of fitness by the licensed rigger or sign hanger or his or her designate rigging or sign hanging foreman.

(2) (i) Where construction or alteration work is performed pursuant to a permit issued by the Department and, in accordance with §26-173 and §26-184 of the Administrative Code, such work is not performed by or under the supervision of a licensed rigger or sign hanger, the following persons may work on or operate a suspension scaffold:
(A) a person who holds a certificate of completion from a recognized scaffold safety training course as set forth in subdivision (d)(1) and (d)(3) of this section, or
(B) an apprentice in a recognized program, as set forth in subdivision (d)(2) of this section, or
(C) a person who holds a challenge examination certificate
(D) from a recognized administrator of challenge examinations, as set forth in subdivision (d)(4) of this section.

(ii) In accordance with §27-1045, it shall be the responsibility of the superintendent of construction to ensure that any person working on or operating a suspension scaffold on or the job site has the necessary certificate of completion or challenge examination certificate or is enrolled in a recognized apprenticeship program. The superintendent of construction must maintain written records to such effect.

(3) In addition to those persons listed in (b)(1) and (b)(2) above, a registered architect or professional engineer who is familiar with rigging hardware, rigging equipment setup and operation, pertinent Building Code provisions, Federal OSHA and State safety standards, emergency procedures, and recommended industry safe work practices may work on or operate a suspension scaffold, provided, however, that a registered architect or professional engineer not familiar with such codes, standards, procedures and practices may ride on a scaffold to perform inspections as long as the architect or engineer does not perform work from or operate the scaffold.

(b) Certificate of Fitness.

(1) *Minimum Requirements.* A person issued a certificate of fitness must:

(i) be found capable of performing the scaffold work in a safe and responsible manner by the issuer at the time of issuance, and

(ii) be able to communicate without difficulty with the supervising licensed rigger, licensed sign hanger, rigging or sign hanging foreman, or superintendent of construction on site, and either

(iii) possess a certificate of completion from a recognized scaffold safety training course in accordance with subdivision (d)(1) and (d)(3) of this section, or

(iv) be enrolled in a recognized scaffold apprenticeship program

in accordance with subdivision (d)(2) of this section, or

(v) possess a challenge examination certificate in accordance with subdivision (d)(4) of this section.

(2) *Persons Authorized to Issue a Certification of Fitness*. The following persons may issue a certificate of fitness:

(i) a licensed master or special rigger,

(ii) a licensed master or special sign hanger, or

(iii) a rigging or sign hanging foreman designated pursuant to sections 9-01 or 9-02 of these rules, as agent of the licensee.

(3) *Duty of Licensee to Ensure Compliance*. It shall be the sole responsibility of the licensee who issues the certificate of fitness, either personally or through a designated foreman, to ensure that the individual who receives the certificate meets the requirements of subdivision (c)(1) of this section for the particular job. It shall be the licensee's responsibility to maintain written records and copies relating to whom and when certificates were issued, as well as each certificate holder's certificate of completion from a recognized scaffold safety training course or apprentice program or challenge examination certificate, which substantiates the individual's fitness. If a person issued a certificate of fitness is later found to be unqualified or to have failed to work on a suspension scaffold in a safe and workmanlike manner, it shall be the licensee's responsibility to rescind the certificate of fitness and to remove the subject person from the job.

(4) The Certificate of Fitness. The certificate of fitness must include the name of the holder, the date of the issuance, the name, and license number of the licensee, the name, address, and telephone number of the company, and the signature of the issuer.

(i) Job-specific certificate of fitness for crew members employed only for a particular job or jobs. The certificate of fitness must contain the job location for which such certificate is valid as well as the duration of the job (see exhibit 2). Such certificate of fitness, as well as a photo identification of the certificate holder acceptable to the Department, must be available on site for inspection.

(ii) Certificate of fitness for regular members of the licensee's rigging or sign hanging crew. Notwithstanding the provisions of subdivision (c)(4)(i) of this section, at the option of the issuer, a permanent non job-specific photo identification or certificate of fitness may be issued to regular members of the licensee's business association's rigging or sign hanging crews.

(d) Recognized Scaffold Safety Training Courses and Apprenticeship Programs. (1) Recognized Scaffold Safety Training Course. Any organization (e.g. private, governmental, non-profit, or trade union) or institute may apply to the Department for recognition of its scaffold safety training course. Such application shall be made to the Department's Cranes and Derricks Division and shall include: instructors' qualifications, curriculum, teaching schedule, and materials used. The training course must include a significant field component, including instruction in rigging hardware (e.g. ropes, blocks, motors, scaffolds, controls, etc.), methods (e.g. reeving, suspension, startup procedures, netting, etc.), and applicable laws (NYC Building Codes and Rules, OSHA standards, etc.) The Department may participate in or observe any training course without prior notification, and reserves the right to rescind recognition. The Department shall inform or approve a recognized course in writing, and shall maintain a list of approved training courses. Any organization or institute that offers the recognized scaffold safety training course must also offer a challenge examination outlined in subdivision(d)(4) of this section, either free or at a nominal cost to all applicants.

(2) *Recognized Apprenticeship Program.* Any organization (e.g. private, governmental, non-profit, trade union) may apply to the Department for recognition of its scaffold safety training apprenticeship program. The requirements for recognition are the same as for a recognized scaffold safety training course as set forth in subdivision (d)(1) of this section. (3) *Certificate of Completion*. The organization providing a recognized scaffold safety training course or apprenticeship program may issue identification cards or certificates of completion to individuals who successfully complete the recognized course or program. The certificate of completion issued must include the name and address of the issuing organization, the date of issuance, and the name of the recipient, and must state "NYC DOB Recognized Scaffold Safety Training Course" or "Apprenticeship Program." Such certificate must be signed by the course administrator.

(4) *Challenge Examination and Challenge Examination Certificate.* The challenge examination shall be administered by organizations or institutes that conduct a recognized scaffold safety training course or recognized apprenticeship program. The challenge examination shall consist of written and hands-on tests that enable successful candidates to demonstrate a minimum level of knowledge and skills equivalent to graduates of a recognized scaffold safety training course or apprenticeship program. A person passing the challenge examination shall be issued a challenge examination certificate by the course or examination administrator. This challenge examination certificate shall be the equivalent to the certificate of completion and shall consist of similar data, format and signature as set forth in subdivision (d)(3) of this section. Written and hands-on tests for the challenge examination shall be submitted to and pre-approved in writing by the Department of Buildings, Cranes and Derricks Division. The Cranes and Derricks Divison reserves the right to monitor the test to ensure its quality and fairness, and to revoke any approval if guidelines are not adhered to. Organizations or institutes that offer recognized scaffold safety training or apprenticeship programs in English or in any other language must offer an equivalent challenge examination in the appropriate language to any applicant regardless of his or her gender, race, national origin, organization or union membership, religion or creed.

(e) Compliance. Failure to comply with the above rules, including but not limited to any person working on a suspension scaffold unable to produce either a valid certificate of fitness or, where applicable, a certificate of completion or a challenge examination certificate and a photo identification card, may result in the Department's ordering all work stopped, issuing violations, and commencing disciplinary action against the licensee, and/or commencing proceedings for the imposition of fines or civil penalties.

(f) Effective date. The provisions of this section 9-03 shall take effect on and after May 1, 2001.

Designation of Rigging or Sign Hanging Foreman

Picture

Contact number
[Work] W
[Pager] Pg
[Other]

I, [Rigger's/Sign Hanger Name]
a duly licensed [Master]/[Special][Rigger/Sign Hanger] License number [License Number], hereby declares [Name of Rigging or Sign Hanging Foreman] satisfies all requirements of a "Rigging or Sign Hanger Foreman" under NYCDOB rule §9-01 or 9-02 and under my supervision is appointed to oversee rigging safety and setup for [Company's Name]

[Name of Rigging/Sign Hanging Foreman]
[Address]

Signature of Licensee Date

Exhibit 1

Certificate of Fitness

for operating on a two point suspension scaffold

Name:
[Name of individual]

Work Location:
[Job site location]

Starting date:
[Commencement date]

Approx. duration: _____

I, [Licensed Rigger/Sign Hanger]
a duly licensed [license type] License number [License Number], deem the following individual fit to work on a two point suspension scaffold under my supervision or the supervision of my "Rigging or Sign Hanging Foreman"

[Company's Name]
[Address & Phone number]

Signature of Licensee Date

Exhibit 2

Certificate of Fitness

Picture

Contact number
[Work] W
[Pager] Pg
[Other]

I, [Licensed Rigger/Sign Hanger]
a duly licensed [license type] License number [License Number], deem the following individual fit to work on a two point suspension scaffold under my supervision or the supervision of my "Rigging or Sign Hanger Foreman"

[Company's Name]
[Address & Phone number]

[Name of Person Issued C.O.F.]
[Address]

Signature of Licensee

Exhibit 3

§9-04 Revocation, Suspension or Refusal to Renew License of Special or Master Rigger or Special or Master Sign Hanger.

(a) The license of a special or master rigger or of a special or master sign hanger may be suspended, revoked or not renewed and/or a fine of not more than five thousand dollars may be imposed for each instance of the following:

(1) Fraud, deceit, collusion or misrepresentation by the licensee in obtaining or renewing such license.

(2) Poor moral character that adversely impacts upon the licensee's fitness to perform his or her duties and responsibilities as a licensee.

(3) Negligence, incompetence, lack of knowledge of the Building Code and applicable rules of the Department or disregard of the Building Code and applicable rules of the Department as demonstrated in the performance of the duties and responsibilities of a licensee.

(4) Failure to comply with an order of the Commissioner or his or her designee in connection with the business or duties and responsibilities of the licensee.

(5) Making a false or misleading statement to the Department or other government agency on any form or report filed with the Department or records required to be kept by the department in relation to the business or duties and responsibilities of the licensee.

(6) Failure to file a form, report or statement or to keep records required by the Department or other government agency in connection with the business or duties and responsibilities of the licensee.

(7) Failure to comply with any of the provisions of sections 9-01, 9-02 or 9-03 of this chapter.

(8) Impeding or obstructing an investigation of the Commissioner or his or her designee relating to the business or duties and responsibilities of the licensee.

(9) Conviction of a criminal offense where the underlying act arises out of the business or duties and responsibilities of the licensee.

(10) The making, completing or altering of a written instrument of the type issued by the Department with respect to the business or duties and responsibilities of the licensee with the intent to defraud or deceive another person.

(11) Violation of or failure to comply with the provisions of the Building Code and other applicable laws and rules relating to the business or duties and responsibilities of the licensee.

(12) Failure to pay a fine or penalty imposed by the Department under this section or in any civil or criminal proceeding in a court or in a proceeding before the environmental control board arising out of the business or duties and responsibilities of the licensee.

(13) Failing to safeguard the public or property during the performance of the business or duties and responsibilities of the licensee in accordance with applicable safety standards.

(b) Except as otherwise provided in subdivision (c) of this section, no license shall be suspended or revoked or fine imposed unless prior thereto the licensee has been afforded the opportunity for a hearing on the charges before the Office of Administrative Trials and Hearings (OATH). The hearing shall be governed by the rules of procedure of OATH. A proceeding shall be commenced by the service of charges by the Department's IAD Unit by mail on the licensee. The Administrative Law Judge at OATH shall issue recommended findings of fact and a recommended decision and shall forward such findings and recommended decision and the record of the proceedings to the Commissioner who shall make a final determination on the charges and penalty as per this section.

(c) Notwithstanding any inconsistent provision of subdivision b of this section, where the Commissioner finds that the public safety may be imminently jeopardized or that there is reasonable cause to believe that the continued use of a special or master rigger or special or master sign hanger license will create a condition of imminent peril to public safety, he or she may forthwith suspend any license pending a hearing, to be held as soon as practicable in light of the circumstances before OATH, and, determination of charges.

CHAPTER 10 DRUMS FOR DERRICK LOAD AND BOOM HOISTS

§10-01 Requirements.

Drums for derrick load and boom hoists shall be contained on the same bed frame [*sic*] operated independently by one or more engines.

Each drum shall have a separate hand brake and clutch or power down mechanism in lieu of a clutch, as well as a positive dog on the drum and a dog on the brake pedal.

The hoisting mechanism shall be in full view and under the control of a licensed hoisting machine operator at all times.

CHAPTER 11 ELEVATORS, ESCALATORS, PERSONNEL HOISTS AND MOVING WALKS

§11-01 Rules for the Certification and Qualification of Private Elevator Inspection Agencies and for the Performance of Inspections and Filing of Inspection Reports for Elevators and Escalators by such Agencies.

(a) *Certificates of approval for agency directors.* (1) A Certificate of Approval for an agency director shall be the written authorization of the commissioner to an individual who shall be the responsible representative of an entity, who carries on her, his or its business as an independent contractor that witnesses tests and inspects elevators, escalators and related equipment. Each private elevator inspection agency shall have one or more directors who supervise the operations of the agency and hold a certificate of approval from the Department of Buildings.

(2) In order to be granted an agency director's certificate of approval, an applicant must:

(i)have a minimum of ten (10) years of experience within the last fifteen (15) years immediately preceding the date of the application for a Certificate of Approval, or a minimum of five (5) years experience within the last seven (7) years immediately preceding the date of the application for a Certificate of Approval if applicant is a New York State licensed Professional Engineer or Registered Architect, in the supervision of the assembly, installation, maintenance, repair, design or inspection of elevators; and

(ii) demonstrate to the commissioner's satisfaction, including performance on any written or oral tests the Commissioner may require, that the applicant is sufficiently familiar with the

construction and maintenance of elevators, escalators and related equipment within the provisions of Subchapter 18 of Chapter 1 of Title 27 of the Administrative Code and Reference Standard 18; and

(iii)demonstrate to the commissioner's satisfaction that the applicant is of good moral character so as not to adversely impact upon his or her fitness to conduct a private elevator inspection agency; and

(iv) furnish payment to the Department for the actual cost of conducting a background investigation of the applicant.

(3) The applicant must complete such questionnaires and provide such supporting data as the commissioner may require including but not limited to a Private Elevator Inspection Qualification/Background form ("qualification/background form") provided by the Department of Buildings which describes, among other things, the applicant's required experience history as follows: job title or capacity of employment; license, if any; name and address of each employer; length of service for each employer ; and any criminal convictions. The applicant shall then submit the completed qualification/ background form to the Licensing Division.

(4) Prior to the department's issuance of a certificate of approval for the agency director, the applicant shall submit the following to the Licensing Division;

(i) the completed qualification/background form and supporting data as the commissioner may require;

(ii) the filing fee specified in §26-213(c)(a) of the Administrative Code and the actual cost of conducting a background investigation of the applicant;

(iii) a copy of the inspection agency's general liability insurance policy for the amount of one million dollars ($1,000,000), with coverage provided for the term of the certificate of approval naming the New York City Department of Buildings, Licensing Division as an additional insured on said insurance certificate;

(iv)documentation indicating compliance with the provisions of the New York State Worker's Compensation Law; and

(i) a current business address, which the applicant is responsible for keeping updated.

(5) After the applicant has complied with paragraphs 1 through 4 above, the department shall issue to the applicant an agency Director's Certificate of Approval. The preceding provisions notwithstanding , the commissioner may refuse to issue such a Certificate of Approval for any of the reasons specified as a grounds for revocation or suspension set forth in subsection

(e) below. Each agency director shall supervise the operations of only one private elevator inspection agency.

(b) *Certificates of approval for agency inspectors.* (1) A Certificate of Approval for an inspector shall be the written authorization of the commissioner to an individual to conduct periodic inspections of elevators, escalators and related equipment and who shall be employed and supervised by a director who holds a Certificate of Approval from the Department of Buildings or who shall be employed by a person or entity who carries on her, his or its business as an independent contractor to witness tests and inspect elevators, escalators and related equipment. Every inspector employed by a private elevator inspection agency shall hold a certificate of approval from the Department of Buildings.

(2) In order to be granted an inspectors' certificate of approval, an applicant must:

(i) have a minimum of five (5) years of satisfactory experience, within the last seven (7) years immediately preceding the date of application to a certificate of approval, in the assembly, installation, repair, design, or inspection of elevators, or as an elevator mechanic;

(ii) demonstrate to the commissioner's satisfaction, including performance on any written or oral tests the Commissioner may require, that the applicant is sufficiently familiar with the construction and maintenance of elevators, escalators and related equipment within the provisions of Subchapter18 of Chapter 1 of Title 27 of the Administrative Code and Reference Standard 18; and

(iii) demonstrate to the commissioner's satisfaction that the applicant is of good moral character so as not to adversely impact upon his or her fitness to conduct elevator inspection; and

(iv) complete a questionnaire and provide supporting data as the commissioner may require; and

(v) furnish payment to the Department for the actual cost of conducting a background investigation of the applicant.

(3) The applicant must complete such questionnaires and provide such supporting data as the commissioner may require including but not limited to a Private Elevator Inspection Qualification/Background form ("qualification/background form") provided by the Department of Buildings which describes the applicant's required experience history as follows: job title or capacity of employment; license, if any; name and address of each employer; length of service for each employer; and any criminal convictions. The applicant shall then submit the completed qualification/ background form to the Licensing Division.

(4) Prior to the department's issuance of a certificate of approval for an agency inspector, the applicant shall submit the following to the Licensing Division:

(i) the completed qualification/background form and supporting data as the commissioner may require;

(ii) the filing fee specified in §26-213(c)(a) of the Administrative Code and the actual cost of conducting a background investigation of the applicant;

(iii) a current business address, which the applicant is responsible for keeping updated.

(5) After the applicant has complied with paragraphs 1 through 4 above, the department shall issue to the applicant an agency inspector's certificate of approval. The preceding provisions notwithstanding, the commissioner may refuse to issue such a Certificate of Approval for any of the reasons specified as a grounds for revocation or suspension set forth in subsection (e) below. Private elevator inspectors who are employed by more than one private elevator inspection agency must have a certificate of approval for each agency by which they are employed. In such cases, an inspector shall submit a separate qualification/background form and pay a separate filing fee for each agency by which he or she is employed.

(c) Department listings of private inspection agencies. (1) Each private inspection agency shall furnish the Department of Buildings, Licensing Division with a list of directors and inspectors, its certificate of approval numbers, a complete table of organization(s), including identification of persons or titles, and a current business address. This information shall

be set forth on letterhead bearing the name and address of the private elevator inspection agency.
(2) Notification of any changes in the information required to be furnished to the Department by subsection (c)(1) shall be sent to the Licensing Division by certified mail within five (5) days of the change.
(3) All private inspection agencies must have a legal place of business within the City of New York. A post office box in New York City is not acceptable.

(c) Renewal of Certificates. (1) Every certificate of approval provided for in this section shall be renewed in person within thirty (30) days prior to its December 31 expiration date.
(2) Prior to the renewal of a certificate of approval for an agency director, the director shall submit the following to the Department of Buildings Licensing Division:

(i) the renewal fee specified in §26-213(c)(a) of the Administrative Code: and

(ii) a copy of the inspection agency's general liability insurance policy for the amount of one million dollars ($1,000,000), with coverage provided for the renewal term of the director's certificate of approval, naming the New York City Department of Buildings, Licensing Division as an additional insured on said insurance certificate; and

(iii) documentation indicating compliance with the provisions of the New York State Worker's Compensation Law; and

(iv) documentation demonstrating to the commissioner's satisfaction that the applicant continues to be of good moral character so as not to adversely impact upon his or her fitness to conduct a private elevator inspection agency.
(3) Prior to the renewal of a certificate of approval for an agency inspector, the inspector shall submit to the Department of Buildings, Licensing Division:

(i) the renewal fee specified in §26-213(c)(a) of the Administrative Code; and

(ii) documentation demonstrating to the commissioner's satisfaction that the applicant continues to be of good moral character so as not to adversely impact upon his or her fitness to conduct elevator inspections.
(4) After the director or inspector has complied with the requirements stated above, the department shall issue a renewal of the director's or inspector's certificate of approval. The preceding provisions notwithstanding, the commissioner may refuse to issue a renewal of a director's or inspector's Certificate of Approval for any of the reasons specified as a grounds for revocation or suspension set forth in subsection (e) below.
(5) Agency directors and inspectors not renewing their certificates of approval by December first of each year shall be subject to the late fee specified §26-213(c)(b) of the Administrative Code. Those agency directors and inspectors not renewing their certificates of approval by January 1 shall be suspended until the applicable late fees are paid. In the event a director or inspector's certificate of approval has lapsed for a period of five (5) years or more, the director or inspector must submit to the Department and follow the procedures for a new application.

(e) *Suspension or revocation of agency directors' or inspectors' certificates.*
(1) The commissioner or his or her designee may suspend or revoke an Agency Director's or Inspector's Certificate of Approval or impose a fine not to exceed five thousand dollars upon a finding of any of the following:

(i) fraud or deceit in obtaining a Certificate of Approval or renewal thereof;

(ii) the making of a false or misleading statement on any form or report filed with the Department or failure to file a statement, report or form required by the law of [*sic*] the Department;

(iii) the willful impeding or obstruction of the filing of a statement, report or form of another;

(iv) fraudulent dealings;

(v) negligence, incompetence, lack of knowledge of the Building Code, or disregard for the Building Code, as demonstrated in the performance of elevator inspections or the submission of any form or report filed with the Department;

(vi) exhibiting a practice of failing to timely or properly carry out the inspection of elevators;

(vii) engaging or assisting in any act that endangers the public safety and welfare;

(viii) failure to comply with or abide by an order of the commissioner;

(ix) in the case of an agency Director, delegating inspectorial duties to a person who the agency director knows or has reason to know is not qualified to inspect elevators;

(x) poor moral character that adversely impacts upon the individual's fitness to conduct a private elevator inspection agency or elevator inspections;

(xi) the conviction for a criminal offense where the underlying act arises out of that individual's professional dealings with the City of New York or with any other governmental entity;

(xii) engaging in any other conduct evidencing a willful or negligent failure to comply with provisions of federal, state or local law, or rules or regulations promulgated pursuant to statutory authority;

one or more violations of any provisions of Title 26, Chapter One of [*sic*] Title 27, Chapter One of the Administrative Code or rules adopted pursuant to such provisions related to elevator inspections.
(2) Where the commissioner or his or her designee, in his or her discretion, deems that there is probable cause to believe that the Certificate of Approval of the agency director and/or inspector should be suspended or revoked or that the director and/or inspector should be fined, unless otherwise provided, charges shall be preferred by the Department's IAD Unit and served by mail upon the appropriate party. The director and/or inspector shall be entitled to a hearing before the Office of Administrative Trials and Hearings, to be held in accordance with the provisions of Title 48 of the Rules of the City of New York, as provided by rules promulgated by the Department.
(3) Where the commissioner or his or her designee, in his or her discretion, deems that there is probable cause to believe that the continued Certificate of Approval of the agency director and/or inspector will create a condition of imminent peril to public safety, the suspension or revocation shall be effective immediately pending a hearing to be held as soon as practicable in light of the circumstances before the Office of Administrative Trials and Hearings.

(f) *Performance of inspections and filings of inspection reports* (1) In compliance with Section 27-1000 of the

Administrative Code, the mandated periodic inspection of every new and existing elevator, escalator and related equipment listed in the Building Code shall be performed by an inspector who holds a Certificate of Approval from the Department and who is supervised by a director who holds a Certificate of Approval from the Department.

(2) The mandated periodic inspection must be performed between January 1 and September 15 of each year.

(3) Each inspection or witnessed test of an elevator or escalator performed by an inspection agency shall be recorded on forms prescribed by the commissioner. Each such form shall confirm that the elevator, escalator and/or related equipment was inspected or the test was witnessed by the holder of a Certificate of Approval and shall be signed by the inspector who performed the inspection or witnessed the test, the agency director and building owner. Agency directors shall include their Certificate number on the form. The forms are to be completed legibly at the time of inspection. The completed and signed forms shall be forwarded to the building owner within five (5) calender days after the inspection and to the Department's Elevator Division within fourteen (14) calendar days after the inspection.

(4) After each inspection or test, the inspector shall affix the inspection date and his/her signature over a stamp identifying his/her private inspection agency and his/her Certificate of Approval number on the elevator car or escalator inspection certificate.

(5) During inspection and after testing, all parts of the equipment shall be inspected to determine that they are in safe operating condition and that parts subject to wear have not worn to such an extent as to affect the safe operation of the installation.

(6) If an inspection reveals that any elevator or escalator is unsafe or hazardous to life and safety, the device is to be taken out of service immediately by the inspection agency. The building owner shall be notified immediately. In addition, a copy of such notification shall be sent by certified mail to the Department of Buildings, Elevator Division within 24 hours.

§11-02 Elevator and Escalator Violations Constituting a Condition Dangerous to Human Life and Safety.

(a) *Dangerous conditions*. Any of the following elevator and escalator violations constitute a condition dangerous to human life and safety.

(1) Elevator out-of-service when there is only one elevator in the building or building section.

(2) Fireman service not functioning in premises.

(3) Badly worn, defective, or damaged hoist cables and/or governors cables.

(4) Defective hoistway doors.

(5) Defective hoistway door interlocks.

(6) Defective car door/gate.

(7) Defective car door/gate switch.

(8) Defective/missing vision panels.

(9) Defective car safety devices.

(10) Defective brake assembly.

(11) Defective hoist machine.

(12) Defective selector/assembly.

(13) Missing top emergency covers.

(14) Defective escalator fire shutters.

(15) Defective escalator comb plates.

(16) Defective escalator stop switch.

(17) Excessive escalator skirt panel clearances.

(18) Defective or non-functional safety switches.

(19) Badly worn, defective, or damaged relays or controllers and/or selector.

(20) Defective, badly worn, or damaged car safety device parts.

(21) Defective car and/or counterweight buffers.

(22) Any damaged, badly worn or defective equipment, which could result in elevator breakdown.

(b) *Civil penalties*. In the event any person fails to remove any of the violations listed in these rules, after having been served with a notice personally or by a certified mail indicating that removal of 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, he shall be liable for 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 in addition to other penalties set forth in law. 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.

(c) *Discontinuance of action upon removal of violation*. Where a notice requiring removal of a violation listed in these rules has been issued, liability shall cease and the corporation counsel, on request of the commissioner, shall discontinue prosecution 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 [*sic*] a form prescribed by the commissioner, that the removal of the violation has been substantially completed. If subsequent inspection by the department 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.

§11-03 Cease Use Orders for Elevators, Personnel Hoists, Escalators and Moving Walks.

A cease use order should be issued for all elevators, personnel hoists, escalators, and moving walks pursuant to §26-127 of the Administrative Code of the City of New York whenever an imminently hazardous condition exists. In addition, the device should be tagged as unsafe. This tag may not be removed without prior approval from the Department of Buildings. Such imminently hazardous conditions include but are not limited to:

(a) Elevator running with an open hoistway door or car gate/door.

(b) Elevator running with broken or non-functioning upper or lower final hoistway or machine limit switches.

(c) Hoistway or car door vision glass and grille guard missing.

(d) Unraveling or broken hoist, counterweight, governor or compensation cables.

(e) Missing hoistway door or car door gibs.

(f) Inoperable governor.

(g) Elevator running with non-functioning interlock.

(h) Emergency top exit cover missing (passenger elevator).

(i) Side emergency exit door open (passenger elevator).

(j) Emergency stop switch not working (automatic elevator,

[*sic*] escalator or moving walk).
(k) Directional switch not working (escalator or moving walk).
(l) Other imminently hazardous conditions as observed by the inspector.

§11-04 Separability. If any of the provisions of these rules are found by a court of competent jurisdiction to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions that are expressly stated in the decision to be invalid or ineffective, and all other provisions of these rules shall continue to be separately and fully effective.

§11-05 Certification of Completion of Work after Issuance of Temporary Use Permit for an Elevator, Escalator and other Device, Except Amusement Devices, Listed in §§27-184(b) or 27-982 of the Administrative Code.

(a) Where the department has issued a temporary use permit pursuant to §27-188 of the Administrative Code for an elevator, escalator or other device listed in §27-185(b) and § 27-982 of the Code subject to the completion of alteration or installation work as specified by the department, a certified elevator inspection agency director, professional engineer or registered architect may certify to the department that such work has been completed in conformity with the requirements of Subchapter 18 of Chapter 1 of Title 27 and Reference Standard 18-1. The department shall issue an equipment use permit upon the satisfactory filing of such certification.
(b) This section shall not apply to amusement devices.

§11-06 Elevators, Escalators or Other Devices, Except Amusement Devices, Listed in §27-185(b) or §27-982 of the Administrative Code, Renewal of Temporary Use Permits and Fees.

(a) Renewal of a temporary use permit for an elevator, escalator or other device, except amusement devices, listed in §27-185(b) or §27-982 of the Administrative Code.
(1) A temporary use permit issued pursuant to §27-188 of the Administrative Code for an elevator,escalator or other device listed in §27-185(b) or §27-982 of the Code may be renewed subject to the following:

(i)Each renewal application shall be submitted on forms furnished by the department not later than five business days prior to the expiration date of the temporary use permit;

(ii) Such application shall state the reason for renewal and be accompanied by the required fee as set forth in subdivision (3) of this section; and

(iii) Such application shall be submitted on behalf of the owner and signed by the owner or its authorized representative.

(2) The commissioner will automatically renew a temporary use permit every thirty days for up to 120 days unless informed otherwise by the applicant. After 120 days, a renewal application must be filed and accompanied by the required fee.
(3) The department may require a department inspection prior to the issuance of a renewal.
(4) Each application for renewal shall be accompanied by a fee of $100 per device.

(b) Failure to keep or be prepared for scheduled appointment.
(1) Scheduled appointments for the inspection or tests of an elevator, escalator or other device listed in §27-185(b) and §27-982 of the Code may be canceled provided that notice of cancellation is received by the department no later than 3 business days prior to the scheduled appointment.
(2) Where a department inspector arrives at the site of a scheduled inspection or test and is unable to perform the scheduled inspection or witness the test because the owner or its authorized representative has failed to keep or is unprepared for the scheduled appointment, then the department shall impose a fee for the missed appointment in the amount of $200. The fee shall be due and payable within thirty days after the date of the missed appointment or prior to the scheduling of a new appointment, whichever is earlier.

(c) Pre-inspection clearance. (1) An owner or its authorized [*sic*] representative may request the department to perform a pre-inspection clearance of an elevator, escalator or other device listed in §27-185(b) and §27-982 of the Administrative Code within five business days of the department's receipt of such request and payment of the required fees set forth in subdivision (2) of this section. The department reserved the right to schedule the requested pre-inspection clearance during non-regular or off-peak hours.
(2) A request for a pre- inspection clearance shall be accompanied by a non-refundable fee in the amount of $200 per device.
(c) This section shall not apply to amusement devices.

CHAPTER 12 EMERGENCY POWER SYSTEMS

§12-01 Emergency Power System Requirements.

(a) *Applicability.* – Pursuant to Article 11 of subchapter 6 of Chapter 1 of Title 27 of the Administrative (Building) Code, as enacted by Local Law 16 for the year 1984, these rules and regulations shall apply to emergency power systems associated with emergency fire protection equipment when required to be provided in new and existing buildings pursuant to applicable provisions of the Building Code, the Building Code Reference Standards and the Rules of the City of New York.
(1) These rules shall not apply to occupant optional sources of emergency power that provide support for sources supplying emergency power to emergency fire protection equipment only in the event of failure of the sources of emergency power.
(2) These rules shall not apply to emergency power systems installed pursuant to plans approved prior to October 1, 1984 unless construction pursuant to any such plans had not begun prior to April 1, 1986.
(3) Subdivisions (h), (n) and (o) shall not apply to required emergency power systems for which applications were filed prior to September 9, 1998.
(4) Subdivision (p) shall not apply to required emergency power systems for which applications were filed prior to the effective date of this amendment.

(b) *Definition* - As used in these rules, "emergency fire protection equipment" shall mean that equipment listed in Section 27-396.4 of the Administrative Code.

(c) *General equipment requirements*. Emergency power systems shall have a power source and fuel supply sufficient to operate the following equipment:
(1) *Fire pumps and booster pumps*. Manual, automatic special service pumps and sprinkler booster pumps.

(i) Overcurrent protection shall be provided at the emergency generator side of the power distribution system and shall be rated at least 150% of motor full load current.

(ii) Feeder conductors on the emergency generator side of the power distribution system shall be sized at least 125% of motor full load current.

(iii) Automatic transfer switches shall be located in the same room as the pumps and shall be an integral part of the pump controller.

(2) *Elevators.* Three elevators at one time, with manual transfer to all other elevators.

(i) The shaft arrangement shall permit any floor to be served by three elevators - only two of which may be in the same shaft.

(ii) It shall be possible to select from all of the elevators (with more than 25 feet travel) any combination of three cars for simultaneous operation in the emergency power mode, and to readily change this selection for firefighting or building evacuation purposes.

(iii) The selection of cars shall be accomplished manually from the elevator dispatcher's panel or from a satellite elevator panel if the main panel is not at, or adjacent to, the lobby Fire Command Station.

(iv) Interlocking shall be provided to prevent more than the intended number of cars from operating simultaneously in the emergency power mode.

(3) Alarm systems.

(4) Communication systems.

(5) Emergency lighting, if battery packs are not provided.

(6) Ventilating systems used for smoke venting or control.

(7) Stair pressurization.

(8) *Gas fired equipment.* The construction and installation of gas fired equipment shall comply with Article 16 of Subchapter 14 of Chapter 1 of Title 27 of the Administrative Code.

(9) *Fuel oil equipment.* Fuel oil equipment shall comply with Article 17 of Subchapter 14 of Chapter 1 of Title 27 of the Administrative Code

(d) *Responsibility*. The design of the emergency power system shall be the responsibility of the Licensed Professional Engineer or Registered Architect.

(e) *Engineering design*. - The emergency power systems shall be designed in accordance with generally accepted engineering practice, the Administrative (Electrical) Code and Bureau of Electrical Control Rules and Regulations.

(f) *Capacity*.

(1) The emergency generator fuel supply shall be sufficient to supply the total emergency power load for a period of at least six (6) hours.

(2) If battery packs are used for emergency lighting, they shall comply with the requirements of the Bureau of Electrical Control.

(g) *Automatic transfer switch features*.

(1) *Time delay on starting of alternate power source*. A time delay device may be provided to delay starting of the alternate source generator. The timer is intended to prevent nuisance starting of the alternate source generator with subsequent load transfer in the event of harmless momentary power dips and interruptions of the normal source. The time range must be short enough so that the generator can start and be on the line within 30 seconds of the onset of failure.

(2) *Time delay on transfer to alternate power*. An adjustable time delay device shall be provided for those transfer switches requiring "delayed automatic" operation. The time delay shall commence when proper alternate source voltage and frequency are achieved. The delay device shall prevent transfer to the alternate power source until after expiration of the preset delay.

(3) *Time delay on retransfer to normal power*. An adjustable timer with a bypass shall be provided to delay retransfer from the alternate source of power to the normal. This timer will permit the normal source to stabilize before retransfer to the load and help to avoid unnecessary power interruptions. The bypass shall permit automatic retransfer in the event that the alternate source shall fail and the normal source is available.

(4) *Test switch*. A test switch shall be provided on each automatic transfer switch that will simulate a normal power source failure to the switch.

(5) *Indication of switch position*. Two pilot lights, properly identified, shall be provided to indicate the transfer switch position.

(6) *Manual control of switch*. A means for the safe manual operation of the automatic transfer switch shall be provided.

(7) *Nonautomatic transfer device classification*. Nonautomatic transfer devices shall be approved for emergency electrical service.

(8) *Indication of switch position*. Pilot lights, properly identified, shall be provided to indicate the switch position.

(h) *Automatic Transfer Devices and Power Generation Feeders.*

(i) *New buildings.* - (i) All automatic transfer devices, emergency generators and emergency power generation feeders that serve required emergency fire protection equipment shall not be located in the same room as the main or primary electrical service equipment.

(ii) Any automatic transfer device that is not located at the load shall be located within an enclosed room or space that has a 2-hour fire resistance rated enclosure, and that complies with the New York City Electrical Code requirements for Electrical Closets and Switchboard Rooms or Areas. The enclosed room or space shall contain no equipment or water and/or steam piping other than sprinkler piping and equipment associated with the emergency fire protection equipment. Uninterrupted conduits not associated with the emergency generation system may pass through this room or space.

(2) *Existing buildings.* - (i) Emergency power generation feeders and automatic transfer devices that are required to be installed in existing buildings pursuant to Section 27-115 or 27-118(a) of the Administrative Code shall not be located in the same room as the main or primary electrical service equipment.

(ii) Any automatic transfer device that is not located at the load shall be remotely located or separated by 2-hour fire resistance rated construction from the emergency generator and any fuel burning equipment.

(i) *Ventilating Air*. Provision shall be made to provide air adequate to replenish engine combustion and adequate for rejection of engine generated heat.

(j) *Application*. The emergency power system shall be filed with the following application: Plumbing, Mechanical Equipment and Tank Installation; Miscellaneous B Form 8.

(k) *Certificate of Electrical Inspection.* A licensed electrician shall file an application for a Certificate of Electrical Inspection with the Bureau of Electrical Control for the Emergency Power System.

(l) *Registration*. Emergency power generation equipment shall be registered with the Department of Environmental Protection, Bureau of Air Resources, in accordance with the

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

§13-01 Environmental Control Board Adjudication.

(a) *Jurisdiction.* Any violation(s) of any provision of subchapter one, two or three of chapter one of Title 26 or chapter one of Title 27 of the New York City Administrative Code ("Administrative Code") or of the Zoning Resolution of the City of New York, or of other rules and regulations ("Rules") of the Department of Buildings may be adjudicated at the Environmental Control Board ("ECB") except those provisions of law which the Commissioner of the Department of Buildings ("Commissioner") is specifically prohibited from designating for prosecution at the ECB pursuant to §26-126.4 of the Administrative Code, as amended.

(b) *Schedule of Penalties*. The maximum penalties for violations of code and/or rule are those maximum penalties set forth in the Administrative Code.

(c) *Order to certify correction*.

(1) All ECB Notices of Violations ("NOV") shall include an order of the commissioner which requires the respondent to correct the condition constituting the violation ("order to correct") and to file a certification ("certification") with the department that the condition has been corrected. A first offender served with an order to correct may avoid a hearing and penalty if such certification is filed as set forth in §26-126.2 of the Administrative Code.

The following four violations cannot be certified as corrected prior to the ECB hearing and the respondent must appear at the hearing:

(i) A violating condition cited as hazardous;

(ii) A violating condition cited as a second (or multiple) offense;

(iii)A violation for filing a false certification;

(iv) A violation for failing to certify correction.

For the above four types of violations, the respondent must appear at the ECB hearing prior to the submission of the certification to the department's Administrative Enforcement Unit.

(2) The required certification shall be completed on the form issued with the NOV or obtained from the department's Administrative Enforcement Unit, in accordance with the instructions contained therein.

(3) In cases in which more than one violation of code and/or rule is listed on the same NOV, the respondent may submit a single certification covering one or all of the violating conditions. The respondent must appear at the ECB hearing for all violating conditions not certified as corrected.

(4) The certification shall be signed by the respondent and notarized by a notary public or commissioner of deeds.

(5) Respondent shall submit true and legible copies of any and all documentary proof of compliance along with the certification.

(6) The completed certification must be returned to:

New York City Department of Buildings
Administrative Enforcement Unit,
(address provided in the City's website, http://www.nyc.gov.)

(7) A certification acceptable to the department must be received by the Administrative Enforcement Unit no later than close of business thirty-five days after service of the NOV has been effectuated.

(d) *Certificate of correction review procedures.*

(1) The Administrative Enforcement Unit shall review all Certificates and accompanying documentation to determine their acceptability.

(2) Notification shall be issued to the respondent if the Certification is accepted. If the respondent is a first offender with a non-hazardous violation and the Certification is accepted, the respondent shall be excused from appearing at the ECB hearing and shall not be subjected to penalty.

(3) The Administrative Enforcement Unit shall notify those respondents who submit an unacceptable certification. This notification shall inform the respondent of the defect in his/her submission and the documentation required to correct these defects.

(4) Corrected certifications must be received by the Administrative Enforcement Unit no later than the close of business thirty-five days after service of the NOV has been effectuated.

(5) Failure to submit an acceptable certification for all violating conditions indicated on the NOV within this time period shall require the respondent to appear at a hearing at the ECB on the date indicated on the NOV.

(e) *Stipulations.*

(1) The commissioner may offer a stipulation to the named respondent, for a non-hazardous, first offense violation, to extend the time for compliance upon such other terms and conditions as the commissioner may prescribe. Such extended time for compliance shall be calculated from the first return date indicated on the notice of violation.

(2) No stipulation shall take effect until it is approved in writing by the ECB.

(f) *Modification clause and savings clause.*

(1) Whenever circumstances, conditions, limitations, or surroundings are unusual, or are such as to render it impracticable to comply with all the foregoing requirements, the commissioner may waive or modify such provisions over which she/he has jurisdiction to such extent as the commissioner may deem necessary consistent with public safety.

(2) If any clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

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 Administrative Procedure Act 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 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 of [*sic*] Registered Architects or [*sic*] Licensed Professional Engineers
(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.

(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 Plumber/Master Fire Suppression Piping Contractor 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 the Office of Administrative Trials and Hearings ("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 the Office of Administrative Trials and Hearings. 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 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

§14-01 Addressing of Bills Whose Nonpayment May Result in the Placing of a Lien.

All bills issued by the Department of Buildings for payment of fee for an inspection, reinspection, examination or service performed by the department or for payment of permit fee required by the department which may result in the placing of a lien shall be issued to the person designated as owner or agent to receive real property tax or water bills for the building. It will be mailed to the address of [*sic*] 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 or water charges, or it will be mailed to the address contained in the file compiled by the Department of Finance from real property transfer forms filed with the City Register [*sic*] upon the sale or transfer of real property.

§14-02 [Repealed]

§14-03 Payment of Fees for Variances from the Restrictions on Times during which Construction Activities May Be Conducted.

(a) *Applicability*. Pursuant to the provisions of §24-224 and §24-257 of the Administrative Code, the Department of Buildings, may, in the case of urgent necessity in the interest of public safety, issue a variance with respect to construction activities in any zone other than weekdays between the hours of seven a.m. and six p.m.

(b) *Variances*.

(1) Such variance may be granted for an initial period of up to three days, and may be renewed for periods of three days or less while such urgent necessity continues.

(2) Such variance shall be clearly marked on such permit and shall be prominently posted on the site of such construction activities by the permittee.

(3) A copy of such marked permit shall be promptly forwarded to the Environmental Control Board.

(4) In the case of an emergency, construction activities directly connected with the abatement of such emergency may be undertaken without a variance as herein provided for a period not to exceed twelve hours from the commencement of such construction, during which time application for a variance hereunder shall be made.

c) *Fees for after-hours variances*.
(1) The initial application fee for an after-hours variance shall be one hundred dollars.
(2) The renewal application fee for an after-hours variance shall be one hundred dollars.
(3) Also, for each day for which such variance is granted or renewed the fee shall be eighty dollars.

§14-04 Fees Payable to the Department of Buildings.
The department shall charge the following fees:

(a) Issuance of a core certificate of completion, which indicates completion of the building structure, the elevator systems, stairs, and all fire safety systems one hundred dollars.

(b) Issuance of a temporary place of assembly permit for occupancy as a place of assembly for a temporary event.two hundred fifty dollars and, in addition, where the written request for such permit is received less than ten (10) business days prior to the scheduled event, an additional charge of one hundred dollars per day measured from the tenth business day prior to the scheduled event to and including the date of the receipt of the written request for such permit.

(c) Each inspection of a temporary amusement device pursuant to reference standard RS 18-10…one hundred dollars.

(d) Issuance of letter of no objection to or classification of a specified occupancy of a premises, as follows:
1-,2-, or 3-family homes...…...…….twenty-five dollars;
all other premises.……...……..…one hundred dollars.

(e) Filing of post-approval amendments to existing applications the greater of one hundred dollars or the fees for the additional scope or cost of work as calculated pursuant to Administrative Code §26-212.

(f) Examination required by §26-01, subd. (c) for the issuance of Site Safety Manager certificates:
three hundred and fifty dollars.

(g) Examination required by §11-01, subd. (a)(2)(ii) for an Agency Director Certificate of Approval:
three hundred and fifty dollars.

(h) Examination required by §11-01, subd. (b)(2)(ii) for Elevator Agency Inspector Certificate of Approval:
three hundred and fifty dollars.

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 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.

7. 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. Conductors for other electrical systems shall not be installed in raceways containing REFERENCE STANDARD 17 conductors.

8. Where allowed to be run without raceway protection, multi-conductor cables shall be installed as follows:

(a) Cables shall not depend on ceiling media, pipes, ducts, conduits, or equipment for support; Cables must be supported independently from the building structure.

(b) Cables must be secured by cable ties, straps or similar fittings, so designed and installed as not to damage the cable. Cables must be secured in place at intervals not exceeding 5'-0" on centers and within 12" of every associated cabinet, box or fitting.

9. Installation of raceways, boxes and cabinets shall comply with the following general requirements:

(a) Covers of boxes and cabinets shall be painted red and permanently identified as to their use.

(b) Penetrations of fire-rated walls, floors or ceilings shall be fire stopped.

(c) Within stairways, raceways within 8 feet of the floor shall not be installed so as to reduce or obstruct the stairway radius.

(d) Raceways or cables shall not penetrate top of any equipment box or cabinet.

10. All conduits supplying 120-volt power to the 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).

11. 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.

12. Splices and terminations of wires and cables shall be as follows:

(a) Permitted only in boxes or cabinets specifically approved for the purpose.

(b) 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.

13. Wiring for audible 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 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 throughout the entire floor.

(iv) The name and telephone number of the central office company shall be displayed at the manual pull station.

(v) There shall be a Fire Safety Director on duty at all times that the premises is actually occupied by the number of persons specified in the opening paragraphs of these rules. The Director shall have a Certificate of Fitness issued by the New York City Fire Department.

(vi) Applications shall be filed and permits obtained as required by departmental memoranda concerning fire alarm systems.

§15-02 Interior Fire Alarm and Signal System for Place of Assembly Used as a Cabaret and for Stages, Dressing Rooms and Property Rooms.

(a) Number of occupants. Subdivisions 27-968(a)(10)(a) and (b) of the Building Code state that an interior fire alarm and signal system shall be provided in any room, place or space occupied or arranged to be occupied by 75 or more persons and in which either any musical entertainment, singing, dancing or other form of amusement is permitted in connection with the restaurant business or the business of directly or indirectly selling to the public food or drink, or where dancing is carried on and the public may gain admission, with or without payment of a fee, and food or beverages are sold, served, or dispensed, and any new or altered catering place as of April 4, 1979 having 300 or more persons. This does not apply to eating or drinking places which provide incidental musical entertainment, without dancing, either by mechanical devices, or by not more than three persons playing piano, organ, accordion or guitar or any stringed instrument or by not more than one singer accompanied by himself or a person playing piano, organ, accordion, guitar or any stringed instrument.

(b) Occupant load. The occupant load of a Place of Assembly shall be calculated by dividing the net floor area of the space by the appropriate figure in the following table:

	Occupancy	Net Floor Area per Occupancy (square feet)
(1)	Dance Floor	10
(2)	Dining Spaces	12
(3)	Standing Room (Audience) in all Places of Assembly	4
(4)	Seating Area (Audience) in all Places of Assembly	
(i)	Fixed Seats	Designed Number of Seats or Occupants
(i)	Movable Seats	10

(c) Capabilities and components.

(1) Fire Alarm System: shall be closed circuit, "electrically supervised", individually coded and connected to an approved franchise/central office alarm company.

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.

(i) Manual fire alarm stations: shall be installed at each required natural path of egress from all levels from public assembly area.

(ii) Fire alarm gongs: shall be installed to provide adequate audibility throughout the Public Assembly area and all areas

occupied in conjunction with the area at all levels including dressing rooms, rest rooms, coat rooms, etc. "Audibility" shall be loud and distinct under maximum sound system operation unless section 15-02(c)(2)(ii) is complied with.

(iii) Sprinkler waterflow device: shall be installed to indicate flow of water in the sprinkler system and shall be made part of the interior Fire Alarm by interconnecting the waterflow device to the interior Fire Alarm so that actuation of the waterflow device shall sound a distinctive coded alarm via the fire alarm gongs.

(2) General requirements.

(i) The components of the system shall require New York City M.E.A. approval.

(ii) A device may be installed to automatically turn off the sound system and psychedelic and special effects lighting when a manual fire alarm and/or sprinkler waterflow device is activated in all public assemblies that require an interior fire alarm and signal system.

(iii) 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 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 in this rule.

B. PRIMARY POWER SOURCE

1. 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.

2. Partial systems such as strobe light control panels, partial fire alarm, automatic smoke/heat detection, and sprinkler alarm subsystems and/or other associated systems may be connected to an emergency supply riser panel via a tapped connection, and an identified, locked fused cutout box located within 5 feet of the tap. Where an emergency power system (E.P.S.) is provided in accordance with Section 27-396.4 of the Building Code, it shall be connected to the emergency supply riser. Where an E.P.S. is not available, the emergency supply riser shall be connected to a tap ahead of the service switch.

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.

(iv). 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 (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.
7. 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.
8. Where allowed to be run without raceway protection, multi-conductor cables shall be installed as follows:
(a) Cables shall not depend on ceiling media, pipes, ducts, conduits, or equipment for support; Cables must be supported independently from the building structure.
(b) Cables must be secured by cable ties, straps or similar fittings, so designed and installed as not to damage the cable. Cables must be secured in place at intervals not exceeding 5'-0" on centers and within 12" of every associated cabinet, box or fitting.

9 Installation of raceways, boxes and cabinets shall comply with the following general requirements:
(a) Covers of boxes and cabinets shall be painted red and permanently identified as to their use.
(b) Penetrations of fire-rated walls, floors or ceilings shall be fire stopped.
(c) Within stairways, raceways within 8 feet of the floor shall not be installed so as to reduce or obstruct the stairway radius.
(d) Raceways or cables shall not penetrate top of any equipment box or cabinet.

10. All conduits supplying 120-volt power to the 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).

*12. 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.

"12." enacted but "11" probably intended.

12. Splices and terminations of wires and cables shall be as follows:
(a) Permitted only in boxes or cabinets specifically approved for the purpose.
(b) 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.

13. 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.

(v) The equipment shall be colored RED and enclosed in suitable housing permanently fastened to the structure at the appropriate locations. A diagonal white stripe one inch wide from upper left corner to lower right corner shall be painted or applied to sending stations. The stripe shall not render any lettering illegible or obliterate the station number.

(vi)The name and telephone number of the central office company shall be displayed at all manual pull stations and at all central office transmitters.

(vii) There shall be a fire guard on duty at all times that the Place of Assembly is open and functioning as a cabaret. The fire guard shall have a Certificate of Fitness issued by the New York City Fire Department.

(viii)Emergency Lighting and Sprinkler Systems shall be installed and maintained as required by law.

(ix)A Fire Alarm System in a Place of Assembly subject to this rule in a high rise (Class E) office building shall interface with Fire Alarm and Communication System required by Local Law No. 5/1973.

(x) Applications shall be filed and permits obtained as required by Departmental Memorandum.

§15-03 [Repealed]

§15-04 Exemption of Certain Existing J-1 Residential Hotels from Certain Fire Safety Special Filing Requirements.

(a) *Definition*. Existing J-1 Residential Hotel. An existing J-1 residential hotel is defined as a single room occupancy multiple dwelling, in which at least seventy-five (75) percent or more of the total number of occupied individual dwelling units:
(1) have had no more than two (2) separate tenancies for at least three (3) years preceding the date on which the application for residential hotel status is made or, preceding the date of submission of an annual certification as set forth below or
(2) have been used by a religious not-for-profit organization

as a residency for its members who maintain residency for at least (1) year and have no more than two (2) separate tenancies for at least (1) year preceding the date on which the application for residential hotel status is made, provided that a fire safety plan for fire drill and evacuation procedures in accordance with the requirements of the Fire Commissioner shall be submitted to the Fire Department and the approval of the Fire Commissioner shall be obtained.

(b) *Details of exemptions*. This section shall exempt owners of existing "residential hotels", as that term is defined in §15-04(a), from J-1 fire safety special filing requirements of §§27-382(b), 27-384(b), 27-954(w), 27-989(b), 27-996.2(a)(2) of Article 26 of Subchapter 1 of Chapter 1 of Title 27 of the Administrative (Building) Code as enacted by Local Law 16 of 1984, effective March 17, 1984, as well as installation requirements set forth in the following sections:
(1) §27-382 (b) Power source-Exit lights.
(2) §27-384 (b) Power source-Exit signs.
(3) §27-954 (w) Required sprinklers.
(4) §27-989 (b) Elevator in readiness.
(5) §27-996.2 (a) (2) Firemen service operation in existing elevators.

(c) *Certification.*
(1) The certification of residential hotel status may be obtained only by the filing of an alteration application for residential hotel certification. Such application shall contain the supporting documentation required in §15-04(d) below. Certification of residential hotel status as defined in § [*sic*] 15-03(a) [*sic*] above shall be issued by the borough superintendent. Certification shall be valid for a period of one (1) year from the date of initial certification. Thereafter, the owner of the residential hotel shall engage a registered architect or licensed professional engineer to certify annually through the filing of a building notice application that the residential hotel is in compliance with the requirements of § [*sic*] 15-03(a) [*sic*] above.
(2) Owners of residential hotels shall keep a copy of their residential hotel certification on site at the hotel. Failure to timely renew a hotel's residential certification may result in the issuance of violations for the hotel's failure to comply with the requirements of Local Law 16 of 1984 and Local Law 16 of 1987 for a J-1 occupancy.

(d) *Supporting Documentation.* The following documentation shall be furnished by the owner in support of his or her application for certification of residential hotel status:
(1) Certificate of Occupancy or, if unavailable;
(2) Occupancy and Arrangement Card from the Department of Housing Preservation and Development and Department of Housing Preservation and Development Computer Printout;
(3) List all rooms occupied by tenants who have resided at the premises for six months or longer or who are in occupancy pursuant to a lease of six months or longer, together with the name of the tenant in each of the aforementioned rooms and copies of any and all existing leases for the period stated in § [*sic*] 15-03(a) [*sic*] of this section; and
(4) For each dwelling unit in the premises subject to rent control or hotel stabilization, copies of the annual registration statement filed with the New York State Division of Housing and Community Renewal; and
(5) Copies of any relevant documents filed by the owner with the Hotel Stabilization Association; and
(6) Any other documentation deemed relevant by the borough superintendent, in his or her discretion.

(e) *Determination of J-2 Dormitory*.
(1) A building owner may contend that his/her building is a dormitory and therefore as a J-2 occupancy need only provide stair and elevator signs, and if a high-rise building also remove locks on elevator and hoistway doors. To qualify as a dormitory, the building's current Certificate of Occupancy must indicate use as a dormitory. Where the Certificate of Occupancy indicates both dormitory and J-1 occupancy, those portions which are J-1 must comply with LL 16/84 requirements for J-1 occupancies.
(2) When an owner seeks to amend his building's Certificate of Occupancy [*sic*] to provide for dormitory occupancy, he must submit an affidavit stating he will use the dormitory space only for sleeping accommodations of individuals on a month-to-month or longer-term basis (Adm. Code §27-265) and that the dormitory will be owned and operated by either a not-for-profit corporation or a school. Such amended Certificates of Occupancy shall provide that the dormitory may only be owned or operated by either a not-for-profit corporation or a school.

§15-05 Filing and Approval of a Fire Safety Plan for Buildings Containing Transient Occupants Such as Hotels and Motels.
(a) *Number of occupants*.
These rules and regulations shall apply to buildings or parts thereof classified in Article 11 of Subchapter 3 of Chapter 1 of [*sic*] Title 27 of the Administrative Code of the City of New York as occupancy group J-1, J-2 occupied or arranged to be occupied in whole or part by a transient occupancy. For the purpose of these rules and regulations, buildings or parts thereof which contain a total of more than 30 sleeping rooms or can accommodate a total of more than 30 lodgers, or contains more than 15 sleeping rooms, or can accommodate more than 15 lodgers above the first or ground story, used for living or sleeping purposes by the same person or persons for a period of ninety days or less shall be considered as being occupied by a transient occupancy. Such buildings shall include but are not limited to buildings occupied as hotels, motels, lodging houses, dormitories and single room occupancies. All such buildings occupied or arranged to be occupied in whole or part by a transient occupancy, regardless of the number of sleeping rooms or accommodations, over 75 feet in height, shall comply with these rules and regulations. The owner or other person having charge of such building shall file a Fire Safety Plan with the Fire Department indicating compliance with §15-05(b) within 30 days after the effective date of these rules and regulations. The owner or other person shall resubmit the revised Fire Safety Plan for approval within 30 days after receiving comments from the Fire Department. Upon approval, the Fire Safety Plan shall be immediately put into effect. The owner or other person having charge of such building shall comply with §§15-05(c)(1) to 15-04(c)(5) within 30 days of the effective date of these rules & regulations.

b) *Details of fire safety plan.*
(1) A fire safety plan for fire drill and evacuation procedures in accordance with the requirements of the Fire Commissioner shall be submitted to the Fire Department and the approval of the Fire Commissioner shall be obtained. The applicable parts of the fire safety plan shall be distributed to the building service employees. All employees of the building shall participate and

cooperate in carrying out the provisions of the fire safety plan.
(2) *Fire safety director and deputy fire safety director*.

(i)One employee shall be designated as fire safety director and a sufficient number of employees shall be designated as deputy fire safety directors. Such employees shall have a knowledge of the building's fire protection systems and shall have a certificate of fitness, in accordance with the requirements of the Fire Commissioner, qualifying him to conduct fire drills, evacuations and related activities such as organizing, training and supervising a fire brigade when required. In the absence of a fire safety director, when a fire safety director is required to be on duty in the building, such deputy fire safety director shall act as fire safety director.

(ii) As the building is continuously occupied, there shall be a fire safety director continuously on duty in the building with the required certificate of fitness. During fire emergencies, the primary responsibility of the fire safety director shall be the manning of the fire command post and the direction and execution of the evacuation as provided in the fire safety plan and to assist the Fire Department with his knowledge of the building's fire protection systems. Such activities shall be subject to the Fire Department control.

(3) If sufficient personnel are available, as determined by the Fire Department, a fire brigade shall be organized.

(4) Fire drills shall be conducted, in accordance with the fire safety plan, at least once every three months on each shift. A written record of such drills shall be kept on the premises for a three year period and shall be readily available for inspection by the Fire Department.

(5) In buildings where compliance would cause practical difficulty or undue hardship, the Fire Commissioner may waive or modify the requirements of this subdivision and accept alternatives fulfilling the intent of these requirements consistent with public safety.

(c) *Signage*.

(1) *Elevator landings*. 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". The lettering shall be at least one-half inch block letters and of contrasting color from the background or as otherwise approved by the Commissioner of Buildings. Such lettering shall be properly spaced to provide good legibility. The sign shall also contain a diagram showing the location where it is posted and the location and letter identification of the stairs on the floor. The sign shall be at least eight inches by ten inches, located directly above a call button and securely attached to the wall or partition. The top of such sign shall not be above six feet from the floor level. The diagram on such sign may be omitted provided that signs containing such diagram are posted in conspicuous places on the respective floor. In such case, the sign at the elevator landing shall be at least two and one half inches by ten inches and the diagram signs shall be at least eight inches by ten inches.

(2) *Floor numbering*.

A sign shall be posted and maintained with each stair enclosure on every floor, indicating the number of the floor. The numerals and background shall be in contrasting colors. The sign shall be securely attached to the stair side of the door.

(3) *Stair and elevators*.

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 §15-05(c)(1). The stair identification sign shall be posted and maintained on the occupancy side of the stair door. The letter on the sign shall be at least three inches high, of bold type and of contrasting color from the background. Such signs shall be securely attached.

(4) *Sign material*. Signs shall be of metal or other durable material.

(5) *Placing, size and content of signs*. A sign shall be posted and maintained on the inside of every door opening onto a public corridor giving access to a sleeping room. The sign shall contain a diagram showing the location where it is posted and the location and letter identification of the exit stairs on the floor. The diagram shall indicate the number of doors opening onto the public corridor which must be passed to reach each exit stair. The sign shall be at least eight inches by ten inches, located on the inside of the door and securely attached thereto. The top of such signs shall not be above six feet from the floor level. These signs are in addition to the signs required in §15-05(c)(1). These signs may contain such additional information as the Fire Department may require.

(6) *Additional sign requirements*. When floors or parts of floors are used as accessory to a J-1 and J-2 transient occupancy, "Elevator Landings" §15-05(c)(1), "Floor Numbering" §15-05(c)(2) and "Stairs and Elevators" §15-05(c)(3), shall be required.

§15-06 Design of Composite Construction with Metal Decks or Lightweight Concrete.

(a) Metal deck construction is to be approved strictly in accordance with Board of Standards and Appeals or MEA approval in all respects, with no interchangeability or equivalent materials authorized except as noted in these rules.

(b) When metal decks have been approved for use where a fire resistive floor or roof is required, equivalent materials may be authorized or interchanged for any of the components of the assembly by borough superintendents pursuant to §27-107 of the Administrative Code based on; [*sic*]

(1) Similar full scale tests conforming with A.S.T.M. E119-1988; or,

(2) A combination of small scale and/or half scale tests and engineering evaluation acceptable to the commissioner in conjunction with evaluation of full scale tests conforming with ASTM E119-1988 for a variety of assemblies of combination of materials, or

(3) A combination of small scale, half scale or full size tests representative of the actual fire exposure of the occupancy and engineering evaluations, all acceptable to the commissioner.

(c) When metal decks have been approved for use where a fire resistive floor or roof is required without any fire protection below the metal deck, they shall not be authorized in connection with composite beam design unless the approval specifies that the decks have been tested in accordance with both floor and beam requirements; or, alternately, fire protection is applied below the metal deck having the same thickness as that applied to the beam, for that width of slab acting as part of the composite beam, except that no such fire protection need be applied below the metal deck when the floor or roof slab and deck have a fire resistive rating at least equal to that of the

supporting beams, ef'c of the concrete fill-in is equal to or greater than 3000 p.s.i..

(d) Where the structural design is in accordance with load tests referred to in a board approval, the load carrying capacity can be accepted provided that design criteria for all structural elements are specified in the resolution of the board. Where the approval of the board simply makes general reference to other criteria, the following structural guidelines are to be adhered to, with respect to composite construction:

(1) Concrete in the ribs of metal decks is to be completely excluded in flexural computations, in the composite T-beam design. However, it may be included for bond calculations (which is to be based on allowable stresses of 20 p.s.i.) as well as shear stresses for slab action exclusively.

(2) Slab designs shall be required to comply with all applicable requirements of Reference Standards RS 10-3, and RS 10-5A with structural calculations submitted in all cases in regard to n ratios (see §1102(b) of RS 10-3), fiber [*sic*] stresses, shear stresses, bond stresses, length-deep and/or deflection limitations, and shear connection loads.

(3) The capacity of shear connectors in lightweight concrete shall only be rated at 80 percent of the values specified in Table 1.11.4 of Reference Standard RS 10-5 for normal weight aggregate. When metal decks with ribs not exceeding 1 and 1/2 inches in depth are used, the capacity of the shear connectors is to be further reduced by 15 percent, so as to have a total rated capacity of 65 percent of the values stated in Table 1.11.4 when lightweight concrete is used in composite construction with metal decks, and 85 percent when normal aggregate is used in such construction, unless prequalified load tests pursuant to §27-599 warrant higher values. Shear connectors not listed in Table 1.11.4, or differing on length or size may not be used without specific Board Approval for specific loads.

(4) When metal decks having ribs exceeding 1 and 1/2 inches in height are employed with composite construction, prequalified load tests of the slab and beam, pursuant to §27-599, shall be required before any approval is granted.

(5) All welding on [*sic*] shear connectors shall be performed by licensed welders, except as otherwise authorized in an intradepartmental memorandum dated June 6, 1967.

§15-07 Fire-Retarding of Entrance Halls, Stair Halls and Public Halls in Old Law Tenements and Converted Dwellings.

(a) *Intent.* The fire-retarding rules herewith set forth are approved by the Department of Buildings for old law tenements and converted dwellings where their entrance halls, stair halls and public halls are required, by §189, subdivisions 1 and 4, §238, subdivision 4, and §218, subdivisions 5 and 6, Multiple Dwelling Law, and by §27-2044, Housing Maintenance Code, to be fire-retarded in a manner approved by the Department of Buildings.

(1) All entrance halls, stair halls and public halls, including service halls and stairs, shall be fire retarded to the extent required by the Multiple Dwelling Law and the Housing Maintenance Code.

(2) It is the intent that all wood structural members of partitions, ceilings and stair soffits shall be completely protected with fire-retarding materials where they may be exposed to fire in entrance, stair and public halls. To this extent these rules and regulations cover only general conditions and are not designed to cover specific or special cases. Where such may occur the owner is required to consult the Department of Buildings and receive instructions before work is started.

(3) Where existing dumbwaiter shafts are located in, or open on public halls which are required to be fire-retarded, such dumbwaiter shafts, when not constructed of fireproof or fire-retarding materials, shall be fire-retarded on the inner side, from the lowest story to the roof inclusive, in accordance with the requirements of §15-07(b)(1) or (b)(2), except in cellar where such shafts shall be enclosed with fireproof materials.

All doors opening from such dumbwaiter shafts shall be self-closing, and doors and assemblies when of wood or other non-fireproof construction shall be lined on both sides with No. 26 U.S. gage [*sic*] metal, except in cellar where doors and assemblies shall have a fire-resistive rating [*sic*] of at least one (1) hour.

(4) It is not intended that these rules and regulations in themselves require plans to be filed. However, should any work involve structural changes, then plans are required to be filed in the Department of Buildings and such changes shall be subject to all other rules and regulations applicable thereto.

(5) Work shall not commence until satisfactory evidence has been submitted to the Department of Buildings that compensation insurance has been obtained in accordance with the provisions of the Workmen's Compensation Law.

It is the intent of §238, subdivision 4, Multiple Dwelling Law, that every entrance hall, public hall and stair hall in every old law tenement four stories or more in height shall be fire-retarded.

Every old law tenement three stories and a basement, or three stories, basement and cellar in height shall be deemed to be four stories when the main entrance from the grade is to the basement, and every entrance hall, public hall and stair hall in such building shall be fire-retarded.

In old law tenements where the entrance halls, public halls and stair halls are required to be fire-retarded, existing wood stairs shall be fire-retarded in conformity with the requirements of these rules and regulations, whether or not such halls had been fire-retarded in accordance with plans filed with and approved by the former Tenement House Department or Department of Buildings, prior to the enactment of subdivision 4 of §238 of the Multiple Dwelling Law.

(b) *Partitions.* All existing partitions separating apartments from entrance halls, stair halls and public halls, or otherwise forming enclosing partitions of entrance halls, stair halls and public halls, shall be fire-retarded by any one of the following methods:

(1) *Metal lath and cement of gypsum mortar.* Completely remove all existing materials to face of studs or other structural members on hall side of partitions and recover with metal lath and two coats of cement or [*sic*] gypsum mortar. If cement mortar is used it shall be three-quarters inch (3/4") thick, if gypsum mortar is used it shall be one inch (1") thick. The second coat of mortar shall not be applied until the first coat has thoroughly set and in no case shall the second coat be applied on the same day that the first coat of mortar is applied.

In lieu of the above method, completely remove all combustible materials from plaster face of partitions on hall side and repair existing plaster. After inspection, cover existing plaster with herringbone or similar approved type metal lath with rigid rib reinforcement to provide good bond between new and existing

plaster. Cover lath with two coats (scratch and brown) of cement or [*sic*] gypsum mortar as above.
The first coat of cement mortar (scratch) shall be composed of one (1) part of Portland cement to one and one-half (1 1/2) parts of sand, with additional volume of hydrated lime not greater than ten (10) percent of the volume of Portland cement. The second coat (brown) shall be composed of one (1) part of Portland cement to three (3) parts of sand, with additional volume of hydrated lime not greater than ten (10) percent of the volume of Portland cement.
The first coat (scratch) of gypsum mortar shall be composed of one (1) part of gypsum to one (1) part of sand. The second coat (brown) of gypsum mortar shall be composed of one (1) part of gypsum to one and one-half (1 1/2) parts of sand.
(2) *Plaster boards and gypsum mortar or stamped metal*. Completely remove all existing materials to face of studs or other structural members on hall side of partitions and recover with plaster boards or perforated rock lath three-eighths inch (3/8") thick, covered with two coats of gypsum mortar (scratch and brown) so that the aggregate thickness shall be at least one inch (1"), or in lieu thereof, recover same with plaster boards one-half inch (1/2") thick, covered with No. 26 U.S. gage [*sic*] stamped metal.
In lieu of the above method, completely remove all combustible material from plaster face of partitions on hall side and repair existing plaster. After inspection, plaster boards or perforated rock lath may be applied directly over the existing plaster face of partitions on hall side. Cover plaster boards or perforated rock lath with two coats of gypsum mortar as above, or plaster boards may be covered with No. 26 U.S. gage [*sic*] stamped metal.
(3) *Mineral wool*. Fill solidly between partition uprights, from underside of flooring to ceiling with mineral wool blown in place by the pneumatic method, packed solidly to fill all spaces and voids.
(4) *Brick, gypsum, etc*. Fill solidly between partition uprights from underside of flooring to ceiling with brick, gypsum, or other acceptable material packed solidly to fill all spaces and voids. Where brick, gypsum, or other masonry material is intended to be used, application must be filed before installation with the Department of Buildings for approval of strength of existing members intended to support the proposed masonry fire-retarding.
(5) *Other methods*. No other method may be used unless same is acceptable to the Department of Housing and Buildings.
(6) *Removal of windows in public hall partitions*. When windows in walls or partitions are removed, both sides of the openings shall be sealed with fire-retarding materials, except that wood lath and plaster may be used on the room side of the opening when the existing surface of the room is constructed of wood lath and plaster.
(7) *Electric meters*. Where direct current (DC) electric meters of public utility companies are present or installed on partitions of public halls the fire-retarding shall continue unbroken behind the meters or the meters shall be mounted on a heavy slate back or non-magnetic fireproof equivalent, such as transite, asbestos board, etc., against which fire-retarding finished up tightly.
(8) *Partitions in Class B converted dwellings*. Where fire-retarding is required in any Class B converted dwelling referred to in §15-07(a)(7), both sides of all enclosure partitions of entrance halls, stair halls and public halls throughout such building shall be fire-retarded in accordance with the method set forth in §§15-07(b)(1) or (b)(2) or said partitions shall be fire-retarded in accordance with the provisions of §§15-07(b)(3) or (b)(4).
(9) *Partitions in altered old law tenements*. In any old law tenement where the occupancy is increased on any story, the enclosing partitions of any entrance hall, stair hall or public hall on the story where the occupancy has been increased, shall be fire-retarded on both sides. Such requirements shall apply only to the walls of the entrance hall, stair hall or public hall adjoining the altered apartment. The enclosing partitions of such halls other than those adjoining the altered apartment and the partitions on any story where the occupancy has not been increased, shall be fire-retarded on the hall side. The method of fire-retarding shall be as set forth in §§15-07(b)(1) or (b)(2), or said partitions shall be fire-retarded in accordance with the provisions of §§15-07(b)(3) or (b)(4).
(10) *Newly constructed partitions*. In any entrance hall, stair hall or public hall where any partition or part thereof is newly constructed, and where the plaster has been removed from any partition or part thereof, such partition shall be fire-retarded on both sides.
(c) *Ceilings.* Any approved method for fire-retarding partitions shall be acceptable for fire-retarding ceilings, provided that all existing materials are completely removed to face of joists. Mineral wool, brick gypsum or other masonry fill will not be accepted.
(1) Where any entrance hall, public hall or stair hall, or any portion thereof, in any part of any old law tenement or [*sic*] converted dwelling is required to be fire-retarded that portion of any ceiling directly underneath any such entrance hall, public hall or stair hall shall be fire-retarded. Where such ceiling is located in any store, apartment or other space it shall also be fire-retarded as required for partitions by §§15-07(b)(1) or (b)(2).
Where the above method is impractical due to the existing ceiling construction in any such store, apartment or other space, the Department of Buildings may permit the fire-retarding of such ceilings to be applied from above by removing the floor of any such entrance hall, public hall or stair hall and installing between the floor beams, and directly against ceiling below, a layer of heavy building paper over which there shall be placed a basket made of reinforced ribbed expanded metal lath weighing at least 3.4 pounds per square yard. Such basket shall be lined with Portland cement or gypsum mortar not less than one inch (1") in thickness. The building paper, metal lath and cement or gypsum mortar shall be carried at least halfway up on the side of beams. However, this method will not be accepted for the fire-retarding of any such ceiling located in a space used for a hazardous purpose or business, nor will it be accepted for fire-retarding of any such ceiling located in the cellar or for the fire-retarding of any ceiling located in any store, apartment or other space when such ceiling is constructed of wood or of wood and metal applied directly to the beams. In such cases the ceilings shall be fire-retarded according to the requirements of §§15-07(b)(1) or (b)(2).
(d) *Existing wood stairs.* Except where stairs of incombustible material are required in Class B converted dwellings as set forth in §15-07(a)(7), all wood railings, balustrades and newel

posts shall be completely removed from every existing wood stairs and such stairs shall be provided with railings, balustrades and newel posts of metal or other hard incombustible material, of such size and secured in such manner to the existing stairs as may be approved by the Department of Buildings, except handrails may be of hardwood.

Soffits and stringers of existing wood stairs shall be fire-retarded in accordance with the methods set forth in §§15-07(e) or (f).

(e) *Stair soffits.* The soffits of every stair in every entrance hall, public hall and stair hall, including any soffit extending beyond the enclosure partitions of any such hall, shall be fire-retarded.

Any approved method for fire-retarding partitions shall be acceptable for fire-retarding stair soffits provided that all existing materials are completely removed to face of structural members of stair soffits.

(f)*Fascia-stair and well.* Fascia of outside stringer on rake of stairs, and well fascia at floor level, shall be fire-retarded their full depth to form complete seals with the soffits of stairs and ceilings of halls, respectively. Type of fire-retarding shall be one of those herein approved for ceilings of halls, or in lieu thereof, cover fascia with sheet asbestos not less than three-sixteenths inch (3/16") thick with joints well pointed over which there shall be an additional single layer of No. 26 U.S. gage [*sic*] stamped metal or cover fascia with a single layer of No.14 U.S. gage [*sic*] steel.

(g) *Fire-stopping.* All partitions required to be fire-retarded shall be fire-stopped with incombustible material at floors, ceilings and roofs. Fire-stopping over partitions shall extend from the ceilings to the underside of the flooring or roofing above. Fire-stopping under partitions shall extend from the underside of flooring to ceiling below. All [*sic*] spaces between floor joints (directly over and under partitions) shall be completely filled the full depth of joists. Any space from top of partition to underside of roof boarding shall be completely fire-stopped.

Fire-stopping shall be done with brick, cinder concrete, gypsum, metal lath and Portland cement or gypsum mortar, mineral wool, or other materials acceptable to the Department of Buildings.

(h) *Door openings.* Except as provided in §§15-07(h)(1) and (h)(2), all door openings into any public hall, entrance hall or stair hall which is required to be fire-retarded shall be equipped with self-closing protective assemblies having a fire-resistive rating of at least one hour.

(1) In old law tenements where the number of apartments is not being increased, existing wood doors opening into public halls, entrance halls or stair halls may remain provided such doors are made to be self-closing ("Butterfly" spring hinges are not acceptable) and, provided further, all glazed transoms and panels in every such door are glazed with wire glass. All such transoms shall be made stationary.

(2) Where, in any old law tenement, the number of apartments is being increased on one or more stories, door openings into public halls, entrance halls or stair halls on each story or stories shall be equipped with self-closing protective assemblies having a fire-resistive rating of at least one hour.

In such old law tenements existing wood doors opening into public halls, entrance halls or stair halls may remain on any story where there is no increase in the number of apartments, provided such doors and every transom and panel in same are made to conform to the requirements set forth in §15-07(h).

(3) All doors shall be properly fitted to their assemblies and there shall be no unnecessary space between doors and door bucks or saddles.

(i)*Materials*. All materials used in the process of fire-retarding shall be of a type and manufacture acceptable to the Department of Buildings.

The following shall be considered as minimum requirements:

(1) *Metal lath*. Metal lath shall weigh at least 30 pounds per square yard, except lath used over existing plaster which lath shall weigh at least 3.4 pounds per square yard and be reinforced with rigid ribs not less than three eighths inch (3/8") deep, spaced not more than eight inches (8") on center running full length of sheets. Where ribs exceed 4.8 inches on center, same shall have at least one intermediate one eighth inch (1/8") inverted rib running the full length of sheets.

Metal lath fastened to studs [*sic*] shall be attached at least six inch (6") [*sic*] intervals with 4-penny nails or one inch (1") roofing nails or No. 14 steel wire gage [*sic*] wire staples, and to wood joists by at least 6-penny nails, one and one-quarter inch (1 1/4") roofing nails, or one inch (1") No. 14 steel wire gage [*sic*] wire staples. When metal lath is applied over existing plastered surfaces, same shall be fastened with nails or staples of the same gage [*sic*] and such nails or staples shall have anchorage of at least one-half inch (1/2") in studs and three-quarters inch (3/4") in joists. Laps between the studs or joists shall be securely tied or laced. Stiffened metal lath on wood studs, or joists, shall be nailed or stapled at least at eight inch (8") intervals, and the laps between studs similarly tied or laced. Metal lath shall be galvanized or painted.

(2) *Plaster boards or perforated rock lath*. Plaster boards or perforated rock lath shall be of type and manufacture acceptable to the Department of Buildings. Each board shall bear the name of manufacturer [*sic*] and brand stamped thereon for inspection after erection.

Plaster boards or perforated rock lath nailed directly to wood studding or joists shall be fastened with one and one-eighth inches (1 1/8") wire nails of at least No. 13 steel wire gage [*sic*] with flat three-eighth inch (3/8") heads. When such boards are applied over existing plastered surfaces, same shall be fastened with nails of the same gage [*sic*] and such nails shall have anchorage of at least one-half inch (1/2") in studs and three-quarters inch (3/4") in joists. The maximum space between nails shall be four inches (4"). The joints shall be broken at every other board. The wetting of such boards before plastering is forbidden.

(3) *Stamped metal*. Stamped metal shall be No. 26 U.S. gage [*sic*] (equivalent thickness .018 inches or 3/160 inches) with one inch (1") lapped seams. Size of sheets shall be not more than twenty-four inches by ninety-six inches (24" x 96"), having a selvage consisting of a half-round bead sufficient to create a one inch (1") overlap at both seams. Nailing shall be secured direct to studs or joists with 6-penny smooth box nails (two inches (2") or No. 12 1/2 gage [*sic*]) with nails on end seams spaced not more than three inches (3") apart. Nailing to plaster is forbidden and in all cases nails shall have anchorage of at least one-half inch (1/2") in studs and three-quarters inch (3/4") in joists. All beads at seams shall be chisel sealed, making a tight joint. All sheets shall be marked "26 U.S. Gage" [*sic*] for identification and inspection after erection.

(4) *Mineral wool*. Mineral wool shall be of a type and

manufacture acceptable to the Department of Buildings.
Holes shall be cut approximately three inches (3") in diameter through the wood lath and plaster near the ceiling, in the panels between each two adjacent studs. As an alternative, holes may be cut approximately three inches by six inches (3" x 6") on every second stud. Check each stud panel with weight and line to find out whether there is any obstruction. If any cross-bridging or other obstruction is encountered additional holes shall be cut until access has been gained to all open spaces within the stud panel in all specified partitions. Mineral wool shall then be blown into all spaces by the pneumatic method with air pressure sufficient to pack the insulation to a density acceptable to the Department of Buildings. Mineral wool for this work shall be in bags or containers marked with manufacturer's name and label specifying its type.
(5) *Other materials*. No other material may be used unless same is acceptable to the Department of Buildings.

(j)*Exceptions*. Where any portion of any entrance hall, stair hall or public hall has been previously fire-retarded under the supervision of this department, the former Tenement House Department or various former Department of Buildings, such fire-retarding will be accepted only to the extent that same has been previously approved, provided, however, that such entrance hall, stair hall or public hall is otherwise made to conform to all the requirements set forth in these rules.

§15-08 Fire-Retarding of Cellar Ceilings in Old Law Tenements and Converted Dwellings.

(a) *Intent*. The fire-retarding rules herewith set forth are approved by the Department of Buildings for the existing multiple dwellings where the ceilings of the cellar or other lowest story is required, by §85 and §240, subdivision 3, Multiple Dwelling Law, and by §27-2044, Housing Maintenance Code, to be fire-retarded in a manner approved by the Department of Buildings**.**
(1) It is the intent of the law to provide a continuous fire-retarded covering over the entire ceiling of the cellar, or other lowest story, so as to prevent fire communicating with upper stories of a multiple dwelling.
Where there is a space less than four feet six inches (4'-6") in height from the ground or floor level to the underside of the first tier of beams, such space shall be considered as an "air space" and not as a cellar. However, when such space opens to a cellar where fire-retarding of the ceiling is required, then such space shall be separated from the cellar with a partition constructed of incombustible material in which there is provided self-closing door and assembly having a fire-resistive rating of at least one hour.
Where the ceiling of the cellar or other lowest story is required to be fire-retarded, all openings in such ceilings for stairways not located directly under a main stair, also openings in ceiling such as pipe shafts, vent shafts, unenclosed dumbwaiter shafts, disused flues, etc., shall be properly closed. (Private stairs within duplex apartments extending into cellar or basement are not required to be enclosed.)
New partitions erected to enclose existing stair referred to in the preceding paragraph shall be of incombustible materials. Existing partitions enclosing any such stair will be acceptable where same are of incombustible materials or where same are fire-retarded on both sides in accordance with the methods set forth in §15-07(b)(1) or (b)(2) and with materials conforming with the requirements of §15-07(i) of these rules and regulations. Door openings in such enclosure partitions shall be equipped with self-closing protective assemblies having fire-resistive ratings of at least one hour.
When existing shafts, including dumbwaiter shafts, extend below the ceiling a distance less than one-half (1/2) the height of the cellar, such shafts shall be considered as being part of the cellar ceiling and the enclosures of said shafts shall be fire-retarded in the same manner as required for cellar ceilings. All existing shafts, including dumbwaiter shafts, which extend below the ceiling a distance more than one-half (1/2) the height of the cellar shall be enclosed with incombustible materials. All shafts referred to in this paragraph shall have adequate cleanout at base consisting of fireproof [*sic*] self-closing door and assembly having a fire-rating of at least one hour.
Where new partitions or enclosures are erected in a cellar they shall be constructed of incombustible materials.
(2) *Wood girders, columns, posts, etc*. The fire-retarding material of ceiling of cellar or other lowest story shall be carried down and around all non-fireproof ceiling projections, such as wood girders, etc., which are less than six inches by six inches (6" x 6") in dimension.
The fire-retarding material also shall be turned down at least three inches (3") on all non-fire-retarding columns, posts, etc., which are less than six inches (6") in diameter.
(3) *Non-fire-retarded cellar partitions*. When non-fire-retarded partitions in cellar, or other lowest story, extend to the ceiling, the fire-retarding material of the ceiling shall be turned down at least three inches (3") on said partitions, or the partitions shall be cut off at top to permit the fire-retarding of the ceiling to be continuous.
Where, in any old law tenement three (3) stories and basement in height, there is also a cellar under the basement story, the ceiling of such cellar shall be fire-retarded; and also, in any such old law tenement, where the main entrance from the grade is to the first story that portion of the basement ceiling which is directly under the first story entrance hall, public hall and stair hall shall be fire-retarded.
In every old law tenement three (3) stories and basement in height with no cellar under the basement, where the main entrance from the grade is to the basement story, the ceiling of the basement story shall be fire-retarded throughout. In any such old law tenement where the main entrance from the grade is to the first story no such fire-retarding will be required.
(4) *Heating appliances*. The portion of the ceiling over any furnace, boiler or hot water heater shall be fire-retarded in accordance with the methods set forth in §§15-07(b)(1) or (b)(2), and such fire-retarding shall extend for a distance of at least four feet (4'-0") beyond the sides and rear, and eight feet (8'-0") in front of such furnace or boiler.
(5) It is not intended that these rules and regulations in themselves require plans to be filed. However, should any work involves structural changes, then plans are required to be filed in the Department of Buildings and such changes shall be subject to all other Rules and Regulations applicable thereto.
(6) Work shall not commence until satisfactory evidence has been submitted to the Department of Buildings that compensation insurance has been obtained in accordance with the provisions of the Workmen's Compensation Law.

(b) *Methods*. Cellar ceilings shall be fire-retarded according to any of the following methods:
Metal lath and cement or gypsum mortar conforming to §15-07(b)(1) of these rules.
Plaster boards and gypsum mortar or stamped metal conforming to §15-07(b)(2) of these rules and regulations.

No. 26 U.S. gage [*sic*] stamped metal over existing plastered ceiling, when erected without damage to the plaster. Furring strips are not required, but if used, they shall be metal covered on both sides and on face surface. Stamped metal shall not be applied until after existing plastered ceiling has been inspected and approved by an inspector of the Department of Housing and Buildings.
No other method may be used unless same are acceptable to the Department of Buildings.

(c) *Materials*. Materials used shall be in accordance with the provisions of §§15-07(i)(1), (i)(2) or (i)(3) of these rules and regulations.
Mineral wool, brick, gypsum or other masonry fill will not be accepted for fire-retarding cellar ceilings.
No other materials may be used unless same are acceptable to the Department of Buildings.

§15-09 Fire-Retarding of Cooking Spaces in all Multiple Dwellings.

(a) *Intent*. The rules herewith set forth are approved by the Department of Buildings for the protection of cooking spaces under §§33 [*sic*] and 176 of the Multiple Dwelling Law.
As set forth in §33 of the Multiple Dwelling Law, nothing in these rules shall be construed as permitting fire-retarding partitions in fireproof multiple dwellings.

(b) *Multiple dwelling law*. Except when sprinkler heads are installed in conformity with subdivision (e) of this section, §33 of the Multiple Dwelling Law requires fire-retarding of cooking spaces in existing and newly constructed class A and class B multiple dwellings.

(c) *Ceilings and walls exclusive of doors*. Walls and ceilings shall be fire-retarded according to any of the following methods:
Metal lath and cement or gypsum mortar conforming to §15-07(b)(1) of these rules.
Plaster boards and gypsum mortar or stamped metal conforming to §15-07(b)(2) of these rules and regulations.
No. 26 U.S. gage [*sic*] stamped metal over existing plaster when erected without damage to the plaster. Furring strips are not required, but if used, they shall be metal covered on both sides and on face surface. Stamped metal shall not be applied until after existing plaster has been inspected and approved by an inspector of the Department of Buildings.
Materials used shall be in accordance with the provisions of §§15-07(i)(1), (i)(2) or (i)(3) of these rules and regulations.
No other methods or materials may be used unless same are acceptable to the Department of Buildings.

(d) *Combustible material*. In every cooking space, all combustible material immediately underneath or within one foot of any apparatus used for cooking or warming of food shall be fire-retarded in conformity with the applicable provisions of these rules or covered with asbestos at least three-sixteenths inch (3/16") in thickness and twenty-six gage [sic] metal or with fire-resistive material of equivalent rating. There shall always be at least two feet (2'-0") of clear space above such apparatus.

(e) *Sprinkler heads installed in ceilings of cooking spaces in lieu of fire-retarding the ceilings and walls*. Where sprinkler heads are installed in the ceilings of cooking spaces in lieu of fire-retarding the ceilings and walls, all of the provisions of §§15-09(a) through (f) inclusive, shall be complied with, except that it will not be required that the fire-retarding of the walls and ceilings of cooking spaces be complied with.
Before the installation of sprinkler heads is begun an application shall be filed with and approved by the Department of Buildings.
Sprinkler heads shall be of a type and manufacture approved by the Department of Buildings or previously approved by the Board of Standards and Appeals or by the Underwriters Laboratories Limited, and shall have fusible struts constructed to fuse at a temperature not higher than two hundred twelve degrees (212°) Fahrenheit.
Every sprinkler head shall bear the year of manufacture clearly on its surface. No sprinkler head may be installed after December 31st of the year following the year of manufacture.
There shall be provided at least one (1) sprinkler head for every fifty-nine (59) square feet or fraction thereof of the floor area of the cooking space.
Sprinkler heads shall be connected with the water supply of the building through a pipe of at least one-half (1/2) inch inside diameter.
Where practicable, sprinkler heads shall be located in an upright position on top the sprinkler piping.
There shall be kept available on the premises at all times a sufficient supply of extra sprinkler heads and also a sprinkler wrench for use to replace promptly any fused or damaged sprinkler heads.
Any head which has opened or has been damaged shall be replaced immediately with a good sprinkler head.
Painting or kalsomining of sprinkler heads is prohibited.

(f)*Cooking spaces constructed after July 1, 1949*. Application and plans must be filed with and approved by the Department before any work is started in connection with the construction of any cooking space after July 1, 1949.

§15-10 Fire-Escapes, Fire Stairs and Fire Towers.

(a) *Intent*. These rules have been approved by the Department to supplement the provisions of §53 of the Multiple Dwelling Law in relation to fire-escapes, fire-stairs, etc..
Where fire-escapes serve as a means of exit from other than multiple dwellings, such fire-escapes shall comply with the laws governing such occupancy.
The voluntary erection of fire-escapes on private residence buildings or business and residence buildings shall be in conformity with these rules and regulations unless otherwise directed by the Borough Superintendent of the Department of Buildings.
It is the intent of these rules to cover only general conditions and they are not designed to cover specific or special cases. When such may occur the owner is required to consult the Department of Buildings and receive instructions before starting of work.

(1) *Fire-escapes on multiple dwellings requiring new certificate of occupancy*. Except as provided in §15-10(g)(2) re lodging houses, double-rung ladder type fire-escapes will not be accepted when a new Certificate of Occupancy is required.

(2) *Alterations for increased occupancy*. Where an alteration is made increasing occupancy on any story and a fire-escape is required such fire-escape shall conform to the provisions of

§53 of the Multiple Dwelling Law and to the applicable provisions of these rules.

(b) *General provisions.*

(1) *Caution.* No fire-escapes shall be removed from any apartment without due precaution against leaving occupants without fire-escape protection as required by subdivision 9 of §53 of the Multiple Dwelling Law.

(2) *Entrance story, etc.-second means of egress*. Where the distance to safe landing, from the window sill of any apartment on any story, including the entrance story, is more than twelve feet (12'-0"), a balcony and sliding drop-ladder or other approved second means of egress shall be provided for such apartment. Safer egress to street or other safe place shall be provided from the termination of such means of egress.

(3) *Application blanks and plans*. Before the erection of new fire-escapes or alteration of existing fire-escapes upon any multiple dwelling, application must be filed with and approved by the Department of Buildings.

(4) *Projections beyond the building lin*e. Every part of fire-escapes or balconies erected on the fronts of multiple dwellings shall be at least ten feet (10') above the sidewalk when such fire-escapes or balconies project beyond the building line.

(c) *Illegal fire-escapes shall be removed*. All vertical ladder, wire, chain or cable fire-escapes if required as a means of egress shall be removed and replaced with a legal means of egress.

(d) *Acceptable existing means of egress on existing multiple dwellings*. Except as provided in §15-10(c), in any existing multiple dwelling any existing means of egress which was lawfully permitted prior to the time the Multiple Dwelling Law became effective may be continued as a legal means of egress as hereinafter enumerated.

If located on the front or rear wall of the building and properly connected with stairs with proper openings.

If located in an outer court at a point distant not more than thirty feet (30'-0") from the outer end of such court and provided such court is not less than five feet (5'-0") in width from wall to wall at any point between such fire-escape and the outer end of said court.

If located in an inner court whose least horizontal dimension is not less than fifteen feet (15'-0") measured from wall to wall.

If a party-wall balcony on the front or rear wall of the building and there are no doors or openings in the walls between the two buildings other than windows in fireproof air shafts.

If a party-balcony located in an outer court not more than fifteen feet (15'-0") in length measured from the outer end of such court to the innermost point thereof, and not less than five feet (5'-0") in width from wall to wall at any point between the fire-escape and the outer end of said court, and provided also that there are no doors or openings in the walls between the two buildings other than windows in fireproof air-shafts.

No fire-escape, however, shall be deemed sufficient unless all the following conditions are complied with:

All fire-escapes, whether a required means of egress or not, shall be maintained in good order, repair and structurally safe.

All parts shall be of iron or stone.

Except as provided in §15-10(bb) every apartment above the ground floor in each multiple dwelling shall have direct access to a legal fire escape without passing through a public hall.

Except party-wall balconies, all balconies shall be connected to each other by means of a stair or, when permitted, by double-rung ladders.

All fire-escapes, except party-wall balconies, shall have proper drop-ladders in guides from the lowest balcony of sufficient length to reach a safe landing place beneath.

All fire-escapes not on the street shall have a safe and adequate means of egress from the yard or court to the street or to the adjoining premises.

Prompt and ready access shall be had to all fire-escapes. Except as provided in §15-10(bb), such access shall be through a living room or private hall in each apartment or suit of rooms at each story above the ground floor and shall not include the window of a stairhall, nor shall any such egress be obstructed by sinks or other kitchen fixtures, or in any other way.

No existing fire-escape shall be extended or have its location changed except with the written approval of the Department of Buildings. Where an existing apartment in a tenement house erected prior to April twelfth, nineteen hundred and one, is located entirely on a court and has no rooms opening on the street or yard, fire-escapes hereafter provided for such apartments may be located in courts under the same conditions as prescribed for existing fire-escapes in this subdivision.

When wire, chain cable or vertical ladder fire-escapes are permitted to remain on Multiple Dwellings under the provisions of subdivision 9 of §53, they shall be considered only as supplemental fire-escapes.

Such fire-escapes shall be maintained in a safe condition of repair at all times and shall be subject to the applicable requirements of all laws and to these rules in relation to maintenance of existing fire-escapes.

Before a pending violation requiring the removal of such existing fire-escapes is superseded or cancelled, an inspection shall be made in accordance with the specific requirements as set forth in the preceding paragraph.

Each of the owners of adjoining structures, commonly served by party-wall balconies serving as a required means of egress, shall maintain in good order and repair that portion of each such balcony which is on his property, and each such owner shall maintain egress normally unobstructed and unimpeded from each such balcony to and [*sic*] through his structure.

It shall be unlawful for the owner of a structure on which there is a party-wall balcony serving as a required means of egress from an adjoining structure, to remove such party-wall balcony or any portion thereof or to prevent, eliminate or obstruct egress from such party-wall balcony to and through his structure, unless and until such owner has had erected a legal fire-escape or other approved means of egress.

See also §15-10(bb).

(e) *Party-wall balconies.*

(1) *New party-wall balconies*. The erection of new party-wall balconies shall be subject to the discretion and jurisdiction of the Department of Buildings, provided, however, that there shall be no doors or openings in the wall between the buildings served by such balconies other than windows in fireproof airshafts. New party-wall balconies will not be permitted on adjoining frame multiple dwellings.

(2) *Existing party-wall balconies*. Party-wall balconies existing on any multiple dwelling shall afford safe egress, be kept in

good order and repair, be constructed so as to be structurally strong and shall be maintained in conformity with all other applicable laws, rules and regulations. Such fire-escapes are acceptable on occupied multiple dwellings.

(f) *Party-wall fire-escapes.* The Department of Buildings may consent to the erection of party-wall fire-escapes on adjoining multiple dwellings, to which the occupants have safe, unobstructed access in common, when such party-wall fire-escapes are constructed and maintained in accordance with the law and these rules.

(1) Any existing party-wall fire-escape (stairways) connection with and used in common by a multiple dwelling and a non-multiple dwelling is acceptable when such fire-escape is maintained in good order and repair and affords safe egress.

(g) *Double-rung ladders.*

(1) Double-rung ladders will not be permitted on new fire-escapes.

(2) Any fire-escape existing prior to the enactment of the Multiple Dwelling Law on any multiple dwelling that does not require a certificate of occupancy resulting from an alteration, if structurally sound and in good condition and provided with existing ladders inclined at an angle not exceeding eighty (80) degrees and equipped with double-rung steps and which affords safe egress, shall be deemed to be a legal fire-escape.

When a Certification of Occupancy is requested or required in connection with a lodging house which is equipped with a double-rung ladder fire-escape and such fire-escape is in good repair and adequate, except as to type, and only minor violations exist the correction of which will make the premises conform to all other law requirements, the existing double-rung ladder fire-escape may be accepted.

(3) Except as provided in §15-10(g)(2) re lodging houses, double-rung ladders are not acceptable when a new Certificate of Occupancy is to be issued.

(h) *Alteration of existing two-balcony fire-escapes on existing multiple dwellings.* When a building is not more than three (3) stories in height and provided with a balcony on each of the second and third stories, with connecting vertical ladders, and balconies not less than two feet five inches (2'-5") in width and of adequate length, the Department of Buildings may permit the removal of vertical ladders and replacing of the said ladders with regulation sixty (60) degree connecting stairs. Standards shall be one-half inch (1/2") round or square and height of rail at least two feet nine inches (2'-9") .

The stairs shall be not less than seventeen inches (17") wide with a passageway between string and wall or string and top rail of not less than fourteen inches (14"). In lieu of such passageway, the Department of Buildings will permit a drop-ladder to be installed and placed at each end of the lowest balcony in those cases where it is impractical to provide a passageway of such minimum width.

New brackets shall be provided where necessary.

The gateway shall be cut in the front rail with a drop-ladder and guides from second (2nd) story to safe landing. Where fire-escapes are located at rear of building a gooseneck ladder shall be provided. The gooseneck ladder may be placed at an angle from the top floor balcony to the roof. When placed at an angle a minimum space of twenty-four inches (24") shall be maintained between the strings and front top rail and a minimum space of fourteen inches (14") between the strings and the front bottom rail. There shall be a space of at least twenty-four inches (24") between the string of the gooseneck ladder and the frame of the window.

Conditions may be found where this modification will not exactly apply. When such a condition is found it should be brought to the attention of the Department of Buildings for decision.

When fire-escapes are at the front no gooseneck ladder shall be required.

When access to such existing two-balcony fire-escape is solely by means of a window in a bathroom, the doors of such bathrooms shall be glazed with glass other than wire glass and all key or cylinder locks shall be removed from doors. In such bathrooms there shall be no fixtures located in front of the window opening to fire-escape.

Such altered two-balcony fire-escape shall conform to all other requirements of law and these rules and regulations.

(i)*Accessibility of fire-escapes from apartments, rooms, kitchenettes and other spaces.* Prompt and ready access shall be had to all fire-escapes and, except as provided in §15-10(bb), such access shall be through a living room, kitchenette or private hall in each apartment or suite of rooms at each story above the ground floor.

Access to fire-escapes shall not include the window of a stairhall, nor shall any such egress be obstructed by sinks or other kitchen fixtures, or in any other way.

A clear space of at least twenty-one inches (21") must be maintained as a passageway between any fixtures and the side of an opening leading to fire escapes.

In any apartment which is occupied by a "family" as defined in §4(5) Multiple Dwelling Law, and in which one or more living rooms are rented to boarders or [*sic*] lodgers, every such room shall be directly accessible to a fire-escape without passing through a public hall, and for separately occupied living rooms access to fire-escapes shall be direct from such rooms without passing through a public hall or any other separately occupied room, except as may be permitted in §§66, 67 and 248 of the Multiple Dwelling Law.

(1) *Egress from apartments used for "Single Room Occupancy".* No room in any apartment shall be so occupied for "single room occupancy" unless each room therein shall have free and unobstructed access to each required means of egress from the dwelling without passing through any sleeping room, bathroom or water-closet compartment.

In apartments used for "single room occupancy" there shall be access to a second means of egress within the apartment without passing through any public stair or public hall. On and after July 1, 1957, every tenement used or occupied for single room occupancy in whole or part under the provisions of §248, Multiple Dwelling Law, and which does not have at least two means of egress accessible to each apartment and extending from the ground story to the roof, shall be provided with at least two means of egress, or, in lieu of such egress, every stair hall or public hall, and every hall or passage within an apartment, shall be equipped on each story with one or more automatic sprinkler heads approved by the department. Elevator shafts in such tenements shall be completely enclosed with fireproof or other incombustible material and the doors to such shafts shall be fireproof or shall be covered on all sides with

incombustible material.
In apartments used for "single room occupancy" where access to a required means of egress is provided through a room such access to such room shall be through a clear opening at least thirty inches (30") wide extending from floor to ceiling and such opening shall not be equipped with any door frame, or with any device by means of which the opening may be closed, concealed or obstructed.

(j) *Window bars, gates, etc.* No iron bars, gates or other obstructing devices will be permitted on any window giving access to fire-escapes or where such window provides a secondary means of egress in case of fire on any story, including the ground floor, basement, cellar, etc.
Windows on grade level at sidewalk, yard or court, or at roof level of an adjoining building, may have bars, but at least, one window in any apartment or suite of rooms shall be without bars or obstructions of any kind in order to afford a second means of egress and such window shall conform to the provisions of §15-10(k).

(k) *Windows and doors to fire-escapes.* The window or door giving access to fire-escapes shall not be less than two feet (2') in width and the sill of the window shall not be more than three feet (3') above the floor. Window openings shall be not less than two feet six inches (2'-6") high in the clear.
(1) *Steel casement sash*. Steel casement sash opening outward onto any fire-escape balcony three feet six inches (3'-6") in width will be permitted, provided such sash is equipped with approved extension hinges so that, when opened, the sash will be flat against the wall, and further provided that there will be no adjusters on the sash as part of its equipment. Passageway of fourteen inches (14") clear width is required to be maintained between the sash or hinges and any portion of the fire-escape when the sash lies flat against the wall.
When casement sash is set at right angle to the fire-escape stairway a clear radial width of twenty inches (20") must be provided.
(2) *Wire screens and storm windows*. Wire screens are permitted on a door or window giving access to a fire-escape. Such screens may be of the rolling type, casement or of a type that slides vertically or horizontally in sections, providing that there shall be a clear unobstructed space two feet (2') in width and two feet six inches (2'-6") in height when the screens are opened and further provided that no such screen shall be subdivided with muntins or other dividing or separating bars into spaces less than two feet (2') in width by two feet six inches (2'-6") in height.
Storm sash and storm doors are permitted on openings giving access to fire-escapes provided they are arranged so as to be easily and readily opened from the inside and do not obstruct or interfere with safe egress.
(l) *Egress from fire-escape balconies not to be obstructed.* Egress from fire-escape balconies must not be obstructed by signs, fixed awnings or any other obstruction.

(m) *Extension roofs used as means of egress or directly under fire-escape balcony.*
(1) *Hereafter erected extension roofs*. Where the roof of an extension hereafter erected is to be used as a means of egress from a fire-escape, or where a fire-escape balcony is located directly above said roof, such roof shall be of fireproof construction.
(2) *Existing extension roofs*. Except in converted dwellings where sprinklers may be installed, in every multiple dwelling where a fire-escape balcony is situated over and not more than eight feet (8') above a non-fireproof roof, or where a non-fireproof roof of an extension is to be used as egress from fire-escapes, the entire ceiling of said extension must be fire-retarded with metal lath and cement or gypsum mortar in the manner prescribed in §15-07(b)(1) and (i)(1) of these rules and regulations, or with one-half inch (1/2") approved plaster boards lined with No. 26 U.S. gage [*sic*] stamped metal. In buildings requiring the issuance of a Certificate of Occupancy as a result of being altered structurally, the only approved method shall be with cement or [*sic*] gypsum mortar and metal lath weighing not less than three (3.0) pounds per square yard which shall be applied directly to the beams or other structural members.
Where the roof of an existing extension is used as fire egress, a balcony shall be provided at the level of the roof and, if the distance between the said balcony and a safe landing is more than sixteen feet (16'-0"), a landing platform must be provided not more than ten feet (10'-0") from said safe landing and this landing platform and the balcony on the roof level must be connected by a regulation stairway. From the landing platform a drop-ladder in guides must be provided so as to reach the safe landing.
A balcony and drop-ladder in guides as per §15-10(r)(11) shall be provided for every two fire-escape stacks or fraction thereof using an extension roof for landing and fire egress.
(3) *Skylights on extensions*. Any existing skylights in said roof must be constructed of incombustible material whenever deemed necessary.
Where skylights exist or are hereafter constructed on the roof of an extension used as a means of egress from a fire-escape, they must not interfere with egress in any way and if in the line of said egress, they must be provided with a substantial guard-rail not less than three feet six inches (3'-6") high.

(n) *Egress to street required from fire-escapes located in yards and courts not extending to the street.* In an old law tenement or a converted dwelling where fire-escapes are located in a yard less than thirty feet (30'-0") in depth, or in a court which does not extend to such a yard or to the street, there shall be egress to the street by means of a fireproof [*sic*] passageway. In such multiple dwellings, where the yard is less than thirty feet (30'-0") in depth and where the consent of owner of the adjoining premises is obtained, in lieu of providing such fireproof [*sic*] passageway, a door or gate in a lot-line fence leading from such yard or court to the yard or court of the adjoining premises may be accepted, provided, however, that such door or gate provides adequate egress and is not locked or secured in any manner except by a readily [*sic*] accessible, easy to open hook or bolt.
Where fire-escapes are located in the yard of a new law tenement or of a multiple dwelling erected after April 18, 1929, access shall be provided from the street to the yard either in a direct line or through a court as provided in paragraph c of subdivision 2 of §238 and paragraph i of subdivision 2 of Section 27, Multiple Dwelling Law.
Where fire-escapes are located in a court of a new law tenement or of a multiple dwelling erected after April 18, 1929, and such court does not extend to the street, a fireproof passageway leading directly to the street shall be provided as required by

paragraph b of subdivision 2 of §53, Multiple Dwelling Law.
All passageways required under these Rules shall be not less than seven feet (7'-0") in height and not less than three feet (3'-0") in width and shall at all times be kept clear and unobstructed. Doors and gates at the end of such passageways are prohibited, except that a door or gate equipped with an approved-type knob or panic bolt which shall be readily openable from the inside will be permitted at the building line. Doors and gates provided with keylocks or padlocks are prohibited.

(o) *Location for new fire-escapes.* No required fire-escape shall be permitted to be placed on an adjoining property without the written consent of the Department of Buildings. No fire-escape shall be erected within ten feet (10') of the termination of a duct. Fire-escapes for existing multiple dwellings shall be located as required by the department and arranged so as to provide legal egress for all rooms and apartments.
(1) *Fire-escapes in court (side yard)*. Except as provided in §15-10(bb)(6) where an apartment has a street frontage and extends also to a yard, fire-escapes may be permitted to be placed in a court (side yard) if the court (side yard) is not less than seven feet (7'-0") wide. In any multiple dwelling where exterior structural conditions are such as to prevent the erection of a fire-escape on the street front or yard, new fire-escapes may be permitted to be erected in a lot-line court (side yard) providing the lot-line court (side yard) extends from street to rear yard and is not less than three feet (3'-0") in width for its full length. Fire-escapes erected in such court may be three feet (3'-0") wide when the width of such court does not permit balconies three feet four inches (3'-4") in width.
The width of stairways and passageways and other arrangement details affected by the permitted reduction in the width of balconies will be determined and furnished to contractor by the Department upon request.
(2) Where an existing apartment in a tenement erected prior to April 12, 1901, is located entirely on a court and has no rooms opening on the street or yard, fire-escapes hereafter provided for such apartments may be located in courts under the same conditions as prescribed for existing fire-escapes in §15-10(d).

(p) *Materials.* All fire-escapes hereafter constructed shall consist of outside open balconies and stairways of iron, stone, or other approved materials. Wherever the term wrought iron is used in these rules it shall be deemed to include all other especially approved metals.
Cast iron will not be permitted to enter into the construction of fire-escapes.
The use of old material in the construction of new fire-escapes is prohibited.
Bolts used in the construction or repair of fire-escapes shall be machine bolts. The use of stove bolts is prohibited.
The strength and construction of stone balconies hereafter erected forming part of the fire-escape shall be subject to the approval of the Department of Housing and Buildings.
All structural steel used in the construction of fire-escapes shall be at least one-quarter (0.25) inch in thickness.

(q) *Types of fire-escapes.* There shall be two types of fire-escapes: "Type A" and "Type B". Except for brackets and braces as hereafter described, what is applicable to one type is equally applicable to the other whether or not it is so stated specifically.
(1) *Definition of "Type A" and "Type B" fire-escapes*. A "Type A" fire-escape [*sic*] is one which has a supporting bracket at each end of the balcony or platform.

A "Type B" fire-escape is one which has brackets not more than four feet (4') apart supporting the balcony or platform.
(2) Cantilever brackets will not be accepted for new fire-escapes on existing buildings.
(3) Details of other types of structural supports for fire-escapes must be submitted to and approved by the Department before being used in the construction of fire-escapes.
(4) "Type A" fire-escapes are not permitted on frame buildings, walls or hollow masonry constructions, on walls of solid masonry less than eight inches (8") in thickness nor on hollow walls of solid masonry unless complete construction details are submitted to and approved by the Department before the construction of fire-escapes.

(r)*Balconies.* All balconies, except those erected upon frame buildings and buildings having eight inch (8") brick walls, shall be not less than three feet four inches (3'-4") in width overall [*sic*] and may project into the public highway to a distance not greater than four feet (4') beyond the building line. Balconies erected upon frame buildings and buildings having eight inch (8") brick walls shall be thirty-six inches (36") in width. Balcony railings must be not less than two feet nine inches (2'-9") high.
(1) *Passageway*. Seventeen inches (17") in width is required between the strings of stairs and the wall, or between the strings of stairs and railings, clear of all projections to a height of six feet six inches (6'-6").
Fourteen inches (14") clear width is required between the hatchway railing and the window sill.
Seventeen inches (17") in width is required between the gooseneck ladder and the hatchway on the upper balcony.
(2) *Openings*. The openings for stairways in all balconies shall be not less than twenty-one inches (21") wide, and of such length as to provide at least six feet six inches (6'-6") clear headroom on all stairways at every tread, and shall have no covers of any kind.
A round, iron guard rail, three-quarter inch (3/4") in diameter shall be provided around all hatchways on all new balconies, and also, when necessary, around hatchways on existing balconies. Such guard rails shall be at least two feet six inches (2'-6") high and shall be properly braced at intervals of three feet (3')
The brace from guard rail to the front top rail shall be so arranged to allow six feet six inches (6'-6") of headroom on the stairway.
Openings are not permitted in the floor of the lowest balcony of any new fire-escapes. Egress must be from a gateway in the front of end rail.
(3) *Top rails*. New top rails must be one and three-quarters inches by one-half inch (1 3/4" x 1/2") wrought iron or steel. Angle iron top rails will not be accepted. Separate bolt ends must be one and one-half inches by one-half inch (1 1/2" x 1/2") at connection with top rails and secured to the same by two three-eighths inch (3/8") bolts well upset.
No welded connections, other than shop welding, for top rails, will be permitted.
Top rails must go through the wall. When the wall is of brick, stone or concrete they must be anchored on the inner face thereof

by means of nuts and four-inch by four-inch by three-eighths inch (4" x 4" x 3/8") washers. Where a masonry wall is eight inches (8") in thickness the washers shall be continuous and shall extend vertically from four inches (4") below the bracket anchorage to four inches (4") above the top rail.
Bolt ends must be at least three-quarters inch (3/4") in diameter.
Top rails must be anchored in the wall at least nine inches (9") from the window or door opening.
On recess fire-escapes the top rails need not go through the wall, but must be hot leaded six inches (6") in brick or stone and at least twelve inches (12") from the outside face of the wall.
The front and return top rail, unless in one (1) piece, must be secured at the angle in the following manner: (1) with lap joint, by one-half inch (1/2") rivet and a strap of same dimension as the top rail, with one (1) three-eighths inch (3/8") rivet or bolt in each end of the strap; (2) with butt joint, by a triangular plate four inches by six inches by three-eighths inch (4" x 6" x 3/8") secured to each member of the top rail by two (2) three-eighths inch (3/8") rivets or bolts.
Top rails may be spliced with iron of the same dimensions as the rails with two (2) three-eighths inch (3/8") rivets or bolts on each side of the splice, or may be overlapped not less than eight inches (8") and secured by two (2) three-eighths inch (3/8") bolts or rivets.
Where front rails are not rigid they must be braced with outside braces. Said braces must be wrought iron not less than one and three-quarters inches by one-half inch (1 3/4" x 1/2") placed on edge. The braces must be properly spaced and secured to the extended brackets and top rails by three-eighths inch (3/8") rivets or bolts. Where brackets are extended to receive outside braces the extended portion must never less than two inches by one-half inch (2" x 1/2") and secured to the bracket by two (2) three-eighths inch (3/8") rivets or bolts.
Bow braces and overhead [*sic*] braces will not be accepted.
(4) *Bottom rails*. Bottom rails must be one and one-half inches by three-eighths inch (1 1/2" x 3/8") wrought iron and front rail of same must be secured to brackets by three-eighths inch (3/8") rivets or bolts.
Return bottom rails must be leaded or cemented in the wall when the latter is of brick, or may be secured to the brackets when this is practicable.
The [*sic*] bottom front and return rails must be connected at angles by at least one (1) three-eighths inch (3/8") rivet or bolt well burred.
They may be spliced as in the [*sic*] case of top rails.
(5) *Standards*. Standards must be not less than one-half inch (1/2") round or square set vertically, riveted to the top and bottom rails, not more than six inches (6") apart on centers. Special designs must be submitted for any variation, and approved before work is begun.
(6) *Floor slats*. Floor slats must be of wrought iron one and one-half inches (1 1/2") in width and three-eighths inch (3/8") thick and placed not more than one and one-quarter inches (1 1/4") apart.
In new balconies floor slats shall not project more than six inches (6") and in old balconies not more than eighteen inches (18"), beyond the end bracket and shall not be supported by the bottom rail.
All floors must be well secured to the brackets by three-eighths inch (3/8") "U" or clamp bolts.
Floor slats may be spliced with a four inch (4") splice plate [*sic*] three-eighths inch (3/8") thick, secured by three-eighths inch (3/8") countersunk or roundhead bolts or rivets on each side of the joint.
The ends of the floor slats must not project over stairs so as to overhang the top tread more than one-half inch (1/2"). The ends of such floor slats shall not be cut or burned off so as to be jagged or uneven. The floor slats shall be in true alignment.
(7) *Battens*. Battens must be one and one-half inches by three-eighths inch (1 1/2" x 3/8") not more than three feet (3') apart, riveted to the slats by five-sixteenth inch (5/16") rivets and so spaced as to secure rigidity.
No welded connections, other than shop welding, for top rails will be permitted.
Top rails must go through the wall. When the wall is of brick, stone or concrete they must be anchored on the inner face thereof by means of nuts and four-inch by four-inch by three-eighths inch (4" x 4" x 3/8") washers. Where a masonry wall is eight inches (8") in thickness the washers shall be continuous and shall extend vertically from four inches (4") below the bracket anchorage to four inches (4") above the top rail.
Bolt ends must be at least three-quarters inch (3/4") in diameter.
Top rails must be anchored in the wall at least nine inches (9") from the window or door opening.
On recess fire-escapes the top rails need not go through the wall, but must be hot leaded six inches (6") in brick or stone and at least twelve inches (12") from the outside face of the wall.
The front and return top rail, unless in one (1) piece, must be secured at the angle in the following manner: (1) with lap joint, by one-half inch (1/2") rivet and a strap of same dimension as the top rail, with one (1) three-eighths inch (3/8") rivet or bolt in each end of the strap; (2) with butt joint, by a triangular plate four inches by six inches by three-eighths inch (4" x 6" x 3/8") secured to each member of the top rail by two (2) three-eighths inch (3/8") rivets or bolts.
Top rails may be spliced with iron of the same dimensions as the rails with two (2) three-eighths inch (3/8") rivets or bolts on each side of the splice, or may be overlapped not less than eight inches (8") and secured by two (2) three-eighths inch (3/8") bolts or rivets.
Where front rails are not rigid they must be braced with outside braces. Said braces must be wrought iron not less than one and three-quarters inches by one-half inch (1 3/4" x 1/2") placed on edge. The braces must be properly spaced and secured to the extended brackets and top rails by three-eighths inch (3/8") rivets or bolts. Where brackets are extended to receive outside braces the extended portion must never be less than two inches by one-half inch (2" x 1/2") and secured to the bracket by two (2) three-eighths inch (3/8") rivets or bolts.
Bow braces and overhead [*sic*] braces will not be accepted.
(8) *Landings*. Landings at the head and foot of stairs shall be at least forty inches by twenty inches (40" x 20") except on the balcony on the top story where the gooseneck ladder is located such landing shall be not less than forty inches by thirty inches (40" x 30"). On the lowest balcony where the opening to drop-ladder is in the return rail at front of the lowest tread the landing must be at least forty inches by thirty-six inches (40" x 36").
(9) *Egress from lowest balcony*. The gateway in the rail must

be of sufficient width to permit the proper installation of the drop-ladder and guide-rods.
When the opening to the drop-ladder is in the return rail and at front of the lowest step, the landing at the foot of the stairs must be at least three feet by three feet, four inches (3' x 3'-4")[*sic*].
Top rails must be well braced at the gateway.
(10) *Distance from lowest balcony to ground*. The distance from the lowest balcony to the ground or safe landing shall be not more than sixteen feet (16'-0") except that in existing multiple dwellings where due to structural conditions, such as plate glass store fronts, etc., it is not possible to erect such lowest balcony within sixteen feet (16'-0") of the ground, the Department of Buildings may permit such balcony to be erected at a height of not more than eighteen feet (18'-0") above the ground.
(11) *Termination of fire-escapes on extension roofs*. Where fire-escape stairs or ladders rest upon a fire-proof roof, no balcony need be provided at the foot of such stairs or ladders.
Where fire-escapes terminate on the roof of an existing extension, a guide-rod drop-ladder shall be provided at the level of the roof of such extension. Where the distance from such roof to a safe landing is more than sixteen feet (16'-0") an intermediate balcony not more than ten feet (10'-0") above a safe landing shall be provided, and such intermediate balcony shall be equipped with a guide-rod and drop-ladder and connected by means of a regulation stairway and balcony at the level of the extension roof.
Balconies, where required, must be anchored and constructed in a manner satisfactory to the Department of Buildings.
The roof of every extension used for egress, or upon which fire-escapes terminate, shall be fire-proof or fire-retarded according to the provisions of §15-10(m) of these Rules and Regulations.

(s) *Brackets and braces*.

(1) *"Type A"*. All horizontal members of brackets and all cross beams shall be not less than four-inch (4") channels weighing not less seven and one-quarter (7.25) pounds to the linear foot.
The end bracket members shall enter the wall at a point not less than nine inches (9") from a door or window and shall be anchored on the inside face of the wall with an eight-inch by eight-inch by three-eighths inch (8" x 8" x 3/8") washer and a one-inch (1") bolt and nut. Where the wall is eight inches (8") in thickness the washer shall be continuous and shall extend across all brackets and cross beams. The bolt end shall be wrought iron not less than two inches by one-half inch (2" x 1/2") which shall be drawn out to form the necessary bolt end without welded connections. The bolt end shall be secured to the bracket with two (2) one-half inch (1/2") rivets. On eight-inch (8") walls the bolt end shall not be less than nine inches (9") long. On twelve-inch (12") walls the bolt end shall not be less than eleven inches (11") long. On sixteen-inch (16") walls the bolt end shall not be less than fifteen inches (15") long.
When the wall is eight inches (8") in thickness the bracket member shall enter the wall not less than seven inches (7").
When the wall is twelve inches (12") in thickness the bracket member shall enter the wall not less than eleven inches (11").
When the wall is sixteen inches (16") in thickness the bracket member shall enter the wall not less than fifteen inches (15").
The intermediate cross beams shall enter the wall not less than eight inches (8") except where they enter the wall under the window. In such case the cross beam shall enter the wall not less than four inches (4").
The member forming the hatchway opening shall be a four-inch (4") channel iron weighing not less than seven and one-quarter (7.25) pounds per foot. It shall be secured to the intermediate cross beam with a three-inch by three-inch by one-quarter inch (3" x 3" x 1/4") lug and two (2) one-half inch (1/2") rivets or bolts.
The front bottom member of the fire-escape shall be of the following size and weights:

Length of Balcony	Weight of Channels	Size of Channels
Up to 11 feet	9.0 pounds per foot	5 inches
Up to 13 feet	10.5 pounds per foot	6 inches
Up to 15 feet	12.25 pounds per foot	7 inches
Up to 17 feet	13.75 pounds per foot	8 inches

The bracket braces shall be angle iron not less than two and one-half inches by two and one-half inches by one-quarter inch (2 1/2" x 2 1/2" x 1/4"). The braces shall drop not less than twenty-four inches (24") from the top of the bracket and shall extend out to a point not less than three-quarters (3/4) of the length of the bracket.
Each member of the brace shall be secured to the bracket with two (2) one-half inch (1/2") rivets.
The drop member of the brace shall be secured to the extended member with two (2) one-half inch (1/2") rivets.
The heel of the brace shall be cut out one-half inch (1/2") to allow for the drainage of water.

Where, owing to cornices, water-tables and porticos, it is impossible to use the standard brackets, inverted brackets may be used. When inverted brackets are used they shall be constructed with an upright wall member and a diagonal member. The wall member shall be an angle iron not less than three inches by four inches by three-eighths inch (3" x 4" x 3/8") and the diagonal member shall be an angle iron not less than three inches by three inches by three-eighths inch (3" x 4" x 3/8").
Each member shall be secured to the bracket with two (2) one-half inch (1/2") rivets.
The wall members shall be secured to the wall with (2) one-inch (1") bolts which shall pass through the wall and be anchored on the inside face of the wall with a washer four inches by three-eighths inch (4" x 3/8") which shall extend across the two (2) bolts. A one-inch (1") nut shall secure the washer to the bolt. The bolts shall be placed sixteen inches (16") apart on centers. The four-inch (4") member of the wall brace shall bear against the wall and shall extend from the bracket to and above the top return rail of the balcony. The top return rail of the balcony shall be secured to the wall member of the brace with two (2) one-inch (1") rivets or nuts and bolts.
When inverted braces are used the bracket member shall enter the wall not less than four inches (4")
All other portions of "Type A" fire-escapes, except roof balconies, shall be constructed and erected as specified for the construction and erection of "Type B" fire-escapes.
(2) *"Type B"*. The horizontal members of brackets shall consist of a one-piece wrought iron bar two inches by one-half inch

(2" x 1/2") set so that the two inch (2") dimension is vertical.
Brackets shall be not more than four feet (4'-0") apart.
Welded brackets will not be accepted.
Angle iron brackets will not be accepted.
The top member of the bracket must be drawn out to form the necessary bolt end without welded connection.
Brackets shall be placed not less than eight inches (8") nor more than sixteen inches (16") below the window sill, except by special permission from this Department.
The top member of the bracket must go through the wall, and when the wall is of brick, must be anchored as specified for brackets in new buildings.
Brackets on buildings in course of erection must be built into the wall. They must be carried through the wall and turned down three inches (3") or the top member must be drawn out so as to form a bolt end one inch (1") in diameter and provided with nuts and with washers four inches by six inches (4" x 6") and three-eighths inch (3/8") in thickness, or where brackets on existing buildings or buildings in the course of erection pass through the walls under window or door openings, such brackets shall be anchored on the inside face of the wall with a four-inch by three-eighths inch (4" x 3/8") plate extending across the opening and bearing nine inches (9") on the inner face of each pier. In such case an additional one-half inch (1/2") bolt passing through wall and anchored to plate with one-half inch (1/2") nut shall be provided. If wall is recessed said bar must be shaped so as to bear on inner face of recessed wall and the ends of said bar to bear nine inches (9") on inner face of each pier. In addition a four-inch (4") steel channel stiffener must be provided to extend across the entire recessed portion. Blocking the recessed portion will not be permitted.
Where walls are eight inches (8") in thickness the four-inch by three-eighths inch (4" x 3/8") plate must extend across and take in all brackets.
Special designs must be submitted for fire-escape framing other than standard and for masonry openings not included in above schedule.
Horizontal members of brackets must be braced with one-inch (1") square braces and shall rest on a shoulder. The braces shall be secured to the horizontal member with a rivet one-half inch (1/2") in diameter, at a point two-thirds (2/3) [*sic*] of the length of the horizontal member from the wall. The heel of the brace must be secured to the top member by a rivet of the same size.
The brace when entering the wall must be hot leaded in brick or stone three inches (3") and have a proper bearing on the face of the wall for at least eight inches (8").
If wedges are used to obtain full bearing against the wall, they must be of iron and well secured to the brace and must fill in solidly the space between brace and wall.
Anchorage in or bracing in terra cotta is not permitted.
Braces must drop at least one-third (1/3) of the length of the long brackets and must drop not less than eight inches (8") for short brackets.
Where a bracket is to receive additional weight on account of suspension rod for lower balconies, said bracket must be reinforced by an additional one-inch (1") square brace running from the end of the bracket parallel to the regulation brace.
Where it is impossible to brace the brackets in the manner described above, angle iron and tie rod supports must be used.

(3) *Anchorages for mullion windows, both "Type A" and "Type B".*

Masonry Span	Brackets	Anchorage Member
5'-0"	3'-6" long	6" channel 10.5 pounds or 6" x 4" x $^{9}/_{16}$" angle
6'-0"	3'-6" long	7" channel 9.8 pounds or 6" x 4" x $^{11}/_{16}$" angle
7'-0"	3'-6" long	8" channel 11.5 pounds or 7" channel 12.25 pounds
8'-0"	3'-6" long	8" channel 11.5 pounds
9'-0"	3'-6" long	8" channel 13.75 pounds
5'-0"	4'-0" long	8" channel 11.5 pounds or 6" x 4" x $^{3}/_{4}$" angle
6'-0"	4'-0" long	8" channel 11.5 pounds
7'-0"	4'-0" long	8" channel 13.75 pounds
8'-0"	4'-0" long	8" channel 16.25 pounds
9'-0"	4'-0" long	8" channel 21.25 pounds

Notes:
1-Working stresses taken at 16,000 pounds per square inch.
2- Load taken at 100 pounds per sq. ft. and includes live and dead loads.
3- Loads on anchorage members due to bracket reaction placed for maximum bending moment produced in member.
4- Bearing plates of suitable size must be provided for brackets taking ladder load and for anchorage members.

6" x 4 $^{9}/_{16}$" angle weighs 18.1 pounds per lin. ft.
6" x 4 $^{11}/_{16}$" angle weighs 21.8 pounds per lin. ft.
6" x 4 $^{3}/_{4}$" angle weighs 23.6 pounds per lin. ft.
Angle irons to support balconies where regulations braces cannot be used shall not be less than four inches by four inches by three-eighths inch (4" x 4" x 3/8"). Tie rods shall not be less than one inch (1") in diameter and shall be anchored through the wall in the same manner as brackets.
The angle iron support in such cases shall be set so that the tie rods will pull toward the heaviest part of the webs.
When it becomes necessary to shift a bracket from one location to another in order to carry the stairs, a new regulation two inch by one-half inch (2" x 1/2") bracket shall be installed.
No welded brackets, corroded brackets or brackets set flat with cast iron under-bracing will be accepted. Such brackets shall be replaced, whenever found, by a two-inch by one-half inch (2" x 1/2") regulation bracket. However, when a two inch by one-half inch (2" x 1/2") bar bracket with cast iron under-bracing is found, said bracket may be permitted to remain if proper one inch (1") square under-bracing is provided.

(t)*Stairways.* All stairways shall be placed at an angle of not more than sixty (60) degrees with flat open steps not less than six inches (6") in width and twenty inches (20") in length and with a rise of not more than nine inches (9").
(1) *Treads*. Treads of such construction as may be approved by the Department from time to time will be permitted.
Flat iron bars forming treads must be one and one-half inches by three-eighths inch (1 1/2" x 3/8") and spaced not more than

three-quarters of an inch (3/4") apart.
Bars forming treads must be secured to supporting angle irons by three-eighths inch (3/8") rivets and these angle irons must be fastened to the strings by two (2) three-eighths inch (3/8") rivets or bolts, well burred. Galvanized angle irons one and one-half inches by one and one-half inches by one-quarter inch (1 1/2" x 1 1/2" x 1/4") will be accepted but if not galvanized, said angle irons shall be one and one-half inches by one and one-half inches by three-eighths inch (1 1/2" x 1 1/2" x 3/8"). In all cases the vertical legs of the angle irons must be set tightly against the strings so that there will be no intervening spaces.
All treads must be set level and must not overhang so as to interfere with foot room on the tread below.
(2) *Patented treads*. Patented treads approved by the Department of Buildings or previously approved by the Board of Standards and Appeals for new installations will be accepted by the Department of Buildings as legal for use in buildings under its jurisdiction. Five samples of approved treads to be furnished to the Department of Buildings (one delivered to each borough) as a permanent record.
(3) *Strings*. Where the strings of the stairs are adjacent to the front rails the strings must be securely fastened to the top rails. Strings must be braced by round bars three-quarters inch (3/4") in thickness, properly hot-leaded or secured by four inches by three-eighths inch (4" x 3/8") expansion bolts in brick or stone wall at height of not less than six feet six inches (6'- 6") [*sic*] in the clear above the floor of the balcony. Strings of stairways shall be four inches by three-eighths inch (4" x 3/8") wrought iron and shall rest on a bracket at the bottom and be bolted to a bracket at the top.
Welded strings, other than shop welded, will not be accepted.
(4) *Hand rails*. Hand rails must be of wrought iron, three-quarters inch (3/4") round or one and one-half inches by three-eighths inch (1 1/2" x 3/8") bar, well braced with intermediate braces not more than five feet (5'-0") apart, and of the same size and material as the hand rail, and secured to the strings with two (2) three-eighths inch (3/8") rivets at each end and at each brace; or handrails may be secured to the bottom rail of the upper balcony and top rail of the lower balcony by two (2) three-eighths inch (3/8") rivets at each end.
On all fire-escapes hereafter erected double hand rails must be provided for all stairways.

(u) *Drop-ladder*. A drop-ladder shall be provided from the lowest balcony and be of sufficient length to reach a safe landing place beneath. The drop-ladder shall be fifteen inches (15") in width, shall be placed in guides and shall be not more than sixteen feet (16'-0") in length.
Except in multiple dwellings hereafter erected or converted, where the distance from the lowest balcony to a safe landing place is more than sixteen feet (16'-0") but because of structural conditions, such as plate glass store fronts, etc., a balcony is not possible, the department may accept a drop-ladder in guides, if the distance from the floor of the lowest balcony to a safe landing place is not more than eighteen feet (18'-0")
No drop-ladder is required where the distance from the lowest balcony to a safe landing place does not exceed five feet (5'-0").
No drop-ladder will be permitted to land or terminate on a stoop or any part thereof unless the written approval of the Department of Buildings is obtained.
(1) *Guides*. All drop-ladders shall have guides provided with stops so that the ladders cannot be raised above the same. The [*sic*] drop-ladder must be suspended from a point directly over the opening in the rail of the balcony and arranged to slide in the guides so as to drop in position for use. All [*sic*] drop-ladders shall be provided with a shoe at the bottom.
The guides shall be constructed of one and one-half inches by one and [*sic*] one-half inches by one-quarter inch (1 1/2" x 1 1/2" x 1/4") angle iron, and shall be not less than twenty-one inches (21") apart.
(2) *Strings*. Strings of drop-ladders must be one and one-half inches by three-eighths inch (1 1/2" x 3/8") bar. No welded drop-ladders will be accepted unless shop welded.
(3) *Rungs*. The rungs must be five-eighths inch (5/8") in thickness, not over twelve inches (12") apart [*sic*] and must be riveted to the strings.

(v) *Gooseneck ladder*. The top balcony of every fire-escape shall be provided with a stair or with a gooseneck ladder leading from said balcony to and above the roof, except that no such stairs or gooseneck ladders will be required in the following locations or under the following conditions:
(1) On multiple dwellings with peak roofs having a pitch of more than twenty (20) degrees.
(2) Where fire-escapes are located on the fronts or in street courts of multiple dwellings facing upon the street.
Where a multiple dwelling does not face upon the street, such as a multiple dwelling located at the rear of a lot upon which there is another building, every fire-escape on such multiple dwelling shall be provided with a stair or gooseneck ladder as required above, except where the roof of such building has a pitch more than twenty (20) degrees as stated in exception (1) above.
Except as provided in exceptions (1) and (2) above, every fire-escape on every hereafter erected or converted multiple dwelling, and every new fire-escape hereafter provided on every existing multiple dwelling shall be provided with a regulation stairway from the top balcony to the roof when such buildings exceed four (4) stories in height. In such multiple dwellings exceeding four (4) stories in height when due to special structural conditions which would not permit the erection of a stair from the top balcony to the roof or where the height from the top balcony to the roof may [*sic*] be such as to make the installation of a stair impractical, the Department of Buildings may accept a gooseneck ladder in lieu of a regulation stairway.
The top balcony of a fire-escape on every multiple dwelling not exceeding four (4) stories in height may be equipped with a gooseneck ladder.

(i) *Construction and location of gooseneck ladders*. The gooseneck ladder shall be fifteen inches (15") wide and shall be so located that it will not obstruct egress from the apartment or apartments on the top floor. The effective opening between the side of any window and the string of gooseneck ladder shall be not less than twenty-four inches (24")
The gooseneck ladder must be fourteen inches (14") from the front rail on existing balconies and twenty-one inches (21") on balconies hereafter erected.

(ii) *Strings*. The gooseneck ladder must be constructed with one piece of [*sic*] strings [*sic*] two inch by one-half inch (2" x 1/2") wrought iron.

Strings must be directly secured to the brackets or secured to a two inch by one-half inch (2" x 1/2") bar bearing on two (2) brackets and well secured to strings and brackets by three-eighths inch (3/8") bolts or rivets.
Strings must be spread at the parapet wall or roof to give a passageway of eighteen inches (18")
Strings must be tied through the wall by braces going through the parapet immediately above the roof, or, in the absence of the parapet wall, the said braces must go through the wall immediately below the ceiling of the top floor and be secured by three-quarters inch (3/4") bolts and four inches by four inches by three-eighths inch (4" x 4" x 3/8") washers.
The gooseneck ladder strings must extend thirty inches (30") above the roof level. Where there is a parapet, a gateway at the roof level shall be provided.
The strings of the gooseneck ladder must be secured to and braced at the roof.
(iii) *Rungs*. Rungs shall be of wrought iron five-eighths inch (5/8") thick, spaced not more than twelve inches (12") apart and shall be riveted through the strings.
The top rung of all gooseneck ladders shall be level with the roof.

(w) *Painting*. Section 53, Multiple Dwelling Law, required new fire-escapes to have two (2) coats of paint. The Department of Buildings will require these two (2) coats to be applied on contrasting colors, the first coat at the shop before erection, and the second coat applied after erection.
Existing fire-escapes shall be repainted whenever deemed necessary.

(x) *Exceptions.* Any deviations or exceptions from these rules other than those specifically mentioned herein shall be submitted to the Department of Buildings for approval. Consent and approval shall be in written form and bear the signature of the commissioner, deputy commissioner, superintendent or the person designated to sign such consent by the commissioner, deputy commissioner or superintendent.

(y) *Fire-escapes on frame buildings.* Fire-escapes shall be constructed as for brick or stone buildings with the following exceptions, and except also that balconies three feet (3'-0") wide will be acceptable to the department.
(1) *Brackets*. Horizontal members of brackets must be one and three-quarters inches by one-half inch (1 3/4" x 1/2") wrought iron set on edge; one inch (1") bolt end through a four inches by three-eighths inch (4" x 3/8") iron plate, long enough to take in all brackets, secured to and bearing directly on the inside of the studs. Spaces between the studs behind such plates shall be filled in solidly with timber secured to the studs.
The heel of bracket braces must rest against one and three-quarter inches by one and three-quarter inches by one-quarter inch [*sic*] high (1 3/4" x 1 3/4" x 1/4") angle iron extended across and well secured to studs.
(2) *Top rails*. Top rails shall be anchored by three-quarters inch (3/4") [*sic*] bolt ends, through a four inch by three-eighths inch (4" x 3/8") wrought iron plate spanning at least two (2) studs. Space behind plate and between studs shall be blocked solidly.
(3) *Bottom rails*. Bottom rails shall be secured to the siding in a substantial manner with two (2) one and one-quarter inch (1 1/4") No.14 wood screws, or may be secured to the brackets where practicable.
(4) *Stairways*. Stair braces shall be secured to the wall of the building by two (2) No. 14 wood screws.

(z) *Outside fireproof stairs.* Outside fireproof stairs shall be constructed according to approved plans and applications of the Department of Buildings. Such regulations that [*sic*] as govern the measurements of inside stairs shall be applied to outside fireproof stairways except that in multiple dwellings not exceeding three (3) stories and basement in height, fireproof stairway leading from a front porch roof which is fireproof to the fireproof floor of an unenclosed porch will be deemed an outside fireproof stairways and such stairways may be of the same width as the ordinary fire-escape stairs. Area covered by fireproof outside stairs must not encroach upon the minimum dimensions of yard and courts.
(aa) *Fire towers*. Fire towers shall be constructed according to approved plans and applications filed with the Department of Buildings.
(bb) *Egress*. Hotels and certain other class A and class B dwellings which are subject to the provisions of §67, Multiple Dwelling Law [*sic*].

(1) *Exceptions*. Any such multiple dwelling, altered or erected after April fifth, nineteen hundred forty-four, and which is required to conform to the provisions of articles one, two, three, four, five, eight, nine and eleven of Multiple Dwelling Law, shall not be required to conform to the provisions of §15-10(bb)(1)(i), (2), (3) and (4).
(i) Except in fireproof class A multiple dwellings erected under plans filed after January first, nineteen hundred twenty-five, and which were completed before December thirty-one, nineteen hundred thirty-three, and except as otherwise provided in paragraph (4) of subdivision (bb) of this section, in every such dwelling three (3) or more stories in height there shall be from each story at least two (2) independent means of unobstructed egress located remote from each other and accessible to each room, apartment or suite.

(2) *First means of egress*. The first means of egress shall be an enclosed stair extending directly to a street, or to a yard, court or passageway affording continuous, safe and unobstructed access to a street, or by an enclosed stair leading to the entrance story, which story shall have direct access to a street. The area of the dwelling immediately above the street level and commonly known as main floor, where the occupants are registered and the usual business of the dwelling is conducted, shall be considered a part of the entrance story; and a required stair terminating at such main floor or its mezzanine shall be deemed to terminate at the entrance story. An elevator or unenclosed escalator shall never be accepted as a required means of egress.

(3) *Second means of egress*. The second means of egress shall be by an additional enclosed stair conforming to the provisions of §15-10(bb)(2), a fire-stair, a fire-tower or an outside fire-escape. In a non-fireproof dwelling when it is necessary to pass through a stair enclosure which may or may not be a required means of egress to reach a required means of egress, such stair enclosure and that part of the public hall or corridor leading thereto from a room, apartment or suite, shall be protected by one (1) or more sprinkler heads; in a fireproof dwelling only that part of the hall or corridor leading to such stair enclosure need be so protected.

(4) *Required second means of egress-impractical*. Where it is impractical in such existing dwellings to provide a second

means of egress, the department may order additional alteration to the first means of egress and shafts, stairs and other vertical openings as the department may deem necessary to safeguard the occupants of the dwelling, may require the public halls providing access to the first means of egress to be equipped on each story with one (1) or more automatic sprinkler heads, and, in non-fireproof dwellings, may also require automatic sprinkler heads in the stair which serves as the only means of egress.

(5) *Public halls and corridors providing access to fire-escapes*. Public halls and corridors providing access to fire-escapes, existing and new, are acceptable when a direct and uninterrupted line to travel to the fire-escape is provided.

Public halls and corridors providing access to fire-escapes shall be fire-retarded or shall be equipped with automatic sprinkler heads. The fire-retarding and sprinkler installation shall be in conformity with the rules and regulations of this department and as required by §67 (3) of the Multiple Dwelling Law.

All openings which provide direct access to an existing fire-escape from a public hall or corridor shall be equipped with fireproof doors and assemblies with the doors self-closing or fireproof windows glazed with clear wire glass. Access to new fire-escapes from such halls or corridors shall be by means of fireproof doors and assemblies with doors self-closing. Doors providing access to fire-escapes from public halls or corridors may be glazed with clear wire glass.

(6) *Fire-escapes-existing and new*. Existing fire-escapes which are structurally strong and in good repair, having connecting stairways set at an angle or not more than sixty-five (65) degrees, may be accepted as a secondary means of egress.

Except as otherwise required herein, new and existing fire-escapes shall be provided with a safe landing and the termination shall lead directly to a street or to a passageway which provides access to a street.

When it is impractical to provide a termination for fire-escapes as specified in these Rules, the Department may accept a termination from such fire-escapes which leads to safety.

(7) *Supplementary means of egress*. A stair, fire-stair, fire-tower, or fire-escape which is supplementary to the egress requirements of §15-10(bb)(2), (3) and (4), need not lead to the entrance story or to a street, or to a yard or a court which leads to a street, provided the means of egress therefrom is approved by the department.

Fire-escapes which are supplementary to the required second means of egress, including fire-escapes of the inclined ladder and vertical ladder types, may remain on the dwelling if maintained in good order and repair, are structurally strong and safe and are provided with safe landing and the termination thereof leads to safety in a manner satisfactory to this Department.

(8) Signs-supplementary means of egress.

Supplementary stairs, fire-stairs, fire-towers or fire-escapes which do not lead to the entrance story or to a street, or to a yard or court leading to a street, shall be clearly marked "NOT AN EXIT" in black letters at least four inches (4") high on a yellow background and at the termination of each such stair, fire-stair, fire-tower or fire-escape, there shall be a directional sign indicating the nearest means of egress leading to a street. All signs shall be constructed, located and illuminated in a manner satisfactory to the department.

(9) *Signs-general provisions*. Every means of egress shall be indicated by a sign reading "EXIT" in red letters at least eight inches (8") high on a white background, or vice versa, illuminated at all time during the day and night by a red light of at least twenty-five (25) watts or equivalent illumination. Such light shall be maintained in a keyless socket. On all stories where doors, openings or passageways giving access to any means of egress are not visible from all portions of such stories, directional signs shall be maintained in conspicuous locations, indicating in red on a white background, or vice versa, the direction of travel to the nearest means of egress. At least one sign shall be visible from the doorway of each room or suite of rooms. Existing signs and illumination may be accepted if, in the opinion of the department, such existing signs and illumination serve the intent and purpose of this subdivision.

(10) *Stairs, fire-stairs and fire-towers*. Stairs, fire-stairs and fire-towers hereafter provided shall be constructed according to plans and applications approved by the Department of Buildings.

(cc) *Egress: lodging houses.*

(1) *Arrangement*. There shall be at least two (2) means of unobstructed egress from each lodging-house story, which shall be remote from each other. The first means of egress shall be to a street either directly or by an enclosed stair having unobstructed direct access thereto. If the story is above the entrance story, the second means of egress shall be by an outside fire-escape constructed in accordance with the provisions of section fifty-three, Multiple Dwelling Law, or by an additional enclosed stair. Such second means of egress shall be accessible without passing through the first means of egress.

(2) *Doors and windows*. All doors opening upon entrance halls, stair halls, other public halls or stairs, or elevator, dumbwaiter or other shafts, and the door assemblies, shall be fireproof with the doors made self-closing by a device approved by the department, and such doors shall not be held open by any device whatever. All openings on the course of a fire-escape shall be provided with such doors and assemblies or with fireproof windows and assemblies, with the windows self-closing and glazed with wire glass, such doors or windows and their assemblies to be acceptable to the department.

(3) *Aisles*. There shall be unobstructed aisles providing access to all required means of egress in all dormitories. Main aisles, approved as such by the department to provide adequate approaches to the required means of egress, shall be three feet (3'-0") or more in width, except that no aisles need be more than two feet six inches (2'-6") wide if it is intersected at intervals of not more than fifty feet (50'-0") by cross-over aisles at least three feet (3'-0") wide leading to other aisles or to an approved means of egress.

(4) *Signs*. Every required means of egress from the lodging-house part of the dwelling shall be indicated by a sign reading "EXIT" in red letters at least eight inches (8") high on a white background illuminated at all times during the day and night by a light at least twenty-five (25) watts or equivalent illumination. Such light shall be maintained in a keyless socket. On all lodging-house stories where doors, openings, passageways or aisles are not visible from all portions of such stories, and in other parts of the dwelling which may be used in entering or leaving the lodging-house part and in which a similar need exists, signs with easily readable letters at least eight inches (8") in

height, and continuously and sufficiently illuminated by artificial light at all times when the natural light is not sufficient to make them easily readable, shall be maintained on conspicuous locations, indicating the direction of travel to the nearest means of egress. At least one (1) such sign shall be easily visible from the doorway of each cubicle.

(5) *Roof egress* . Access from the public hall at the top story to the roof shall be provided by means of a bulkhead or a scuttle acceptable to the department. Every such scuttle and the stair or ladder leading thereto shall be located within the stair enclosure.

(6) *Persons accommodated*. The number of persons accommodated on any story in a lodging house shall not be greater than the sum of the following components:

(i) Twenty-two (22) persons for each full multiple of twenty-two inches (22") in the smallest clear width of each means of egress approved by the department, other than a fire-escape.

(ii) Twenty (20) [*sic*] persons for each lawful fire-escape accessible from such story if it is above the entrance story.

(7) In view of the fact that §66, Subdivision 3 (formerly §13, subdivision m), Multiple Dwelling Law, required lodging houses to be sprinkled throughout, including the public halls, the department will accept existing double-rung ladder type fire-escapes on the condition that such fire-escapes are maintained in a good state of repair.

(dd) *Ladders leading to roof scuttles.* Ladders to roof scuttles as required under the provisions of §§187 and 233 of the Multiple Dwelling Law, shall be of incombustible material, not less than fifteen inches (15") wide, with strings not less than one and one-half inches by three-eighths inch (1 1/2" x 3/8"), with five-eighths inch (5/8") rungs not more than twelve inches (12") apart. Strings of such ladders shall be secured at top and bottom and ladder must be so arranged as to permit sufficient toe hold.

CHAPTER 16 INSPECTION OF EXISTING STRUCTURES DURING CONSTRUCTION OPERATIONS

§16-01 Controlled Inspection of the Stability and Integrity of Existing Structures During Construction Operations

(a)(1) All alterations to existing structures in which loads are transferred from one system of structural elements to another such as in the installation of columns or girders to replace existing bearing walls, the creation of openings or slots in existing bearing walls, girders or floors, or where the stability or integrity of a structural system is to be temporarily diminished, shall be conducted under controlled inspection.

(2) The Department of Buildings will not approve any plans or amendments thereto where work, as described in §16-01(a)(1), is to be performed unless a registered architect or professional engineer (hereinafter referred to as "controlled inspection architect or engineer") retained by the contractor or owner and approved by the registered architect or professional engineer seeking approval of such plans submits to the Department a Technical Report: Statement of Responsibility ("TR-1") or any similar document which the Department may use in the future whereby the controlled inspection architect or engineer assumes responsibility for the controlled inspection of the existing structure during construction operations to determine its stability and integrity.

(b)(1) The details of shoring, bracing or other construction required for such work and the phasing, staging, and sequence of such operation shall be:

(i) Shown on the structural plans that are submitted to and approved by the Department or,

(ii) Prepared in the form of shop or detail drawings by a registered architect or professional engineer authorized, retained, or hire by the owner, contractor, or sub-contractor, and reviewed by the registered architect or professional engineer who prepared the structural plans.

(c) The controlled inspection architect or engineer shall retain a copy of the documents described in § 16-01(b) in his or her office and shall provide a copy to the contractor and/or owner to be kept at the construction site.

(d) The controlled inspection architect or engineer shall determine the frequency of inspections needed and whether he or she should inspect the site personally or send a person under his or her direct supervision. At a minimum, the site must be inspected twice, once at a pre-construction meeting with the contractor and once during construction operations.

(e)(1) The controlled inspection architect or engineer, for each job which requires the submission of a TR-1 pursuant to §16-01(a)(2), shall maintain a log in his or her office which includes the following information:

(i) address of the premises, job number, contractor name and address, and

(ii) date and time of each inspection including

(A) names of personnel who inspected the site, and

(B) any significant observations or instructions given relating to any of the following:

((a)) deviations from the documents described in §16- 01(b);

((b)) anticipated field conditions;

((c)) proper execution of the work;

((d)) good engineering practice;

((e)) safe job-site conditions;

((f)) precautions taken to maintain safe conditions if work is stopped for any reason.

(iii) the date of and participants in any conversations with the controlled inspection architect or engineer occurring off-site and relating to any significant observations or instructions specified in §16-01 (e)(1)(ii)(B)((a)) through ((f)).

(f) he controlled inspection architect or engineer shall report unsafe conditions to the Department of Buildings and/or any other affected parties or agencies.

(g) Upon request of the Department, the controlled inspection architect or engineer shall make available for review by the Department documents described in §16-01(b) and the log described in §16-01(e).

(h*) Exemption of Frame Structures*. Frame structures shall be exempt from these rules and regulations except for the alteration of arches, rigid frames, trusses and the creation of openings exceeding 10 feet in length in bearing walls.

CHAPTER 17 TESTING LABORATORIES AND TESTING SERVICES

§17-01 Acceptance of Testing Laboratories and Testing Services

(a) Applications for acceptance as a testing service or

testing laboratory shall be submitted to the Commissioner of Buildings on forms provided by the Department.

(b) Each laboratory shall have in responsible charge a Director who shall be qualified by education, experience, or other accreditation acceptable to the Commissioner for the scope of testing performed, who shall personally supervise the testing of materials or service equipment for acceptance by the Department of Buildings.

(c) All technicians shall be qualified by education, experience, or other accreditation acceptable to the Commissioner to perform all tests they may be required to conduct under the supervision of the Director.

(d) The laboratory shall furnish to the Department of Buildings a list of all personnel who are supervising and performing tests and their qualifications.

(e) The laboratory shall furnish to the Department of Buildings a list of all the equipment used to perform tests, the manufacturer's name, when and by whom it was last calibrated.

(f)The laboratory and its equipment may be inspected periodically by the Department of Buildings or competent independent agency acceptable to the Department. If such an agency is used, a certified copy of its report shall be submitted to the Department of Buildings.

(g) The laboratory shall correct within 10 days any condition which, in the judgment of the Department of Buildings, may adversely affect the result of any test.

(h) A list of acceptable laboratories or testing services will be maintained in the office of the Commissioner of Buildings and made available to the public.

(i)The Department shall issue a serial numbered Certificate of Acceptance which shall be prominently displayed on the test premises. Such certificate shall bear the name of the lab or service, the name of the professionally qualified Director and the field or trade for which the laboratory has established its competence.

(j)All test reports shall be presented in a form acceptable to the Department and bear the name of the laboratory or service and its acceptance number, the name of the Director who supervised the test, the names of all qualified personnel who performed the test, and the names of all witnesses.

(k) The accepted laboratory or service shall prepare and submit to the Department a copy of the certificate or label bearing its name and acceptance number which it shall be required to affix to all shipments and deliveries of material or equipment when the laboratory is engaged by the manufacturer or producer to make periodic inspections or tests of the material or equipment in the course of manufacture or production.

(l)Accepted laboratories and testing services shall be permitted to advertise the fact of their acceptance by the Department of Buildings of The City of New York for the testing of materials or equipment only in the field or trade for which they have established their competence.

(m)Any violation of these rules or misrepresentation of facts in any required report or misrepresentation in advertising shall constitute cause for revocation or suspension of acceptance by the Commissioner.

CHAPTER 18 RESISTANCE TO PROGRESSIVE COLLAPSE UNDEREXTREME LOCAL LOADS

§18-01 Considerations and Evaluation.

(a) *General considerations.* Unless all members are structurally connected by joints capable of transferring 100% of the members' working capacity in tension, shear, or compression, as appropriate, without reliance on friction due to gravity loads, the layout and configuration of a building and the interaction between, or strength of, its members shall provide adequate protection against progressive collapse under abnormal load, where progressive collapse is interpreted as structural failure extending vertically over more than three stories, and horizontally over an area more than 1,000 square feet or 20 percent of the horizontal area of the building, whichever is less. These criteria shall be satisfied while the building is subjected to its own weight D plus a superimposed load of (1.0D + 0.25L), where D is computed according to Article 2 of Subchapter 9 of Chapter 1 of Title 27 of the Administrative Code and according to Reference Standard RS 9-1 of the same Code and L is computed according to Article 3 of Subchapter 9 of Chapter 1 of Title 27 of the Administrative Code and according to Reference Standard RS 9-2 of the same Code without allowance for the live load reduction permitted in Article 4 of Subchapter 9 of Chapter 1 of Title 27 of the same Code. A wind load of 0.2 W shall be assumed to act in combination with 1.0D + 0.25L, where W is computed according to Article 5 of Subchapter 9 of Chapter 1 of Title 27 of the Administrative Code and according to Reference Standard RS 9-5 of the same Code. These criteria shall be satisfied in accordance with structural analysis based on the Plastic Design or Ultimate Strength method, representing conditions at incipient failure and shall be considered as an independent check of a building designed in accordance with the usual procedures for Working Stress, Plastic Design, or Ultimate Strength design pursuant to Subchapters 9, 10, and 11 of Chapter 1 of Title 27 of the Administrative Code and all applicable Reference Standards thereto.

(b) *Methods of evaluation*.

Resistance to progressive collapse shall be determined by one of two methods:

(1) *The Alternate Path Method.*

(2) *The Specific Local Resistance Method*.

The specific local resistance method shall only be used if the alternate path method is not feasible.

(i)The Alternate Path Method.

Proof shall be provided, by analysis and/or physical simulation, that the following condition is satisfied while the building is subjected to the loads stipulated in the criteria:

(A) Should any one of the following combinations of structural elements at any one story lose its ability to carry load, there shall be no collapse of the structure more than one story above or below the element under consideration, or over a horizontal area in excess of that stipulated in the criterion:

(a) Any single "wall panel or nominal length thereof."

(b) Two adjacent "wall panels or nominal lengths thereof" forming an exterior corner to the building.

c) One or more elements forming a "nominal extent of flooring".

(d) One column.

(e) Any other one element of the structural subsystem which is judged to be vital to the building's stability.

(B) The following definitions specifically apply to Method (b)(1):

(a) The designation "wall panel or nominal length thereof" is the smaller of the following lengths as appropriate to the design in

question:
(1) The length between adjacent lateral supports.
(2) The length between a free edge and the nearest lateral support.
(3) A length equal to 2.25 times the clear height of the wall panel in those circumstances where the top and bottom attachment of the panel to the floor or roof will not fail under a force smaller than 3 kips [*sic*] per linear foot acting perpendicular to the wall in either direction.

(b) As used above, "lateral support" is considered to occur at:
(1) A substantial partition perpendicular to the wall, provided that its attachments to the wall and the partition itself are capable of resisting and transmitting without failure a horizontal force of 3 kips [*sic*] per foot of clear wall height in either direction in the plane [*sic*] of the partition. A partition may be considered substantial when that partition or a combination of such partitions, one above the floor and one below the floor and substantially in the same plane, is able to resist the following distributed force transmitted by the floor in the plane of the partition and in an upwards or downwards direction:

$$0.18\frac{S}{b}(2b—S)$$ kips [*sic*] per foot of clear span.

where b is clear span and S is the clear spacing of partitions or the clear distance from a partition to an adjacent free edge of the floor.
(*2*) A strengthened vertical portion of the wall (not exceeding 1/3 story height in the horizontal direction) which will not fail under a load of 3 kips [*sic*] per linear foot of clear wall height acting perpendicular to the plane of the wall in either direction along the interface between the strengthened wall portion and the portion of the wall that lost its load carrying capacity.

(c) The term "nominal extent of floor"denotes the following:
(1) For a floor spanning in one direction, the extent is the clear span. In the perpendicular direction the extent is to be taken as the smaller of the following:

(i) The distance between adjacent "substantial" partitions arranged in the direction of floor span.

(ii) The distance between a free edge and the nearest "substantial" partition arranged in the direction of the floor span.

(iii) In the case where partitions are not "substantial" the extent is to be taken as 2.25 times the clear span.
(2) For a floor spanning in two directions the extent shall be taken as the area bounded by the clear spans in both directions.

(ii) Specific local resistance methods.
Any single element essential to the stability of the structure, together with its structural connections, shall not fail under the loads stipulated in this criterion after being subjected to a load equivalent to that caused by a uniform static pressure of 720 psf. This pressure shall be applied in the most critical manner to the face of the element and to the face of all space dividers supported by the element or attached to it within the particular story. In those cases where the stability of the element depends upon the lateral support provided by the attached space dividers, these space dividers, or a portion of these space dividers which can provide adequate lateral support, must also satisfy requirements of this paragraph.

CHAPTER 19 MASTER PLUMBERS AND LICENSED FIRE SUPPRESSION PIPING CONTRACTORS

§ 19-01 Examination, License and Conduct of the Business of Master Plumbers and Master Fire Suppression Piping Contractors.

(a) *Applicability.* This rule shall be applicable to the examination, licensure and conduct of the businesses of master plumber and l master fire suppression piping contractor.

(b) *Applications.* Any person desiring to obtain a license from the Commissioner of Buildings to engage in the business or trade of Master Plumber or Master Fire Suppression Piping Contractor shall file an application as required by §§26-145 and 148 of the Administrative Code.

(c) *Qualifications.* Every person applying for a Master Plumber's license or Master Fire Suppression Piping Contractor's license shall pass an examination and otherwise meet the qualifications of §§26-145,146 and 148 of the Administrative Code.

*(e) *Issuance of licenses, plates and renewals - fees.*
" (e)" enacted but "(d)" probably intended.
(1) Upon the certification that an applicant has satisfactorily passed a written and a practical examination, the Commissioner of Buildings shall issue to the applicant a Master Plumber's license or Master Fire Suppression Piping Contractor's license together with a plate and seal upon the following conditions:

(i) Payment of a certificate fee pursuant to § 26-147 of the Administrative Code and

(ii) Representation by the applicant, subject to verification by the Department of Buildings, that the applicant has an established "place of business" within the City of New York, and

(iii) Payment of "licensed plumber" or "licensed fire suppression piping contractor's license" plate and seal fees as required by §26-147 of the Administrative Code, for which the Department of Buildings shall issue a plate for use at the premises designated by the applicant as his or her "place of business."

(iv) For purposes of renewal of said license, thirty to sixty calendar days prior to the license's expiration date, the applicant shall present to the Department of Buildings, in such manner as the Commissioner may require, proof that the applicant has satisfactorily completed a seven hour continuing education course approved by the Department of Buildings within two years prior to the renewal date, as required by § 26-150.1 of the Administrative Code, and such identification and other documentation supporting his or her right to renewal as the Commissioner may require. All applicants for renewal shall be of good moral character at the time of renewal. The applicant for renewal shall pay the renewal fee required by §26-147 of the Administrative Code. The license plate and seal shall be renewed every two years.
(2) Where the plate or seal has been lost, and an affidavit is submitted to this effect, a new plate or seal shall be issued by the Commissioner of Buildings upon an application and payment of a fee as required by §26-147 of the Administrative Code.

(f) *Place of business regulated.*
(1) A "place of business" shall mean the location of a plumbing establishment or fire suppression piping establishment where a Licensed Master Plumber or Licensed Master Fire Suppression Piping Contractor conducts his or her business. A plumbing or fire suppression piping establishment may be conducted by a Licensed Master Plumber or Licensed Master Fire Suppression Piping Contractor under a trade name, or by a partnership or

corporation, or other business association duly authorized to conduct a plumbing or fire suppression piping business.
(2) The "place of business" is the location of the office and shop of a plumbing or fire suppression piping establishment where the office and shop are at the same location.
3) The "place of business" where the location of the office portion of a plumbing or fire suppression piping establishment is different from the shop portion, shall be the place where the office portion is located.
(4) The "place of business" where no plumbing or fire suppression piping shop exists shall be the location of the office from where the Licensed Master Plumber or Licensed Fire Suppression Piping Contractor conducts his or her business.
(5) The office portion of a plumbing or fire suppression piping establishment which is located at a different location than the shop portion, shall be the place of calling of the plumbing or licensed fire suppression piping establishment, where business mail and telephone calls are normally received, where customers and salesmen are interviewed and where the records of the business are kept.
(6) All the limitations and restrictions for the use of "Contractor's Establishment" as required by the Zoning Resolution shall apply to the "place of business" of a plumbing or fire suppression piping establishment where the office portion and the shop portion are at the same location.
(7) All the limitations and restrictions for the use of "Office" as required by the Zoning Resolution shall apply to the office portion of a plumbing or fire suppression piping establishment where its location is different than the shop location. The shop location must comply with the limitation and restrictions for the use of "Contractor's Establishment" as required by the Zoning Resolution.
(8) All the limitations and restrictions for the use of "Office" as required by the Zoning Resolution shall apply to the office of a business where no plumbing or fire suppression piping shop exists.

(g) *Master plumber's and master fire suppression piping contractor's license plates regulated.*
(1) The use of the license by the holder thereof shall be in accordance with §§26-138 and 26-141 of the Administrative Code.
(2) Only one plate and seal shall be issued to a Licensed Master Plumber or Licensed Master Fire Suppression Piping Contractor for a "place of business" the location of which is in a district permitted by the Zoning Resolution. (See §§19-01(f)(6), (7) and (8)).
(3) A Licensed Master Plumber or Licensed Master Fire Suppression Piping Contractor conducting a business shall display prominently to the public in the window of the "place of business" designated in his or her application or on a sign securely attached to the said premises, his or her full name with words "Licensed Plumber" or "Licensed Master Fire Suppression Piping Contractor" immediately thereunder. If the business is conducted under a trade name, or by a co-partnership or corporation, such trade name or co-partnership or corporation name shall be placed immediately above the full name or names of the licensee(s) conducting the business as provided by §26-148(f) of the Administrative Code.
(4) The plate shall be kept prominently displayed to the public at the "place of business" designated in the application. The plate shall not be transferred to another address without notifying the Commissioner of Buildings and receiving his or her written approval thereof, nor shall it be transferred to or displayed in connection with any trade name, co-partnership or corporation of which the holder of such plate may become a partner or officer. Where the license is used by the holder thereof for or on behalf of a partnership, corporation or other business association as provided by §26-138 of the Administrative Code, documents shall be filed with the Commissioner of the Department of Buildings to indicate the control or voting capital stock of such partnership, corporation or other business association.
(5) A person retiring from the business or trade as a Master Plumber or Master Fire Suppression Piping Contractor or, in the event of the decease of a Master Plumber or Master Fire Suppression Piping Contractor, his or her legal representative shall immediately surrender the plate and license to the Commissioner of Buildings in accordance with §26-148(h) of the Administrative Code.
(6) A Licensed Master Plumber or Licensed Master Fire Suppression Piping Contractor to whom a plate has been issued and any corporation or partnership with which he or she is associated shall not loan, rent, sell, or transfer the privileges of such license and plate to any person for the performance of plumbing work in accordance with §26-138 of the Administrative Code.

(h) *Revocation, suspension, or cancellation of license.* The Commissioner of Buildings may at any time revoke or suspend the license of a Master Plumber or Master Fire Suppression Piping Contractor for cause as provided for by §26-151 of the Administrative Code.

§19-02 Continuing Education Requirements for Master Plumbers and Licensed Master Fire Suppression Piping Contractors.

(a) *Applicability.* This rule shall be applicable to the applicants seeking departmental approval to provide continuing education courses for master plumbers and master fire suppression piping contractors, as set forth in Administrative Code §26-150.1.

(b) The content of courses and qualifications of course providers shall be approved in accordance with the following. Course providers seeking approval by the Department of Buildings shall submit proposals in writing to the Department that include the following:
(i) Identification of the class(es) of licensees for which the proposed course(s) will be taught;
(ii) A proposed curriculum appropriate for the type(s) and class(es) of licensees to which the course(s) will be taught. All curricula shall include but not be limited to:
(a) Business practices;
(b) Relevant building code provisions, rules, policy and procedure notices, and reference standards enacted or promulgated by the Department in the twenty-four months prior to the individual course date(s);
(c) Department of Environmental Protection Water Rules;
(d) Department of Buildings filing and inspection requirements made effective by the Department in the twenty-four months prior to the individual course date(s);
(e) Safety/hazardous materials;
(f)New technology;
(g) Integrity/anti-corruption standards; and
(h) Other subjects identified by the Commissioner.
(iii) A schedule detailing the courses' proposed cost(s) to individuals and/or groups wishing to enroll;

(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.

***"to" not enacted but probably intended.**

(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 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 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 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 or back flow preventer and the replacement or repair of a 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 heater or gas fired boilers with 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 one plumbing fixture, 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 heater or gas fired boilers with capacity of 350,000 BTU or less and the existing appliance gas cock is not moved, a statement that the chimney has been inspected.

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 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 413^{o} [*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 413^{o} 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

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 $1/10^{th}$ psig interval on the gauge shall not be smaller than $1/10^{th}$ 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 $1/5^{th}$ psig interval on the gauge shall not be smaller than $1/10^{th}$ 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 $1/100^{th}$ of a psig, and

(2) An extra charged battery shall be readily available for immediate use with the gauge.

CHAPTER 21 PLANS

§21-01 Limited Supervisory Check of Plans.
In accordance with §27-143 of the Administrative Code of the City of New York, the Commissioner will exercise his discretion in designating portions of plans for the construction of new buildings, other than private residences and their appurtenances and accessories, for limited supervisory check predicated upon statements and representations made by the Architect or Engineer of record and conditions as follows:

(a) That the time required for a complete examination by the department would delay the project.

(b) That complete and co-ordinated architectural, structural and mechanical plans are or have been filed.

(c) That the portion for limited supervisory check be clearly and specifically identified, however, it shall not include compliance with the zoning resolution nor the exit requirements of the building code or other applicable laws.

(d) Wherever applicable, the necessary certifications and appropriate approvals have been obtained regarding:
(1) Landmarks, landmark sites and historic districts.
(2) Sewers.
(3) Urban Renewal Areas.
(4) Transit Authority for the effect on subways.
(5) Compliance with General City Law, §35.
(6) Proof of filing with the Department of Transportation of a related paving plan application (General City Law, §36; New York City Charter, § 230);
(7) Liability Insurance. (General City Law, §36; New York City Charter, §220).

(e) That where there are associate Architects or Engineers, that they likewise join in the request for limited supervisory check of the plans.

(f) That the Architect or Engineer of record and associate Architects or Engineers, if any, are aware that the Commissioner, in the exercise of his 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 Building Code and other applicable laws and regulations.

(g) That the Architect or Engineer of record and associate Architects or Engineers, if any, are further aware that the Commissioner will rely on a complete enumeration of exceptions to compliance with the provisions of the Building Code and other applicable laws and regulations as set forth in the Statements A and B, filed with the construction application. That, prior to the request for a limited supervisory check, the enumerated exceptions must be resolved by reconsideration or otherwise.

(h) Should disclosure indicate a non-compliance with the Building Code and other applicable laws and regulations, the Architect or Engineer of record shall take the necessary remedial measures to obtain compliance.

(i) That the owner is aware of this request and the conditions under which it is being granted and he agrees to comply with any requirement for remedial measures, if same becomes necessary.

§21-02 Additional Procedures with Respect to Designation of Applications and Plans Submitted by Registered Architects and Licensed Professional Engineers for Limited Supervisory Check.

(a) *Purpose.*
Pursuant to §27-143 of the Administrative Code, the Department of Buildings has established procedures for limited supervisory check of applications and plans submitted by registered architects and licensed professional engineers. In general, these procedures have benefited both the construction industry and the general public by expediting departmental review without sacrifices to public safety. While the vast majority of architects and engineers have justified the confidence which the Department has in their professionalism, there have been occasions when the laws which govern construction in the City have been disregarded, threatening public safety. The purpose of these regulations which amend regulations promulgated by the Department and effective February 9, 1986 is to protect the safety and integrity of the procedures for limited supervisory check by assuring that such disregard is not permitted to continue.

(b) *Grounds for Exclusion.*
The Commissioner may exclude a registered architect or licensed professional engineer from the Department's procedure for limited supervisory check of applications and plans if the Commissioner finds that:
(1) Applications, plans, certifications or reports submitted by the architect or engineer demonstrate such a lack of knowledge of the Building Code, Multiple Dwelling Law, Zoning Resolution and/or Labor Law that in the interest of public safety and welfare the applications and plans submitted by such architect or engineer should be subject to full review by the Department; or
(2) The architect or engineer has submitted applications, plans, certifications or reports to the Department which were required to be prepared by him or her or under his or her supervision but which were not prepared by him or her or under his or her supervision; or the architect or engineer engages in any conduct evidencing a delegation of professional responsibilities to a person where the architect or engineer knows or has reason to know that such person is not qualified, by training, by experience or by licensure, to perform them; or
(3) The architect or engineer has knowingly or negligently made false or misleading statements or knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application or report filed with the Department, or knowingly 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; or
(4) The architect or engineer has been convicted of a criminal offense where the underlying act arises out of his professional occupation or business dealings with the City of New York.

(c) *Procedures.*
(1) Written notice of the basis for such action to exclude from limited supervisory check shall be served on the architect or engineer pursuant to the provisions of New York State Civil Practice Law and Rules §308.
(2) If the Commissioner finds that continued use of the procedures for limited supervisory check by the architect or engineer would be likely to create a condition of imminent peril to public safety, the Commissioner's determination shall be effective immediately.
(3) On and after the effective date of the determination, whether after hearing as provided in §21-02(c)(1) or immediate suspension pursuant to §21-02(c)(2) of these regulations, as the case may be, any or all of the applications and plans submitted by the architect or engineer shall be subject to full review by

the Department.

(d) *Hearing.*

(1) Upon a filing of the administrative charges, the architect or engineer will be scheduled for a hearing on the determination by submitting written objection to the determination and the grounds for such objection to the Commissioner within fifteen days after the date that the notice of determination is served.

(2) The hearing will be held at the Office of Administrative Trials and Hearings. Pursuant to §21-02(c)(2) of these regulations, if the Commissioner's determination was effective immediately, the hearing shall be scheduled expeditiously, with due consideration given to the current calendar at the Office of Administrative Trials and Hearings.

(3) The architect or engineer may be represented by counsel and may present evidence in his or her behalf. A transcribed or tape-recorded record shall be kept of the hearing.

(4) After the conclusion of the hearing, the OATH Administrative Law Judge shall issue proposed findings of fact and proposed conclusions of law, along with a report and recommendation issued by the OATH Administrative Law Judge and shall issue a final decision. The Commissioner shall notify the architect or engineer in writing of the Commissioner's decision. Such notice shall include a written statement indicating the reason for the decision.

(e) *Review of determination.*

At the expiration of one year from the date of the initial determination to exclude an architect or engineer from participation in the procedures for limited supervisory check of applications and plans, and at intervals of no more than six months thereafter, upon request of the architect or engineer, the Commissioner shall re-examine such determination. If the architect or engineer has not committed any of the acts described in §§21-02(b)(2) or (3) during such period and applications and plans submitted by him or her during such period which were subject to complete examination by the Department demonstrate adequate knowledge of the Building Code, Multiple Dwelling Law, Labor Law and the Zoning Resolution and the Commissioner determines that it would be in the public interest to do so, he or she may rescind such determination. In making such decision, the Commissioner may consider any relevant documents submitted by the applicant bearing on his or her capability to resume participation in the procedures for limited supervisory check.

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 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 jalousies, 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 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 be retained as approved.

(f)*Collection room floors.* The floor within the room for the collection of refuse shall be constructed of concrete and shall be sloped to a floor drain within the room connected to the house drain. The drain shall be provided with a protective screen to retain solid material. Floor drain traps shall be readily accessible for cleaning.

(g) *Use of existing combustion chambers.* Existing incinerator combustion chambers may be used in whole or in part as refuse collecting rooms for collection of refuse and for compacting equipment provided the grates are removed and provided they comply with the provisions of subdivision (e) of this section.

(h) *Sprinkler operation and water supply*. Sprinklers shall be designed to operate automatically at a temperature not exceeding one hundred sixty-five degrees Fahrenheit. They may be electrically controlled provided such sprinklers are approved by the Board of Standards and Appeals. Sprinklers may be connected to the cold water supply of the building at the point where such service enters the building or at the base of a water supply riser provided the piping of such service or riser is of adequate size. No connections, except those for sprinklers, shall be made to the sprinkler piping.

(i)*Hoppers, cut off doors and compactors.* A hopper and cut off door shall be provided at the bottom of the refuse chute to regulate and guide the flow of refuse into containers. Where compactors are installed so that the refuse flows directly into the compacting equipment, the 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 rubbish is not higher than three feet below the lowest door.

Compactors shall be located entirely within the enclosure of the refuse room and former combustion chamber where the latter is retained, except that motors, pumps and controls may be installed in adjacent rooms.

Where refuse is removed manually, the refuse shall be removed with sufficient frequency so that it will at no time extend less than three feet below the level of the lowest hopper door opening into the chute.

(j)*Number of sprinkler heads.* Sufficient sprinklers shall be installed in the refuse room and former combustion chamber to provide sprinkler coverage for the entire area of each unit.

(1) Adequate lighting shall be provided in refuse rooms.

(2) Refuse chutes, refuse rooms, hoppers and all parts of the refuse collecting system shall be maintained in a clean and sanitary condition at all times, free of vermin, odors and defects, and shall be maintained in good operating condition. Fused sprinkler heads shall be replaced promptly.

(3) The owner shall establish a program to ensure that the refuse chute and the refuse room and appurtenances will be treated as often as may be necessary to prevent infestation with insects or rodents. The owner shall maintain a record of such treatments which shall be available at all times for inspection by the Department.

(k) These rules shall apply only to refuse chutes in new construction and to refuse chutes resulting from the conversion of existing incinerator flues and to existing refuse chutes.

(l) *Collection and disposal of refuse within premises.* The collection and disposal of refuse within any building or on any premises shall be performed as deemed necessary to provide for the safety, health and well being of the occupants of buildings and of the public. The construction, operation, maintenance, cleanliness and sanitation of refuse chutes and refuse rooms and extermination treatment for insects and rodents, and the keeping of records of such treatments for refuse chutes and refuse rooms shall be in accordance with regulations established by this Department in consultation with the Department of Health.

CHAPTER 25 CLIMBER AND TOWER CRANE RIGGERS

§25-01 Licensing Persons as Climber or Tower Crane Rigger.

(a) *Qualifications*. Applicants shall meet the following qualifications at the time of filing for the license:

(1) Be able to read, write and speak the English language.

(2) Be able to interpret structural and erection drawings.

(3) (i) Have at least five years of supervisory experience within the last 10 years in the planning and execution of the erection or dismantling of tower and climber cranes; or

(ii) For a period of five years within the last 10 years, an applicant shall have erected or dismantled, as part of a team, eight or more tower and/or climber cranes of which at least three erections and dismantlings of such cranes shall be under his supervision, and/or oversee the safety and code requirements for the same.

(b) *Prerequisites to examination.* Applicants shall be required to have passed a written and practical examination no more than one year prior to the application filing date. Prior to being eligible to take such examination, an applicant must submit satisfactory evidence that:

(1) the applicant has at least five years of supervisory experience in the planning and execution of the erection or dismantling of tower or climber cranes; or

(2) the applicant has at least five years of practical experience working as part of a team erecting and dismantling tower or climber cranes and has participated in at least eight such erections or dismantlings.

(c) *Annual renewal of licenses without examination.* Licenses issued under the above stated rules may be renewed annually without examination.

(d) *Requirement of examination following failure of timely renewal.* Failure to renew this license annually shall require an examination or re-examination as appropriate. Renewal applications shall be submitted between 30 and 60 days prior to the expiration date of the license.

(e) *Fees*. The initial fee for licensing in accordance with these rules shall be $150.00, and the annual renewal fee shall be $50.00. If the initial application is denied, a refund of $50.00 will be made.

CHAPTER 26 SAFETY OF PUBLIC AND PROPERTY DURING CONSTRUCTION OPERATIONS

26-01 Filing of Site Safety Programs and Designation of Site Safety Managers.

(a) Program to be filed.

(1) No permit shall be issued for:

(i) the construction of a major building (as hereafter defined); or

(ii) for the alteration of the facade of a major building when a sidewalk shed is required by §27-1021(a)(5) of. The site

safety program shall be submitted after the Administrative (Building) Code, until a document describing a site safety program has been filed at the borough office approval of the building application has been obtained, but before approval of any full or partial permit. If partial approval and partial permit are being sought (e.g. foundation, excavation or the like), then the scope of the site safety program shall reflect that component of work.

(2) A major building is a building either:

(i) 15 or more stories;

(ii) 200 feet or more in height;

(iii)with a lot coverage of 100,000 square feet or more regardless of height; or

(iv) as designated by the commissioner of the Department of Buildings.

(b) *Manager to be designated.* The site safety program shall provide for the designation of a site safety manager, certified by the Department of Buildings.

(c) The Department of Buildings shall issue a site safety manager certificate to an individual who shall have good moral character so as not to adversely impact upon his or her fitness to perform the duties and responsibilities of a site safety manager, and the following qualifications:

(1) (i)New York State Licensed Professional Engineer or Registered Architect, or eight years of construction supervision experience, including five years of such experience with major buildings, and

(ii) Proof that, within the year prior to the date of the application for certification, the person has satisfactorily completed an orientation course approved by the Department of Buildings of no less than five hours in duration and passed a written examination covering Subchapter 19 of Chapter 1 of Title 27 of the Administrative (Building) Code and the duties of site safety manager; or

(2)(i) Completion of an on-the-job training program under a currently certified site safety manager. Such training shall cover all aspects of the site safety management and all phases of building construction, from the commencement of construction until the building is completely enclosed, and shall last a minimum of 18 months. Each month the site safety manager shall summarize the trainee's activities in the site safety log or other record, and shall certify as to the trainee's satisfactory completion of the training program; and

(ii) Proof that, within the year prior to the date of the application for certification, the person has satisfactorily completed 40-hour course approved by the Department of Buildings and passed a written examination covering Subchapter 19 of Chapter 1 of Title 27 of the Administrative Code and the duties of a site safety manager.

(d) Certificates shall be renewable every three years, provided that the certificate holder shall have good moral character so as not to adversely impact upon his or her fitness to perform the duties and responsibilities of a site safety manager, and shall have satisfactorily completed a seven (7) [*sic*] hour site safety course approved by the department within one (1) year prior to the renewal date.

(e) Effective October 1, 1987, all individuals, whether previously approved or currently designated as site safety managers or alternates, must hold a site safety manager certificate from the Department of Buildings. All incumbents who do not hold a certificate as of that date shall be disqualified from the position.

(f) *Responsibility for site safety.* Nothing in these rules is intended to alter or diminish any obligation otherwise imposed by law on the owner, construction manager, general contractor, contractors, materialmen, architects, engineers, 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.

(g) *Site Safety program and manual.* (1) The site safety program shall include the duties of the site safety manager and the measures to be taken to ensure compliance with the safety requirements of Subchapter 19 of Chapter 1 of Title 27 of the Administrative (Building) Code.

(2) The site safety manager shall monitor compliance with the safety requirements of Subchapter 19 of Chapter 1 of Title 27 of the Administrative (Building) code, but shall not be responsible for reviewing design specifications, lifting capacities, performing technical inspections, etc. (except as such duties may fall within the scope of other responsibilities of such person).

(3) The specific duties and responsibilities of the site safety managers are described in the Department of Buildings' Manual for Site Safety Programs, which appears as an appendix to this rule.

(i)the manual may not be changed or modified by the Department of Buildings without first obtaining comment from the Building Industry Advisory Council of the Department of Buildings or representative organizations for the construction industry.

(i)The manual shall be an appendix to these rules and regulations.

(ii)The manual shall be available at the offices of the Department of Buildings.

(4) The site safety program to be submitted pursuant to this section shall contain statements from both the contractor and the site safety manager and alternate managers, if any, that the manager and alternates will have those duties and responsibilities as described in the manual and that the contractors' policy is as set forth in the manual. The site safety program shall include a site safety plan, which shall have descriptions of the following items, including approximate dates of installation, where applicable:

(i) location of all construction fences around job site;

(ii) location of all gates in fences;

(iii) location of guardrail around excavation during excavation, when required;

(iv) horizontal and vertical safety netting program, including details of the initial installation, a schedule of horizontal jumps and vertical installations, and designated crane and derrick lifting areas where the horizontal netting is to be omitted;

(v) location of sidewalk sheds;

(vi) location of temporary walkways;

(vii) location of footbridges and motor vehicle ramps;

(viii) protection of side of excavation, when required;

(ix) location of street and sidewalk closing(s);

(x) axpproximate location of material and personnel hoist(s) and loading areas;

(xi)approximate location of all crane and derrick loading

areas;

(xii) location of surrounding buildings, indicating occupancy, height and type of roof protection, when required; location of standpipe system and siamese hose connections; location of temporary elevators for fire department use when building is above 75 feet in height; location of all exterior contractors' sheds; safety netting and scaffolding when required by §27-1022 of the Administrative Code; sidewalk and roadway widths and all traffic information and all exits from job sites; specific case reconsiderations in relation to requiring safety netting during construction operations are to be attached and the revised site safety plans shall be approved.

(h) *Signs at construction sites.* In addition to the information required to be displayed on signs at construction sites specified in §27-1009(c) of the Administrative Code, the telephone numbers of the following shall be prominently displayed in both English and Spanish:

The Department of Buildings
The Building Enforcement Safety Team (B.E.S.T.)
The Emergency Squad
The Department of Transportation

(i) *Fees.* The initial fee for obtaining certification as a site safety manager in accordance with these rules shall be $300.00, and the renewal fee shall be $150.00.

(j)Other than as required by statute or pursuant to these rules or as set forth in 1 RCNY §27-03, there shall be no information, pictorial representations, or any business or advertising messages posted on the sidewalk shed or bridge or other structure listed [***sic***] in §26-252(a) of the Administrative Code of the City of New York which is erected at the construction site and is adjacent to such building.

(k) Where renewal for an application for a sidewalk shed or other protective structure listed in §26-252(a) of the Administrative Code of the City of New York and pursuant to §27-1021 of the Administrative Code is required, such application must be signed by the owner of the affected building.

§26-02 Safety Netting During Construction Operations.

(a) *Applicability.* 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 there is exposure to the public or adjacent property. Reference to OSHA Safety and Health Standard 29 CFR 1926.500 is suggested.

(1) While under construction, the facade of such structure is not enclosed. In such case:

(i)Horizontal safety netting shall be provided pursuant to §27-1021(a)(6) and §26-02(e)(3) of these rules.

(ii) Vertical safety netting shall be provided pursuant to §27-1021(a)(7) and §26-02(f)(4).

(2) When demolishing the exterior walls or roof of a structure. In such case: Horizontal safety netting shall be provided pursuant to §27-1022(a)(1) and §26-02(e)(3)(ii).

(3) When exterior walls are being constructed. In such case: Horizontal safety netting shall be provided pursuant to §27-1022(a)(2) and §26-02(e)(3)(iii).

(b) ***Definitions.***

Debris Netting. "Debris netting" shall mean netting of a fine mesh of a size and strength sufficient to catch debris such as falling tools and materials.

Enclosed.

(i)"Enclosed" shall mean a structure is enclosed when the permanent facade is completed except for the windows.

(ii) Such windows shall be protected to a height specified in §26-02 (f)(3) unless there is a sill not less than two feet-six inches in height and vertical mullions or piers with a maximum opening of five feet and a non-corrosive wire cable which is capable of withstanding a load of at least two hundred pounds applied in any direction (except upward).

Exposure to the public or adjacent property. "Exposure to the public or adjacent property" shall refer to any unenclosed facade of [*sic*] a structure which is opposite a street, public way or other open areas intended for public use or which is opposite any side or rear lot line.

Horizontal safety netting.

(i) "Horizontal safety netting" shall mean a horizontal system of nets and their supports, as cited and modified in Building Code Reference Standard RS 19-4.1.

(ii) "Horizontal safety netting" shall include a structural net lined with a debris net of a size and strength sufficient to catch falling tools and materials.

Protected. "Protected" shall mean a structure is protected when there is temporary vertical netting.

Public or adjacent property. "Public or adjacent property" shall mean property which is protected as used herein in relation to "public or adjacent property" as required by Article Seven of Subchapter Three of Title Twenty-six of the Administrative Code.

Qualified person. "Qualified person" shall mean a person trained and qualified in a manner satisfactory to the holder of the work permit.

Structural netting. "Structural netting" shall mean a system of nets capable of complying with the prototype test described in Section Seven of Reference Standard RS 19-4.

Vertical safety netting.

(i)Vertical safety netting means a vertical system of nets and their supports, as cited and modified in Building Code Reference Standard RS 19-4.

(ii) Vertical safety netting shall be of a fine mesh of a size and strength sufficient to contain falling tools and materials.

(iii)Wall opening screens, grills or tarpaulins may be used in lieu of vertical safety netting, provided that they shall be structurally equivalent and of such construction and mounting installed so as to retain debris.

(c) *General requirements.*

(1) Structural net hardware shall be drop forged, pressed or formed steel or material of equal or better quality. Surfaces shall be smooth and free of sharp edges. All hardware shall have a corrosion resistant finish capable of withstanding a fifty hour salt spray test in accordance with ASTM B-1117.

(2) *Identification of nets.* Each structural net shall be permanently labeled with the following information:

(i) Name of manufacturer
(ii) Identification of net material
(iii)Date of manufacture [*sic*]
(iv)Date of prototype test
(v) Name of testing agency
(vi)Serial number

(3) *Inspection.*

(i)Structural nets, including mesh ropes, hardware, connectors,

suspension systems, shall be completely inspected by the manufacturer or manufacturer's representative or other qualified person after each installation. Additional inspections shall be made after relocation, alterations, repair, impact loading and welding or cutting operations above the nets.

(ii) Nets that show mildew, wear, damage or deterioration that substantially affects their strength shall be immediately removed from service and replaced.

(4) *Records to be maintained*.

(i) An on-the-job up-to-date [*sic*] record shall be maintained for the structural portion of each horizontal net. The record shall include the following information:

Net serial number

Date installed

Dates inspected and all removal orders, per §26-02(c)(3)(ii).

The qualified person responsible for the nets shall initial each entry.

The information required by this rule shall be recorded as part of the Site Safety Log, where such log is required.

(ii) A letter or other documentation from the manufacturer stating the description, model or serial number of all vertical netting shall be kept posted until all such netting is removed.

(5) *Care, maintenance and storage*.

(i) Care, maintenance and storage of nets shall be in accordance with the net manufacturer's recommendations with due attention being given to the factors affecting net life.

(ii) Debris shall be removed from nets at least daily.

(iii) Nets shall be capable of a minimum service life of two years under normal on-the-job exposure to weather, sunlight, and handling, excluding damage from misuse, mishandling and exposure to chemicals and airborne contaminants.

(6) *Storage of materials*. Safety netting shall not be used for storing materials.

(7) *Combustibility*. The debris netting shall be noncombustible or flame-resistant.

(d) *Precautions.*

(1) *Sunlight*. Ropes one-half inch in diameter and smaller shall be treated to resist damage from the sun's rays. All nets not in use should be protected from direct and indirect sunlight.

(2) *Abrasion*. Dragging or chafing of nets over the ground or other rough surfaces shall be minimized in order to protect against abrasions and prolong life.

(3) *Sand*. Care shall be taken to keep nets as clean and free of sand as possible.

(4) *Rust.* Nets shall not be stored in metal containers that are rusty. Net hardware shall be replaced if there is evidence of heavy corrosion.

(5) *Welding and cutting operations*. Nets and debris shall be protected from sparks and hot slag resulting from welding and cutting operations or other operations producing sparks or excessive heat.

(e) *Horizontal safety netting.*

(1) *Design, testing and installation requirements*. Horizontal safety netting shall be designed, tested and installed in accordance with Reference Standard RS 19-4, as modified.

(i) *Structural mesh openings*. Mesh openings should be small in order to spread the deceleration force through as many net strands as possible. The maximum size of mesh shall not exceed thirty-six square inches or be longer than six inches on any side measured center-to-center of mesh ropes or webbing, and center-to-center of mesh crossing. All mesh crossings shall be anchored to eliminate frictional wear and prevent enlargement of the mesh opening.

(ii) *Debris netting openings*. The largest opening area for fine mesh netting when used horizontally shall not be larger than one-half square inch.

(iii) *Deceleration and rebound force*. Design, materials and construction shall combine to produce a net which will minimize a deceleration and rebound force.

(iv) *Connections*. Connections between net panels shall develop the full strength of the net.

(2) *Projection of safety netting*. Horizontal safety netting shall project outward horizontally from the edge of the floor a minimum distance of ten feet.

(3) *Locations where required*.

(i) Horizontal safety netting shall be maintained not more than two stories below the stripping operation floor on concrete structures or the uppermost finished (and walkable) concrete floor on steel frame structures, provided that such floor is more than six stories or seventy-five feet in height above the adjoining ground or adjoining roof level, whichever is applicable.

(A) *Stripping operation*. The stripping operation on concrete structures shall not be performed more than three stories below the story being formed.

Note: Industrial Code Rule 23 of the State of New York (12 NYCRR 23-2.4 (a)) states:

"23-2.4 Flooring requirements in building construction. (a) Permanent flooring and skeleton steel construction in tiered buildings. The permanent floors of such buildings or other structures shall be installed as soon as possible as the erection of structural steel members progresses. In no case shall there be more than eight stories, floors or equivalent levels or 120 feet, whichever is less, between the erection floor and the uppermost permanent floor".

(B) *Tarpaulins*. When tarpaulins encase one or more floors immediately below the finished concrete floor in order to maintain temporary heat, the horizontal nets may be located no more than three floors below the finished concrete floor.

(C) The installation of the horizontal safety nets shall not interfere with Fire Department access from the street.

When [*sic*] demolishing the exterior walls or roof of a structure horizontal [*sic*] safety netting 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 the demolition has progressed to within six stories or seventy-five feet off [*sic*] the ground or adjoining roof level.

(A) An exterior built-up scaffold conforming to Article eight of Subchapter nineteen of the Building Code may be used in lieu of horizontal safety netting.

(B) The horizontal safety netting or scaffolding shall be required in addition to the sidewalk sheds, fence or railings required under §27-1021 of the Administrative (Building) Code.

(iii) Constructing exterior walls from a scaffold. Horizontal safety netting shall be constructed and maintained not more than two stories or thirty feet below the story from which the exterior walls are being constructed, or the bottom, outer faces and ends of the scaffold shall be enclosed with debris netting or its equivalent so as to prevent the falling of material and debris.

(iv) Designated crane and derrick lifting areas. The

horizontal safety netting required by §§26-02(e)(3)(i)(ii) and (iii) may be omitted in designated crane and derrick lifting areas so long as it is as indicated on the crane application and on the site safety program.

(v) Horizontal safety netting may be removed after the formwork for the topmost level of concrete is removed or after the topmost level of concrete for a steel building is poured.

(f) *Vertical safety netting.*

(1) *Design and installation requirements*. Vertically installed nets or screens shall be supported so as to be capable of withstanding a load of at least two hundred pounds applied at any direction (except upward).

(2) *Debris netting openings*. The largest opening area for fine mesh netting when used vertically shall not be larger than one square inch.

Debris netting purchased prior to November 3, 1987 may be installed until January 2, 1988 and may remain for the duration of construction with openings up to five and one-half square inches. Such netting may not be used to replace tow boards as provided in §26-02(f)(5).

(3) *Height of safety netting*. Vertical safety netting shall have a height not less than sixty inches in buildings more than six stories or seventy-five feet in height.

Vertical safety netting purchased prior to November 3, 1987 may be installed to a height of not less than forty-two inches until January 2, 1988 prior to which time additional netting to a height of not less than sixty inches shall be installed.

(4) *Locations where required*.

(i) Vertical 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.

(ii) Vertical safety netting shall be maintained at each story except at the story at grade, the story immediately above the sidewalk shed and the roof level where a parapet is installed.

Until elevator in readiness is operative for Fire Department access, such netting shall not be installed below the sixth story or seventy-five feet in height.

(iii) Vertical safety netting shall be secured and kept closed at all times except during actual loading operations or perimeter construction operations.

(5) The top edge and intermediate height of nets shall be mounted securely to non-corrosive wire cable capable of withstanding a load of at least two hundred pounds applied to any direction (except upward).

(6) Toe boards, required by subdivision (b) of §27-1050 of the Administrative Code shall not be necessary if the netting is brought to deck level and securely fastened and has openings not over one inch in greatest dimension.

(g) *Responsibility.* The holder of the work permit and his/her designee shall be responsible for the installation and maintenance of all horizontal and vertical netting, and for complying with these rules and regulations.

(h) *Appeals.*

(1) Requests for New York City Building Code Information, Interpretations, Consultations and Reconsiderations shall be in accordance with Paragraph four of Directive one of 1985. The Commissioner may, in specific cases, modify these rules and regulations where proper methods are proposed to be employed.

(2) *Site Safety Program*. The appeal shall make reference to the Site Safety Program where applicable, when stating the specific relief requested, the practical difficulty, proposed equivalencies consistent with public safety to be complied with and any stipulations.

(i) *Accidents pertaining to public and adjacent properties.*

(l) *Borough office*. The Borough Office of the Department of Buildings shall be notified of all accidents at construction sites at telephone numbers provided in the City's website, http://www.nyc.gov.

(2) The Building Enforcement Special Team (BEST Squad) shall be notified of any accidents relative to buildings fifteen or more stories and two hundred feet or more in height at the telephone number provided in the City's website, http://www.nyc.gov.

§26-03 Storage of Materials During Construction.

(a) *Applicability*. Pursuant to subdivisions (c), (d) and (e) of §27-1018 of the Administrative Code of the City of New York, materials stored on the floors of a building during construction operations shall comply with these rules and regulations.

(b) *Housekeeping.*

(1) 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.

(i) When exterior walls are not in place, stored material shall be kept at least ten feet back from the perimeter of the building.

(ii) However, when the floor area is less than one thousand square feet, stored material may be kept not less than five feet back from the perimeter of the building.

(iii) Material may be stored between five feet and ten feet back from the perimeter of the building when such material weighs [*sic*] less than seven hundred-fifty pounds.

(2) Material stored on floors of a building shall be secured when not being used.

(c) *Storage of materials at top working floors.*

(1) Material may be stored to within two feet of the edge of the building on the upper working floors located not more than two stories below the stripping operation on concrete structures or on the uppermost concrete floor on steel structures.

Such material shall be secured against accidental movement such as by winds and vibration from adjacent moving loads or load carriers.

(2) No material shall hang over the edge of a building unless banded and braced preparatory to relocation at the end of the workday.

(i) Where such material is so banded and braced, it may overhang the floor of the stripping operation by not more than one-third of its length so long as it is relocated on the next workday for concrete operations.

(ii) Where the steel mill and lumber mill are located on not more than two additional floors, material may overhang for relocation until the next workday.

(d) *Debris.*

(1) All debris shall be cleaned off floors daily.

(2) The roof of the sidewalk shed and the street shall be cleaned of construction debris daily.

(3) A daily inspection shall be made for construction debris on all floors and if a major building noted in the site safety log.

(e) *Waste dumpsters, debris boxes and skip boxes.*
(1) Waste dumpsters, debris boxes and skip boxes shall be secured from movement by rope, cable or chocking at wheels at the end of the workday.
(2) Containers containing debris or waste shall be covered at the end of the workday and when full to near the rim.
(3) Containers need not be covered when not in use or while stored in a fully enclosed space at the end of the workday.

(f)*Containers for the storage of debris.*
(1) Sufficient containers of metal, canvas, plastic or other material acceptable to the commissioner shall be available.
(2) The containers shall be of three-quarter cubic yard minimum capacity.
Containers of one-half cubic yard minimum capacity may be used so long as the total capacity of the containers at the construction site is not less than that required by this subdivision (f)(2).
(3) The Commissioner may accept alternate container sizes to function with the building's size.

§26-04 Use of Reshores During Construction Operations.

(a) *Applicability*. Pursuant to subdivision (f) of §27-1035 of the Administrative Code, reshoring shall be provided where forms and shores are stripped before concrete has gained adequate strength to support the superimposed loads due to construction above. Paragraph (1) of subdivision (f) specifies a prohibition on the use of wedges within ten feet of a facade and such other locations as determined by rules and regulations.
(1) *Definition.* Shores are defined as vertical or inclined falsework supports.
(2) *Stripping*. Removal on the floor of any parts of the concrete formwork including shoring, bracing and other supports shall be considered as stripping.
Waste debris as a result of stripping operations shall be immediately contained and removed at reasonable intervals.

(b) *Formwork.*
(1) *Form design drawings*. Form design drawings shall be available to the Commissioner as per subdivision (c) of §27-1035.
(2) *Records*. Records shall be available for inspectors per subdivision (b) of §27-1035.
(c) *Installation limitations* - reshores.
(1) Reshores shall be perpendicular to the surface which they are supporting.
(2) Reshores of wood or metal shall be screw adjusted or jacked and locked and wedged to make them secure.
(3) Wedges shall not be used within ten feet of the facade of a building.
(4) Adjusting devices shall not be used if heavily rusted, bent, dented, rewelded or having broken weldments or other defects.
(5) Metal shoring and accessory parts shall be fully operative when in use.
(6) Reshores within ten feet of the facade of a building shall be secured to prevent them from falling off the building.

(d) *Specific safety provisions*.
(1) Extra shores or material and equipment that might be needed in an emergency shall be furnished.
(2) Care shall be taken while stripping is underway to insure that material does not fall off the building.
(3) Building materials shall be properly piled and tied or contained.

APPENDIX A

The Department of Buildings Manual for Site Safety Programs May, 1988

A. Purpose.

This "Manual" outlines the requirements of the site safety programs submitted to the Department of Buildings pursuant to Local Law 45 of 1983, Local Law 61 of 1987 and the rules and regulations relating to the filing of site safety programs, dated September 23, 1986, as set forth in Subchapter 19 of Chapter 1 of Title 27 of the Administrative (Building) Code. The requirements include a schedule of specific duties and responsibilities for the site safety manager and other items that are to be set forth in a site safety program. They are not intended, however, to supersede any requirements of the Building Code, or rules and regulations promulgated by the Buildings Department or any other city, state or federal agency, pertaining to site safety and other construction activity.

B. Scope.

Site Safety program requirements shall apply to all construction projects that have the following scope of work:

1. The construction of a major building, which is defined as either 15 or more stories, or 200 feet or more in height.
2. 100,000 square feet or more of lot coverage regardless of height.
3. The alteration of the facade of a major building, when a sidewalk shed is required.
4. As designated by the Commissioner of the Department of Buildings.

C. Designation of Site Safety Manager.

In accordance with §27-1009 of the Administrative (Building) Code, unless otherwise determined by the Commissioner, it shall be the responsibility of the builder/owner, agent, the construction manager or the general contractor (the "Contractor") to designate a construction site safety manager who must be present on a construction site for those projects that are within the scope of this program, as defined above, and who shall be responsible for all site safety requirements as specified in the site safety program and Subchapter 19 of Chapter 1 of Title 27 of the Administrative Code.
In the event that an alternate manager will be acting as the full-time safety manager for a period longer than two weeks, the Department of Buildings must be so notified. Any permanent change of site safety manager requires immediate notification of the Department of Buildings.

D. Site Safety Manager Qualifications.

Individuals eligible for designation as site safety manager shall meet one of the following requirements: (1, 2, or 3).

1. a. New York State Licensed Professional Engineer or Registered Architect, or a person with eight years of construction supervision experience including five years of such experience with major buildings, and
b. Certification that the person has satisfactorily completed an orientation course approved by the Department of Buildings of no less than 5 hours in duration and passed a written examination given by the N.Y.C. Department of Personnel covering Subchapter 19 of Chapter 1 of Title 27 of the Administrative Code,[*sic*] and the duties of site safety manager as detailed in Local Law 45 of 1983; or

2. a. Satisfactory equivalent of experience and/or education, as determined by the N.Y.C. Department of Personnel, and
b. Certification that the person has satisfactorily completed a

40-hour course approved by the Department of Buildings and passed a written examination given by the N.Y.C. Department of Personnel covering Subchapter 19 of Chapter 1 of Title 27 of the Administrative Code and the duties of a site safety manager; or

3. a. Completion of an on-the-job training program under a currently certified site safety manager. Such training shall cover all aspects of site safety management and all phases of building construction, from the commencement of construction until the building is completely enclosed, and shall last a minimum of 18 months. Each month, the site safety manager shall summarize the trainee's activities in the site safety log or other record, and shall certify as to the trainee's satisfactory completion of the training program; and

b. Certification that the person has satisfactorily completed a 40-hour course approved by the Department of Buildings and passed a written examination given by the N.Y.C. Department of Personnel covering Subchapter 19 of Chapter 1 of Title 27 of the Administrative Code and the duties of a site safety manager.

4. All individuals approved by the Department of Buildings as site safety coordinators prior to July 1, 1985 shall be required to complete the 40 hour orientation course and pass the written examination given by the N.Y.C. Department of Personnel, but shall not be subject to the Personnel Department's subsequent review of qualifications.

5. Site Safety Manager Certificates shall be issued by the Department of Buildings in accordance with the regulations relating to the filing of site safety programs. A copy of the Site Safety Manager Certificate for the proposed site safety manager (and alternate manager, if any), shall be included with the contractor's submission of its site safety program. No proposed alternate manager shall have as his or her primary duty the job of site safety manager on any other construction project.

E. Statement of Contractor's Policy.

1. The Contractor agrees that it shall appoint a qualified site safety manager who shall be assigned the responsibilities described in the Contractor's site safety program submitted to the Department of Buildings pursuant to Local Law 45 of 1983. The site safety program will incorporate the provisions of this site safety manual as required as per §26-01(d) of the Rules and Regulations of the Department of Buildings, effective [September 23, 1986.]*

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

The contractor also agrees that it shall notify all of its supervisory personnel and all of its subcontractors working on the construction site of the name and responsibilities of the site safety manager.

It shall state to its directly employed personnel and also to its subcontractors that the site safety manager is responsible for monitoring compliance with the Buildings Department regulations dealing with site safety and that they are required to obey and implement all orders and directives relating to safety requirements.

2. The contractor also agrees to inform the site safety manager that, in the event he or she discovers a violation of the site safety regulations, he or she should immediately notify the person or persons responsible for creating the violation, whether these persons are employed by the Contractor or by subcontractors. If the site safety manager is unable to obtain the cooperation of these persons in correcting the violation, he or she will be instructed to inform his or her direct supervisor immediately and request that the supervisor order the necessary corrective action. If the supervisor of the site safety manager is not present at the site or otherwise available, the site safety manager will be told to notify any other supervisory personnel of the Contractor present on the job or any other responsible manager or officer of the Contractor.

F. Contractor's Responsibility.

It shall be the responsibility of all general contractors, construction managers and subcontractors engaged in building work to institute and maintain safety measures and provide all equipment or temporary construction necessary to safeguard the public and property affected by their operations.

G. Site Safety Manager's Responsibility.

1. In addition to other safety duties assigned by the owner or contractor to meet the federal and state requirements, it shall be the responsibility of the site safety manager to monitor compliance with the safety requirements of Subchapter 19 of Chapter 1 of Title 27 of the Administrative (Building) Code. At a minimum, this requires that the manager, as a representative of the owner, his agent, the general contractor and/or construction managers, meet on a weekly basis with the designated representative of each subcontractor to ascertain that they are complying with the provisions of Subchapter 19 of Chapter 1 of Title 27 of the Administrative Code when the scope of the subcontractor's work at that time falls within the Subchapter.

2. The site safety manager shall immediately notify the Chief Inspector of the Building Enforcement Special Team directly if he/she discovers any of the following in the routine performance of the job:

a. a person is operating a crane, derrick or hoisting equipment on the construction site without a permit and refuses to desist from operating the crane;

b. that crane is being operated by an unlicensed operator and said unlicensed operator refuses to desist from operating the crane;

c. no flagmen present during crane operation where required by the Building Code;

d. sidewalk sheds required by the site safety plan are not in place during construction activity;

e. permits have not been issued for the sidewalk sheds;

f. the designer and/or supplier of sidewalk sheds has not certified that the sheds have been erected in accordance with the approved plans;

g. an accident involving the public, or private or public property has occurred.

3. Upon proper notification of the Department of Buildings of the existence of any of the above noted circumstances, any liability the site safety manager has or may have under the Building Code arising out of, relating to, or as a result of the existence of that circumstance, shall cease.

4. It shall be the responsibility of the site safety manager to inspect personally, on a regular basis, specific areas and items, identified below, and to notify responsible personnel employed by the general contractor, construction manager or any subcontractor when violations of Subchapter 19 of Chapter 1 of Title 27 of the Administrative Code or the Subchapter 19 Site Safety Program have occurred.

5. The site safety manager shall ensure that all daily entries

in the site safety log are completed. These entries must be recorded by 7:00 a.m. on the day following the activities.

6. An example of a log sheet and permit log are attached as Appendix A and B.

7. The site safety manager, or alternate, shall sign the log at the beginning of each day, and must be present at the job at all times during ongoing construction. If at any point during the day the site safety manager, or alternate, shall be relieved of his/her responsibilities at the construction site, or leave the site for any reason he/she shall indicate this in the log, and an alternate shall sign in.

8. The site safety manager shall make periodic inspections of the construction site in accordance with the schedule in the following chart to determine that the conditions at the site meet the public safety requirements of Subchapter 19 of Chapter 1 of Title 27 of the Administrative Code.

H. Items to be recorded in Site Safety Log.

1. Details of areas inspected by the site safety manager.

2. Companies and representatives met with weekly to ascertain their Subchapter 19 compliance.

3. Any unsafe acts and/or conditions. (dates and locations).

4. Companies and representatives notified of unsafe acts and/or conditions.

5. Dates of notification of unsafe acts and/or conditions.

6. Dates of correction of unsafe acts and/or conditions.

7. Any accident the public or damage to public or private property.

8. Any violations, stop work orders or summonses issued by the Department of Buildings, including date issued and date lifted or dismissed.

9. Dates and location where horizontal and vertical netting has been installed, replaced and/or repaired.

10. Date horizontal safety netting is removed.

11. Date when building reaches a height of 75 feet.

12. Any equipment brought onto the job which requires permits, including a description of the equipment, where it is to be located, permit number, issue and expiration date of the permit, and certificate of inspection, if required, shall be entered on a Permit Log.

I. Periodic Site Safety Inspections.

1. General Requirements for Site Safety

Construction Sites	Minimum Schedule of Inspections
a. When the building reaches a height greater than 75 feet at least one elevator or personal hoist with an emergency communication system shall be kept available for use at all times as per Fire and Building Department requirements.	As appropriate
b. When the personnel hoist requires a jump, all necessary permits must be obtained and testing performed.	As appropriate
c. When the building reaches a height greater than 75 feet, a standpipe system shall be available and in readiness at all times for Fire Department [*sic*] use.	Daily
1. Valves shall be in place at each story below construction floor.	As appropriate
2. Standpipes shall be connected to water source and siamese connection.	Periodic
3. Siamese hose connections shall be kept free from Obstruction and shall be marked by a sign reading. "Standpipe Siamese Connection," and by a red light.	Daily
d. The construction shed shall be constructed of noncombustible materials if located within 30 feet of the building.	Once per shed
e. Interior and exterior guard rails and toeboards shall be provided and properly installed to meet the standards as described in the Administrative (Building) Code §27-1050.	Daily
f. All openings and/or holes in the floor must be covered at all times.	Daily
g. All stairwells must have standard handrails.	Daily
h. Each sign as required in the Administrative (Building) Code §27-1009(c) shall also contain the telephone number of B.E.S.T. and the Emergency Squad.	Once per sign
2. Safety Netting.	
a. Horizontal safety netting shall be maintained not more than two stories below the stripping operation floor on concrete structures or uppermost finished and walkable concrete floor on steel frame structures, providing that such floor is more than six stories or such floor is seventy-five feet in height above the adjoining ground or adjourning roof level, whichever is applicable.	Daily
b. Horizontal safety netting shall project outward horizontally From the edge of the floor a minimum distance of ten feet.	Daily
c. The horizontal safety netting may be omitted in designated crane and derrick lifting areas as it is indicated and approved on the crane application and on the site safety plan.	Weekly
d. For steel frame construction where the steel frame extends more than eight	Daily

	stories above the walkable concrete floor, vertical safety netting shall be provided at the floors at and below the topmost working metal deck, where this deck is substantially completed and the required guard rails and toeboards are in place.	
e.	Vertical safety netting shall be provided at all floors below the floor on which horizontal netting is required.	Daily
f.	Vertical safety netting shall be maintained at each story except for the story at grade, the story immediately above the sidewalk shed and the uppermost level.	Daily
g.	Vertical safety netting shall be secured and kept closed at all times except during actual loading operations or perimeter construction operations.	Daily

3. Maintenance of site and adjacent areas.

a.	Guards, shields or barricades shall surround all exposed, electrically charged, moving or otherwise dangerous parts of machines and construction equipment so as to prevent contact with the public.	Daily
b.	There shall be no exposed hose lines, wire, ropes etc., that may constitute a tripping hazard to the public.	Throughout day
c.	Adjoining property shall be protected when the height of build ing exceeds that of adjoining property.	Daily
d.	If the 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 100 feet the chimneys must be made to conform with §27-860 of the Administrative Code.	As Appropriate

4. Housekeeping.

a.	All areas used by the public shall be maintained free from ice, snow, grease, debris, equipment, materials, projections, tools or other items substance or conditions that may constitute a slipping, tripping or other hazard.	Throughout day
b.	Floors and stairs shall be cleaned [*sic*] of excess debris.	Throughout day
c.	[*sic*] When not in use, equipment and tools shall be kept away from edges or openings.	Throughout day
d.	[*sic*] The roof of the sidewalk shed and the street shall be cleaned of debris	Daily
e.	[*sic*] Sufficient containers for the storage of garbage and debris shall be in place.	Daily
f.	[*sic*] Containers shall be covered when full and secured.	Daily

5. Removal and storage of material.

a.	Combustible waste material or combustible debris shall be removed from the site.	Daily
b.	Chutes, when used for the removal of debris, shall be installed and maintained in accordance with §27-1019 of the Administrative Code.	Weekly
c.	When exterior walls are not in place, stored material shall be kept at least ten feet back from the perimeter of the building. If the floor area is less than one thousand square feet, stored material may be kept not less than five feet back from the perimeter of the building.	Daily
d.	Material stored on floors of a building shall be secured when not being used.	Daily
e.	Material may be stored to within two feet of the edge of the building only on the upper working floors located not more than two stories below the stripping operation on concrete structures or on the uppermost concrete floor on steel structures.	Daily
f.	No material shall hang over the edge of a building unless banded and braced preparatory to relocation prior to the end of the workday.	Daily
g.	Where such material is so banded and braced it may overhang the floor of the stripping operation by not more than one-third of its length so long as it is relocated by the next workday for concrete operations.	Daily
h.	Where the steel mill and lumber mill are located, material may overhang for relocation until the next workday. Maximum number of floors designated as steel mills [*sic*] or lumber mills [*sic*] is two.	Daily

6. Protection of sidewalks.

a.	Permits for sidewalk sheds shall be in effect and posted in a central, visible area.	Periodic
b.	Approved drawings of the sidewalk shed shall be at the construction site.	Periodic
c.	The designer and/or supplier of sidewalk sheds shall certify that such sheds have been erected in accordance with the approved plans and that a Form B-23 has been filed with the Department of Buildings.	Once

d.	Sidewalk sheds shall remain in place until the structure is en closed, all exterior work completed, the sash is glazed above the second story, the exterior of the facade is cleaned down, all outside handling of material, equipment and machinery is completed and dismantling of a material hoist, tower or climber crane, or the use of a derrick in their removal above the second story, is completed.	Weekly
e.	All openings in sidewalk sheds, fences and railings for loading purposes shall be kept closed, barricaded, protected or guarded at all times.	Throughout day
f.	Sidewalk sheds shall extend the entire perimeter of the building.	Once
g.	When the building exceeds 100 feet in height, sidewalk sheds shall extend 20 feet beyond the side property line.	Once
h.	Sidewalk sheds shall be illuminated at night by the equivalent of 100-watt bulbs spaced 15 feet apart at a minimum height of 8 feet above floor.	Daily
i.	Any temporary footbridges and walkways for the public shall be maintained at a width of at least 4 feet.	Daily as appropriate

7. Warning signs and lights.

a.	All dangerous and hazardous areas to the public or areas where work is performed near vehicular traffic shall be marked appropriately with warning signs and lights.	Daily
b.	Other steps necessary to protect the public shall be taken, including provisions for flagmen whenever intermittent operations are conducted on or across areas open to the public or when dangerous operations, such as blasting, may affect such areas.	Throughout day as appropriate

8. Scaffolds, structural ramps, runways and platforms.

a.	Where it poses a risk to the public all structural ramps, scaffolds, runways and platforms shall be provided with standard rails, toeboards, screening, or nets, unless otherwise specified in the Building Code [*sic*].	Daily

9. Material handling and hoisting equipment.

a.	Certificates of approval, operation and on site inspection for all cranes, derricks and/or cableways shall be obtained and available for inspection at the construction site.	As required
b.	Permits for highway and street closings shall be available at the construction site.	As required
c.	Licenses of crane operators shall be available at the construction site.	Daily
d.	Cranes shall be jumped, as needed, in accordance with the schedule submitted by the professional engineer and approved by the Department of Buildings.	As Appropriate
e.	A means of communication shall be arranged and put into effect between the responsible parties when the operator of hoisting machinery has no vision of the lift or loading areas	Daily when operational
f.	A program shall be established and operational for the control of pedestrian and/or vehicular traffic around the construction site during all lifting and hoisting operations.	Daily when operational
g.	Flagmen shall be required to stop pedestrian and/or vehicular traffic during the following intermittent operations: 1. All lifting and hoisting operations; 2. Trucks entering and exiting site; 3. Materials being lifted over sidewalk shed; 4. Dangerous operation, e.g., blasting; 5. When sidewalk and/or street is temporarily closed.	As Appropriate

10. In addition to the above schedule, the site safety manager shall use reasonable prudence to ensure that safety is maintained at the job site as job conditions and Contractor's Statement of Policy dictate.

J. General notes for site safety plan.

Site Safety plans at a minimum shall include the following:

1. Location of all construction fences around job site;
2. Location of all gates in fences;
3. Location of guard rail around excavation during excavation, when required; [*sic*]
4. Horizontal and vertical netting program, including details of the initial installation, schedule of horizontal jumps and vertical installations, and designated crane and derrick lifting areas where horizontal netting is omitted;
5. Location of sidewalk sheds;[1]
6. Location of temporary walkways;[1]
7. Location of foot bridges and motor vehicle ramps;[1]
8. Protection of side of excavation, when required;[1]
9. Location of street and sidewalk closing(s);[1]
10. Approximate location of material and personnel hoist(s) and loading areas;[1]
11. Approximate location of all crane and derrick loading areas; [1]
12. Location of surrounding buildings, indicating occupancy,

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 [*sic*] 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.

(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.

(ii) The hardship to be considered with regard to the delivery or installation of the equipment.

(iii) The proposed time table for compliance.

(iv) A copy of the signed contract for the purchase and/or installation of the system. (Cost figures may be deleted).

(v) The application number, as appropriate.

(3) The Commissioner will not consider "good cause" appeals unless:

(i) The installation is wired into the building's electrical system, or

(ii) The number of units in single ownership or management responsibility exceed 500, and a complete schedule for installation is submitted prior to January 1, 1982, or

(iii)Special circumstances not covered by subdivisions (i) or (ii) above are involved.

(4) Notice of approved extensions are to be forwarded to the Commissioner of the Department of Housing Preservation and Development.

(5) The requirements for new buildings within Occupancy Group J-3 and new or substantially improved or altered buildings in Occupancy Group J-1, J-2, or J-3, shall only apply to those for which plans are Approved by the Department of Buildings on or after January 1, 1982.

(b) *Installation—new, existing and altered buildings*. (1) 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 overcurrent device protecting the branch circuit.

(2) However, 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 1, 1982.

(3) An existing building is one which is within either Occupancy Group J-1 or Occupancy Group J-2 for which plans have been approved by the Department prior to December 31, 1981.

(4) A building shall be deemed to have been substantially improved or altered if

(i)the cost of improvement or alteration exceeds the sum of $150,000 or

(ii) 50 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 $15,000 per dwelling unit or

(iii)there has been a change in the occupancy or use of the entire structure.

(5) In applying the foregoing provisions where cost is the factor, items falling within the scope of minor alterations or ordinary repairs, as set forth in §§27-124 and 27-125 of the Administrative Code, thereby exempt from permit requirements based on §27-147, as well as any other cost associated with any matters that are not regulated by the Building Code are not included within calculation of the cost, as well as minor applications filed pursuant to Directive 14/75, or for any other miscellaneous applications referred to in §§27-148 (c) to (h).

(6) Cost of alterations are not cumulative, provided any application filed with this department is signed off as satisfactorily completed prior to the filing of a subsequent application; and, if a Certificate of Occupancy is involved that a final Certificate of Occupancy has been issued for the pertinent application.

(c) *Equipment requirements*.

(1) Section 27-981 of the Administrative Code provides that all smoke detecting devices required to be provided and installed shall either be approved by the Board of Standards and Appeals, accepted pursuant to Rules and Regulations promulgated by the Commissioner, or be listed by a Nationally Recognized Independent Laboratory that:

(i) Maintains periodic inspections of production of listed equipment.

(ii) States in its listing that the equipment meets nationally recognized standards.

(iii)Maintains a periodic follow-up service of the devices to ensure compliance with the original listing.

(2) The following is the current list of Acceptable Testing Laboratories:

Underwriters' Laboratories, Inc.
333 Pfingsten Road Tele: (312) 272-8800
Northbrook, Illinois 60061 MEA Laboratory No. 1-69-L
Canadian Standards Association
178 Rexdale Boulevard Tele: (416) 744-4316
Rexdale, Ontario M9W IR 3 Canada MEA Laboratory No. 25-69-L
Underwriters' Laboratories of Canada
7 Crouse Road Tele: (416) 757-3611
Scarborough, Ontario MIP 3AP Canada MEA Laboratory No. 81-80-L

(The Director of the Materials and Equipment Acceptance Division, who maintains the current list of MEA Acceptable Testing Laboratories, will be able to advise interested parties of any changes.)

(3) (i) The device shall be of either the ionization chamber or photoelectric type. The device shall be in compliance with the requirements of:

REFERENCE [*sic*] **STANDARD RS 17-11**

UL No. 217-1980—Single and Multiple Station Smoke Detectors.

The device shall be installed in a manner consistent with the requirements of:

REFERENCE STANDARD RS 17-12

ANSI/NFiPA No. 74-1980—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 rooms used for sleeping purposes in dwelling units in Occupancy Group 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.

5-2.1.4 A smoke detector installed to protect a sleeping area

in accordance with 2-1.1.1 shall be located outside the rooms used for sleeping purposes, 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.

5-2.6.1 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.

(ii) The following sections of this standard are extracted for informational purposes:

3-3.1 Household fire warning equipment may be powered by a battery provided that the battery is monitored to assure that the following conditions are met:

(a) All power requirements are met for at least one year's life, including weekly testing.

(b) A distinctive audible trouble signal is given before the battery is incapable of operating (from aging, terminal corrosion, etc.) the device(s) for alarm purposes.

5-1.1.6 The supplier or installing contractor shall provide the owner with:

(a) An instruction booklet illustrating typical installation layouts.

(b) Instruction charts describing the operation, method and frequency of testing and proper maintenance of household fire warning equipment.

(c) Printed information for establishing a household emergency evacuation plan.

(d) Printed information to inform the owner where he may obtain, [*sic*] repair or replacement service and where and how parts requiring regular replacement (such as batteries or bulbs) may be obtained within two weeks.

NOTE: Owners of buildings in Occupancy Group J-2 are required to pass on all printed information as described in (b), (c) and (d) to the tenant who is responsible for maintaining the unit.

B-2.1 Where to locate the required smoke detectors.

B-2.1.1 The major threat from fire in a family living unit is at night when everyone is asleep. The principal threat to persons in sleeping areas comes from fires in the remainder of the unit; therefore, smoke detector(s) are best located between the bedroom areas and the rest of the unit. In units with only one bedroom area on one floor, the smoke detector should be located as shown in Figure B-2.1.1.

Figure B-2.1.1 A smoke detector (indicated by cross) should be located between the sleeping area and the rest of the family living unit.

B-2.1.2 In family living units with more than one bedroom area or with bedrooms on more than one floor, more than one smoke detector may be needed as shown in Figure B-2.1.2.

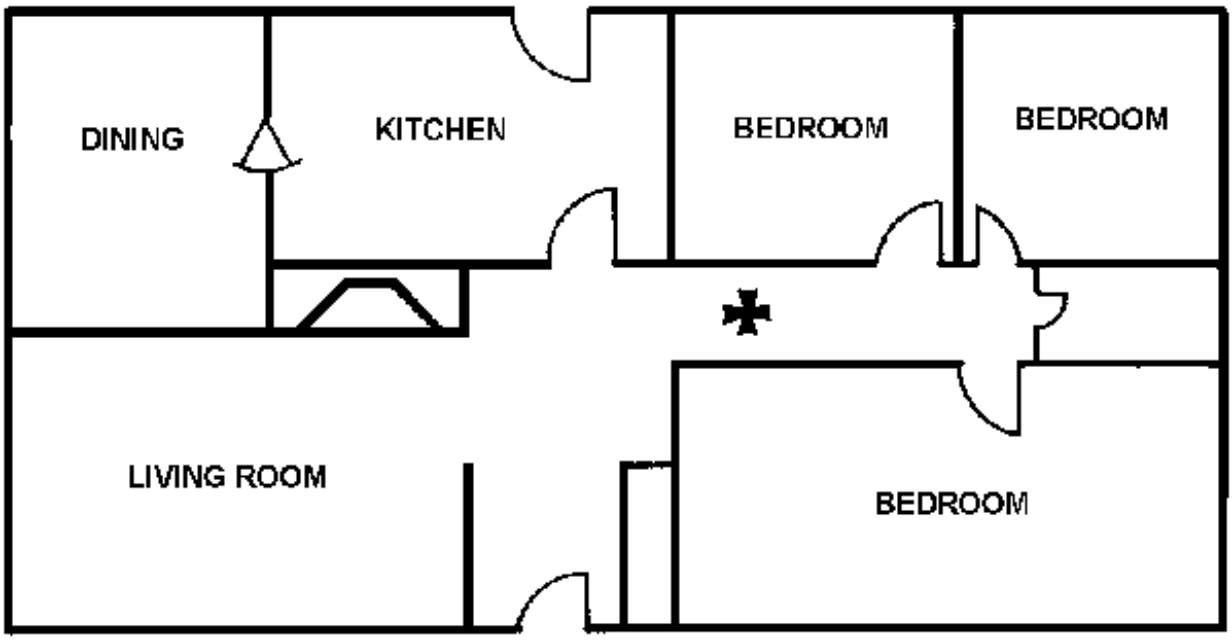
Figure B-2.1.2 In family living units with more than one sleeping area, a smoke detector (indicated by cross) should be provided to protect each, if the distant requirement of 5-2.1.6 is exceeded.

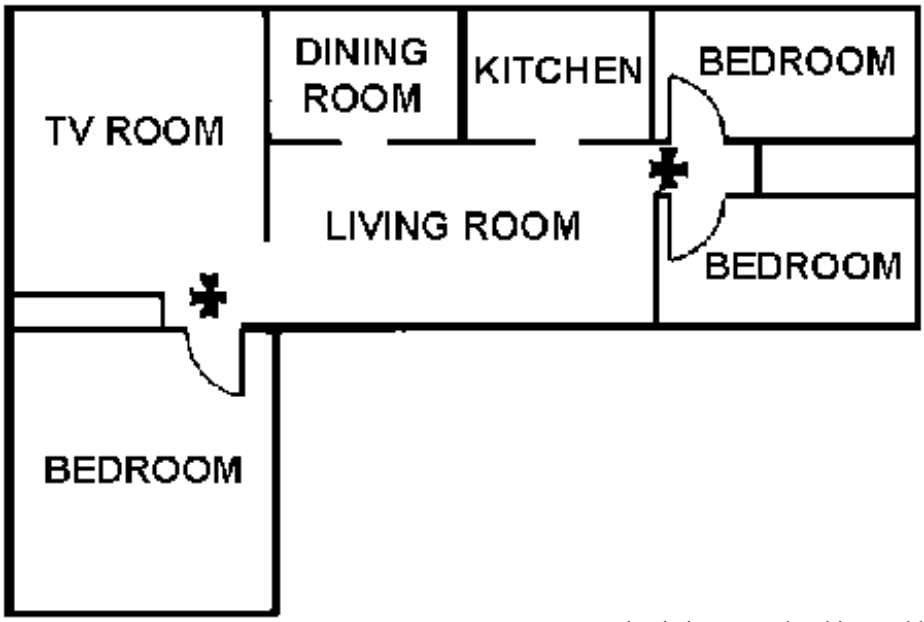
(4) (i) Buildings with Occupancy Group J-1 and including Class "B" Multiple [*sic*] Dwellings, may in the alternative be equipped with a line-operated zoned smoke detecting system with central annunciation and central office tie-in for all public corridors and public spaces.

(ii) Such system shall be in compliance with the requirements of the Division of Fire Prevention of the Fire Department and the following standards:

REFERENCE STANDARD RS 17-3

§13.—Automatic Heat and Smoke Detection System of the standards for the Installation of Fire Sprinkler, Standpipe Smoke Detection, Oxygen, Nitrous Oxide, and other Alarm and Extinguishing Systems.





REFERENCE STANDARD RS 17-5A

ANSI/NFiPA No. 72A-1979—Standard for the Installation, Maintenance and Use of Local Protective Signaling Systems for Guard's Tour, Fire Alarm and Supervisory Service.

REFERENCE STANDARD RS 17-5E

ANSI/NFiPA No. 72E-1979—Standard of Automatic Fire Detectors.

(iii) All devices and equipment shall be approved by the Board of Standards and Appeals.

(5) (i) For dwelling units to be equipped with smoke detecting devices receiving their primary power from the building wiring, a Licensed Electrician shall file an application for a Certificate of Electrical Inspection with the Bureau of Electrical Control, Department of Buildings at the address provided in the City's website, http://www.nyc.gov.

(ii) For buildings within Occupancy Group J-1 (Class "B" Multiple Dwellings) using the alternate provisions of Paragraph D of these Rules, the following shall apply:

(A) A Miscellaneous Application shall be filed in the Borough Office of the Department of Buildings, by a Registered Architect or Professional Engineer. All fees are to be paid.

(B) A duplicate set of plans and specifications are to be forwarded for examination, approval and inspection to the Electrical Section, Division of Fire Prevention, Fire Department, prior to the signing-off of the application.

(C) Notice of approvals shall be forwarded to the Commissioner of the Department of Housing and Preservation.

(6) No applications are required to be filed for installation of battery operated devices.

(7) It shall be the duty of the owner of a building in Occupancy Group J-2 (Class "A" Multiple Dwelling) to:

(i) Provide and install one or more approved and operational smoke detecting devices in each dwelling unit.

(ii) Post a notice in a form approved by the Commissioner of the Department of Housing Preservation and Development in a common area of the building, readily visible and preferably in the area of the inspection certificate, informing the occupants of such building, that the owner is required by law to install one or more approved and operational smoke detecting devices in each dwelling unit in the building, and that each occupant is responsible for the maintenance and repair of such devices and for replacing any or all such devices which are stolen, removed, missing or rendered inoperable during the occupancy of such dwelling unit.

(iii) Replace any smoke detecting device which has been stolen, removed, missing or rendered inoperable during a prior occupancy of the dwelling unit and which has not been replaced by the prior occupant prior to the commencement of a new occupancy of a dwelling unit.

(iv) Replace within thirty calendar days after the receipt of written notice any such device which becomes inoperable within one year of the installation of such device due to a defect in the manufacture of such device and through no fault of the occupant of the dwelling unit.

(v) File a certification of satisfactory installation within 10 days after completion with the Department of Housing Preservation and Development, Borough Division of Code Enforcement. This certification shall be set forth on a form available at the H.P.D. Borough Office.

(vi) Keep such records as the Commissioner of the Department of Housing Preservation and Development shall prescribe relating to the installation and maintenance of smoke detecting devices in the building and make such records available to the Commissioner of the Department of Housing Preservation and Development and/or the Fire Commissioner (or their representatives) upon request.

(8) It shall be the sole duty of the Occupant of each dwelling unit in a building in Occupancy Group J-2 (Class "A" Multiple Dwelling) in which a smoke detecting device has been provided and installed by the owner to:

(i) Keep and maintain such device in good repair; and,

(ii) Replace any and all devices which are either stolen, removed, missing or rendered inoperable during the occupancy of such dwelling unit.

NOTE: The occupant of a dwelling unit in which a battery operated smoke detecting device is provided and installed pursuant to this section shall reimburse the owner a maximum of ten dollars for the cost of providing and installing each such device. The occupant shall have one year from the date of installation to make such reimbursement.

(9) It shall be the duty of the owner of a building in Occupancy Group J-1 (Class "B" Multiple Dwelling) which is required to be equipped with smoke detecting devices to install and maintain such devices, and to keep such records as the Commissioner of the Department of Housing Preservation and Development

shall prescribe relating to the installation and maintenance of smoke detecting devices in each dwelling unit and make such record available to the Commissioner of the Department of Housing Preservation & Development and/or the Fire Commissioner, (or their representatives) upon request.

(10) In Occupancy Group J-1 all components of the line operated zoned detecting systems, with central annunciators and central office tie-ins shall be inspected and tested by qualified personnel holding a Fire Department Certificate of Fitness for testing and maintaining smoke detecting systems at intervals of not more than six months. In addition, trouble signals shall be tested daily and each sounding device monthly and records of such test be maintained.
For further information, refer to the Board of Standards and Appeals, Rules for Interior Fire Alarm Signal Systems, §8-01 of the B.S.A. rules.

(11) Smoke detecting devices and systems installed in accordance with the technical requirements of Divisions C, D and E after publication of this Notice of Opportunity to Comment, may at the option of the owner continue to be operated after the effective date of the promulgation, and modification of such devices and systems will not be required.

§ 28-02 Required Carbon Monoxide Detecting Devices and Systems.
(a) Definitions.
(1) The term "CO" means carbon monoxide.
(2) The term "CO alarm" means a "carbon monoxide alarm" as defined in RS 17-14, and shall also mean a "carbon monoxide detecting device" as such term is used in the Subchapter 17 of Chapter 1, and Subchapter 2 of Chapter 2, of Title 27 of the Administrative Code of the City of New York. Such CO alarms may be combined with smoke detecting devices provided that the combined unit complies with the respective provisions of the administrative code, reference standards and departmental rules relating to both smoke detecting devices and CO alarms.
(3) The term "dwelling unit" means one or more rooms in a dwelling or building that are arranged, designed, used or intended for use by one or more families, including such units in occupancy groups J-1 (hotels, motels, lodging houses, rooming houses, etc.), J-2 (apartment houses, apartment hotels, school dormitory buildings, etc.), and J-3 (one- and two-family dwellings, rectories, convents, group homes, etc.).
(4) The term "fossil fuel" means coal, kerosene, oil, wood, fuel gases and other petroleum products.
(5) The term "fuel gases" shall include, but not be limited to, methane, natural gas, liquified natural gas and manufactured fuel gases.
(6) The term "fossil fuel burning equipment" shall mean any furnace, boiler, water heater, fireplace, apparatus, appliance or device that burns fossil fuel, excluding household cooking appliances and household (Type 1) gas clothes dryers.

(b) Location of CO alarms.
(1) In buildings containing dwelling units, including dwelling units classified in occupancy group J-1 (hotels, motels, lodging houses, rooming houses), J-2 (apartment houses, apartment hotels, school dormitory buildings) and J-3 (one-and two-family dwellings, rectories, convents, group homes), CO alarms shall be located as follows:
A. CO alarms shall be installed for the following affected dwelling units:
i. Every dwelling unit located within a building that contains any fossil fuel burning furnace, boiler, or water heater as part of a central system;
ii. Every dwelling unit located within a building served by a central fossil fuel burning furnace, boiler or water heater that is located in an adjoining or attached building.
iii. If not already provided for by (i) or (ii) above, every dwelling unit on the same floor as, the floor below, and the floor above any other fossil fuel burning equipment that is located within the same building; and
iv. If not already provided for by (i) or (ii) above, every dwelling unit on the same floor as, the floor below, and the floor above any enclosed parking that is located in the same building.
B. When a CO alarm is required by 28-02(b)(1)(A), such CO alarms shall be installed within fifteen feet of the primary entrance to any room used for sleeping purposes. Where the dwelling unit comprises only one room (as in hotels), the CO alarm shall be installed within such room.
C. In J-1 occupancies, the owner may in the alternative elect to install a line-operated zoned CO detecting system with central annunciation and central office tie-in. Such system shall provide a CO alarm:
i. in all public corridors and public spaces at intervals specified by the manufacturer;
ii. in every room or space that contains a fossil fuel burning furnace, boiler or water heater;
iii. in every room or space adjacent to and on the same floor as the fossil fuel burning furnace, boiler or water heater;
iv. in every dwelling unit on the same floor as, on the floor below, and the floor above a room that contains a fossil fuel burning furnace, boiler or water heater;
v. in every dwelling unit connected by ductwork or ventilation shafts to a room that contains a the fossil fuel burning furnace, boiler or water heater; and
vi. in every dwelling unit on the same floor as, the floor below, and the floor above any enclosed parking that is located in the same building.
(2) In buildings classified in occupancy groups G and H-2, CO alarms shall be located as follows:
A. Occupied rooms and spaces. CO alarms shall be installed within such rooms or spaces where such rooms or spaces contain any fossil fuel burning equipment.
B. Sleeping rooms. CO alarms shall be installed within fifteen feet of the primary entrance to any room or space used for sleeping purposes in H-2 occupancies such as nursing homes, orphanages, and similar occupancies (except patient rooms in hospitals) located within a building containing any fossil fuel burning furnace, boiler, or water heater as part of a central system. Such CO alarms may be located in public corridors, provided that at least one CO alarm is located within 15 feet of the primary entrance to each sleeping room.
C. Non-occupied rooms and spaces. Supervised CO alarms shall be installed within such rooms or spaces where such rooms or spaces contain any fossil fuel burning equipment. However, in existing buildings classified in occupancy groups G and H-2 that are not substantially altered or improved as per § 28-02(d)(2)(A) of this rule, any required CO alarms may, at the option of the owner, be single-station CO alarms in compliance with the installation requirements of § 28-02(d)(2).

(c) Equipment Requirements.
(1) All CO alarms for occupancy groups J-1, J-2, J-3, G, and H-2 shall be in compliance with RS 17-13, however, for G and H-2 occupancies, the design professional may utilize CO alarms responding to a lower level of CO concentration (PPM) than the reference standard, subject to approval of the department and of the Fire Department of New York.
(2) For J-1 occupancies, all line-operated zoned CO detecting systems with central annunciation and central office tie-in shall also comply with the following:
A. The individual alarm that detects CO shall sound locally, and may, at the option of the owner, also sound other alarms on that zone or elsewhere in the building.
B. Each CO alarm shall report to a central station monitoring company approved by the Fire Department of New York as an "alarm signal" and shall be identified to the monitoring company as CO. CO alarm troubles shall be reported to the central station as a "trouble signal."
C. Such system shall be either:
i. powered and supervised by a fire alarm system, installed in accordance with RS 17-3, 3A, or 3B, and connected to a central station transmitter; such system shall comply with RS 17-14 §§ 5.3.7 and 5.3.9; or
ii. powered and supervised by a dedicated CO alarm system, installed in accordance with RS 17-3 and connected to a central station transmitter; such system shall comply with RS 17-14 § 5.3.9.
D. The CO alarms, control panels and central station transmitters of such systems must be approved by the Material Equipment Acceptance Division (MEA).
(3) For G and H-2 occupancies, except for existing buildings not substantially altered or improved as per § 28-02(d)(2)(A), supervised CO alarms for non-occupied rooms and spaces shall also comply with the following:
A. Each CO alarm shall sound locally within the non-occupied room or space;
B. Except where the CO alarm signal does not report to a central station monitoring company as provided for in ii. below, each CO alarm shall report to a central station approved by the Fire Department of New York as an "alarm signal" and shall be identified to the monitoring company as CO. CO alarm troubles shall be reported to the central station as a "trouble signal." Such system shall be either:
i. powered and supervised by a fire alarm system, installed in accordance with RS 17-3, 3A, or 3B, and in accordance with RS 17-14 § 5.3.7; or
ii. powered and supervised by a dedicated CO alarm system, installed in accordance with RS 17-3; however, such system is not required to transmit to a central station monitoring company provided that the system is continually monitored by full time on-site staff during periods that the building is occupied.
C. Such systems' CO alarms, and control panels must be approved by the Material Equipment Acceptance Division (MEA).

(d) Installation.
(1) Power source. All CO alarms shall be hard-wired, receiving their primary power from the building wiring, in compliance with RS 17-14 § 5.2.2, with secondary battery back-up in compliance with RS 17-14 § 5.2.4. Where more than one hard-wired CO alarm is required within the same dwelling unit, all such alarms shall be interconnected.
(2) Existing buildings. Buildings in existence on November 1, 2004, and buildings with work permits issued prior to November 1, 2004, may, in the alternative, be equipped with battery-operated CO alarms compliant with RS 17-14 § 5.2.3 or plug-in type CO alarms with a back-up battery compliant with RS 17-14 §5.2.4, except where such buildings are substantially improved or altered on or after November 1, 2004.
A. A building shall be deemed to have been substantially improved or altered if:
i. 50 percent or more of the dwelling units in occupancy group J-1, J-2, or J-3 are improved or altered and the cost of such improvement or alteration exceeds the sum of $25,000 per dwelling unit;
ii. 50 percent or more of the square footage of the structure is improved or altered for J-1, J-2, J-3, G, or H-2 occupancies and the cost of the improvement or alteration exceeds $500,000; or
iii. there has been a change in the occupancy or use of the entire structure to J-1, J-2, J-3, G, or H-2 occupancies.
B. In applying the foregoing provisions where cost is the factor, items falling within the scope of minor alterations or ordinary repairs, as set forth in §§27-124 and 27-125 of the Administrative Code, thereby exempt from permit requirements based on §27-147, as well as any other cost associated with any matters that are not regulated by the Building Code, are not included within calculation of the cost.
C. Costs of alterations are not cumulative, provided any application filed with this department is signed off as satisfactorily completed prior to the filing of a subsequent application; and, if a Certificate of Occupancy is involved, that a final Certificate of Occupancy has been issued for the pertinent application.
D. Time for compliance. The CO alarms shall be operational in existing buildings in occupancy groups J-1, J-2, J-3, G, and H-2 by November 1, 2004; however, the commissioner may upon good cause shown extend the period of compliance to June 30, 2005.
E. Where a dwelling has existing hard-wired smoke detecting devices installed pursuant to 1 R.C.N.Y § 28-01(b)(1), combination smoke detecting device/CO alarms are not permitted unless the combination units are hard wired.
F. Extension of time for compliance.
i. Appeals to the commissioner for extension of the period of compliance shall be set forth on a form filed at the applicable borough office of the Department of Buildings, no later than December 1, 2004, and contain the following information:
aa. Location of premises, block and lot, Building Department Application number, if any, Occupancy Classification, number of dwelling units, estimated number of CO alarms, type, and where they are to be installed.
bb. The hardship to be considered with regard to the delivery or installation of the equipment.
cc. The proposed time table for compliance.
dd. A copy of the signed contract for the purchase and/or installation of the system. (Cost figures may be deleted).
ii. The Commissioner will not consider "good cause" appeals unless all required annual boiler inspections for the building are filed and up to date and no open boiler violations exist and:

aa. The installation of the CO alarms is hard-wired into the building's electrical system in accordance with RS 17-14 § 5.2.2.; or
bb. The number of units in single ownership or management responsibility exceed 500, and a complete schedule for installation is submitted prior to December 1, 2004; or
cc. Special circumstances not covered by subdivisions (i) or (ii) above are involved.
iii. Notice of approved extensions for J-1, J-2, and J-3 occupancies are to be forwarded to the Commissioner of the Department of Housing Preservation and Development.
(3)Reference Standard. CO alarms for J-1, J-2, J-3, G, and H-2 occupancies shall be installed in accordance with RS 17-14.

(e) Filing requirements.

(1) Applications for the installation of any CO alarm system in J-1, G, or H-2 occupancies that connects to a fire alarm system or reports to a central station monitoring company shall be filed with the Department of Buildings and Fire Department of New York following the same administrative procedures as filing of fire alarm applications.
(2) Applications for the installation of any CO alarm system in G or H-2 occupancies that is required to be continually monitored may be filed under Directive 14 of 1975 provided:
i. the system is not connected to a fire alarm system; or
ii. the system does not report to a central station monitoring company.
(3) Applications for the installation of other hard-wired CO alarms shall be filed with the Bureau of Electrical Control where filing is required by the New York City Electrical Code.
(4) For existing buildings that are not substantially improved or altered, installation of single station CO alarms that receive primary power from batteries or that are plug-in type with back-up batteries does not require filing with the Department of Buildings.

CHAPTER 29 SPRINKLER SYSTEMS

§29-01 Installation of Automatic Sprinklers in Halls and Rooms in Class "A" Multiple Dwellings Used For Single-Room Occupancy Under the Provisions of Subdivision 7-A of §4 and §248 of the Multiple Dwelling Law.

(a) Before the installation of any sprinkler system in any single-room occupancy building is begun, an application, together with plans and specifications for such installation shall be filed with and approved by the Department of Buildings. Plans shall show accurately, both horizontally and vertically, the arrangement and dimensions of the private halls and rooms and the areas to be sprayed by each sprinkler head.
Application and specification forms may be obtained at the borough office of the Department of Buildings. Applications shall be filed in the department office in the borough in which the premises are located. Applications and specifications shall be in triplicate. Preliminary plans may be on paper. Final plans shall be filed in triplicate on paper and microfilmed.
When it is proposed to supply a sprinkler system by means of a direct connection to a public water supply main, the specifications shall be accompanied by a letter from the Department of Environmental Protection, establishing the fact that the water-supply conditions and pressures are suitable to meet the requirements of these rules for water supplies for sprinklers.

(b) Sprinkler systems shall be of the automatic wet type.

(c) Water supply from public water mains will be acceptable when such supply will provide a minimum static pressure at the highest sprinkler head or heads of not less than 15 pounds per square inch.
Taps connecting to public water mains must be equal in size to the main pipe line, except that:
A two-inch (2") tap connecting to the public water main and immediately increased to two-and-one-half inches (2 1/2") direct connection to the public water main and,
A one-and-one-half inch (1 1/2") tap connecting to the public water main and immediately increased to two inches (2") in diameter, with piping of the same diameter extending into the building, shall be considered the same as a two-inch (2") direct connection to the public water main.
The sprinkler system of each building shall have a separate and independent source of supply. When a sprinkler system is supplied direct from a public water main, it shall be separately and independently connected to the public water main. However, a house service water supply connection may be taken from the sprinkler water supply connection to the public main, on the house side of the main shut-off valve for the building, provided the diameter of the house service water supply connection does not exceed one-half of the diameter of the sprinkler water supply connection. Only one connection of the domestic water supply to the sprinkler water supply line shall permitted and no shut-off valve shall be placed on the sprinkler supply line other than the main shut-off valve for the building on the street side of the house service water supply connection.

(d) A gravity tank upon the roof will be required when the normal minimum water pressure from the public mains is insufficient, or, in lieu of a gravity tank, a pressure tank may be installed in the basement or cellar in accordance with the requirements hereafter specified in these rules.
The bottom of each gravity tank supplying the sprinkler system shall be elevated at least 20' above the roof.
Each gravity tank shall be filled through a fixed water supply tank of at least one-and-one-half inch (1 1/2") diameter and independent of the sprinkler pipe system, by means of an automatically controlled pump of a discharge capacity of at least sixty-five (65) gallons per minute against the total head, including friction at the discharge nozzle of the pump. The tank fill line shall be standard weight pipe, galvanized steel, or brass or copper pipe.
A gravity tank, if used exclusively to supply the sprinkler system, shall have an effective capacity of not less than 1,500 gallons. Gravity tanks which serve both the house supply and the sprinkler system shall have a capacity of not less than 2,500 gallons.
All exposed water supply piping connecting with roof gravity tanks shall be properly protected against frost action by four layers of one inch (1") high-grade hair felt, and each layer of hair felt shall be covered with a layer of heavy tar paper.
Each wrapping must be securely fastened with heavy twine, and wrapping joints shall have a lap not less than two inches (2"), staggered with the laps of adjacent layers.
All coverings shall be finally covered with heavy canvas, painted with two coats of waterproof [*sic*] paint.
In lieu of the foregoing, three inch thick fiberglass in a metal shield may be used.

(e) Pressure tanks when used shall be capable of supplying actual water volume as required in subdivision (j) of this section of these rules. The required water volume shall be two-thirds of the tank capacity and the [*sic*] air pressure one-third.

For the pressure to be maintained, pressure tanks shall be constructed and tested in accordance with the requirements of the ANSI/NFiPA 22 of Reference Standard RS 17-10 of the Administrative (Building) Code.
At the end of each pressure tank there shall be a glass water level gauge, and the pressure tank must also be provided with a pressure gauge and manhole for access to the tank.
The filling pump for the pressure tank shall have a capacity of 65 gallons per minute with sufficient strength to pump water into the pressure tank against full air pressure.
The air compressor for the pressure tank must be capable of delivering ten cubic feet of air per minute for the permanent maintenance of the required maximum air pressure in the tank.
The filling pipe from pump to air compressor must be provided with a relief valve set at 15 pounds in excess of the maximum air pressure carried in the tank.

(f)All tanks shall be supported in accordance with the provisions of the Administrative (Building) Code.
All tanks shall be provided with emergency outlets in conformity with Section P107.8(c) of Reference Standard RS-16 of the Administrative (Building) Code.

(g) Standard one-half inch (1/2") spray type sprinkler heads. Each private hall and room within an apartment having single-room occupancy shall be sprinkled as hereinafter provided. In private halls within apartments, sprinkler heads shall be placed not more than fourteen feet (14') apart. No sprinkler head in a hallway shall be distant more than seven feet (7') from a wall, partition or end of the hall.
No sprinkler protection will be required within any closet with a floor area of not more than 20 square feet provided such closet is within a room and the area of the closet is considered as part of the room area in computing the required number of heads.

(h) The term "protected area" shall be construed to mean that single-room occupancy apartment within the building requiring the greatest number of sprinkler heads. In computing the required number of heads within a "protected area," the number of heads within the same apartment may be used on the condition that there is no connection to another apartment or private hall.
Whenever there is a direct connection between two adjoining apartments, either or both of which are used for single-room occupancy, the combined connected apartments and private halls shall be considered as the "protected area." In computing the required number of heads in a "protected area" of this type, the number of heads within the rooms in the connected apartments or the number of heads required in the private halls of such connected apartments, whichever is greater, shall be used.

(i)The total number of heads in the "protected area" requiring the greatest number of heads shall determine the required size of the main supply, including service mains, main branch, tank, down feed and riser, but in no case shall the size of the main supply be less than two inches.

(j)There shall be sufficient actual water volume to supply 25 percent of the heads in the "protected area" requiring the greatest number of heads for a period of 20 minutes at 20 gallons per minute.

(k) The number of sprinkler heads on a given size of piping shall not exceed the following:

Size of pipe diameters	Maximum number of sprinkler heads allowed
1 inch……..	2 heads
1 1/4 inch……	3 heads
1 1/2 inch……	5 heads
2 inch……..	10 heads
2 1/2 inch……	30 heads
3 inch……..	60 heads
3 1/2 inch……	100 heads
4 inch……..	Unlimited heads

(l)The sprinkler main shall not be less in size than the sprinkler riser and [*sic*] the check valve of equal diameter to the main and the riser shall be provided on the sprinkler main. For draining the sprinkler system, a 3/4" plugged valve shall be provided on the sprinkler main just inside the aforesaid check valve. All sprinkler piping and fittings shall be so installed that they can be thoroughly drained.
On the sprinkler main, an outside screw and yoke gate valve, readily accessible, must be provided near the front of the front of the building and located so as to control the water supply to all of the interior sprinkler systems. The said outside screw and yoke gate valve must be sealed in an open position.
If tank water supply is used for sprinklers, an outside screw and yoke gate valve shall be provided on the piping leading from the tank to the sprinkler system under conditions similar to those specified for such valves on sprinkler mains.

(m) Sprinkler risers shall not be located close to windows and all sprinkler piping shall be properly supported.

(n) Sprinkler systems shall be maintained for sprinkler use only, and connections to such sprinkler systems for any other purposes are prohibited.

(o) All piping used in sprinkler systems shall be full weight standard steel threaded pipe, well reamed and screwed up tight into fittings without reducing the waterway. Fittings shall be standard cast iron. All fittings placed inside of tank shall be of brass or other non-corroding material.

(p) Sprinkler risers shall be provided at the top for testing purposes, with a connection not less than one inch in diameter, with a valved outlet so located that same will be readily accessible at all times. When not in use, the valve shall be provided with an iron or brass plug screwed in tight.

(q) Sprinkler systems when completed shall be subjected to a hydrostatic test at a pressure of not less than thirty pounds in excess of the normal pressure required for such sprinkler systems when in service, and shall remain uncovered in every part until they have successfully passed the test. The Department of Buildings, in the borough in which the test is to be conducted, shall be notified when such test is to take place. Tests shall be conducted by the contractor or the owner or [*sic*] the owner's representative, in the presence of a representative of the Building Department.

(r)Sprinkler systems shall be inspected at least once in each month by a competent representative of the owner, to ascertain that all parts of the system are in perfect working order. A detailed record of each inspection shall be kept on the premises for examination by the Fire Department, the Department of Housing Preservation and Development, and the Department of

Buildings.

(s) There shall be kept available on the premises at all times a sufficient supply of extra sprinkler heads and also a sprinkler wrench for use to replace promptly any fused or damaged sprinkler heads.

Any head which has opened or has been damaged shall be replaced immediately with a good sprinkler head.

Sprinkler heads shall be of a type and manufacture approved by the Board of Standards and Appeals.

The minimum operating temperature of all sprinkler heads shall be in the ordinary degree range. Appropriate higher degree operating temperatures shall be required in cooking spaces.

§29-02 Installation of Automatic Wet-Pipe Sprinklers in Certain Class A and Class B Multiple Dwellings, Including Hotels, Under the Provisions of §67, Multiple Dwelling Law.

Effective February 25, 1949, automatic wet-pipe sprinklers used in certain Class A and Class B multiple dwellings, including hotels, shall be installed in conformity with the provisions of the Administrative Code, Subchapter 17 of Chapter 1 of Title 27, except as modified herein.

These rules do not apply to sprinkler installations in converted dwellings, lodging houses or multiple dwellings used for single room occupancy.

(a) In lieu of one of the four alternate automatic sources of water supply specified in §27-961, of the Administrative (Building) Code, a connection may be made to the domestic water supply system on the condition that:

(1) It can be established from information obtainable from the Department of Environmental Protection that the pressure at the top of the highest riser will be 15 pounds per square inch (except as provided in §29-02(f).

(2) If the pressure from this source is insufficient to provide a pressure of 15 pounds at the highest line of sprinklers, but is sufficient to supply a pressure of 15 pounds or more at the highest line of sprinklers, an automatic booster pump is provided, the capacity of which shall be sufficient to supply 25 percent of the standard one-half inch (1/2") inch heads in the sprinkler area having the maximum number of heads, and in no event shall such supply be less than 250 gallons per minute at a pressure of at least 15 pounds at the highest sprinkler line.

(3) A local approved type of water-flow alarm is provided, the gong so located that when it operates it may be heard by the occupants or employees, and the gong also plainly marked "Sprinkler Alarm", in red letters one inch in height on a white background.

Exception: In a sprinkler area which does not contain more than 36 heads, no water-flow alarm shall be required.

(4) A sprinkler shut-off valve is provided conveniently accessible and its purpose clearly indicated by the words "Automatic Sprinkler Shut-Off Valve" on a sign affixed thereto.

(5) The size of the domestic water supply line is at least equal to the size of the main sprinkler connection. *Note* : The provisions of Paragraph c of §27-964 shall not apply to sprinklers installed in conformity with the provisions of §29-02(a).

(b) The capacity of gravity tanks for sprinklers shall be in conformity with the provisions, of §27-965, or such tank may be supplied by an automatic filling pump of at least 65 gallons per minute capacity, which shall be sufficient to supply 25 percent of the sprinkler heads in the largest sprinkler area for 20 minutes. The capacity of such tank shall be not less than 1,000 gallons . The bottom of the gravity tank or sprinkler supply pipe shall be not less than 20 feet above the highest supplied sprinkler line. When such elevation is not practicable, an automatic booster pump may be installed in the main sprinkler supply line in conformity with §29-02(a)(2).

(c) In lieu of complying with the provisions of §27-965, a pressure tank located not more than one story below the highest supplied sprinkler line, filled by an automatic pump, and with a supply of water, all as described in §29-02(b) may be installed. In addition, a high-and-low air-alarm shall be provided.

(d) The provisions of §27-963(a) may be construed to permit the sprinkler connection to the street main to be the same size as main sprinkler riser, but in no instance shall it be less than two inches. A tap may be one pipe size less than the sprinkler main.

(e) §27-935 shall apply only when the number of heads in any sprinkler area as defined in these rules exceeds 36.

(f)*Standard 1/2-inch sprinkler heads*. In lieu of applying the provisions of §27-956, sprinkler heads shall be so spaced that there shall be one head for approximately 168 square feet of floor area, and shall also be spaced not more than 14 feet on centers. The distance from a wall or partition to the first sprinkler head shall not exceed seven feet, measured at right angles to the wall or partition. In multiple dwellings that are presently equipped with sprinklers, the heads in the public halls may be spaced 14 feet on centers, with the first head not more than seven feet from any wall or partition. A 12 pound static pressure will be accepted at the topmost sprinkler line, provided the sprinkler heads are spaced to cover 100 square feet or less. Sprinkler heads may be installed in covered shafts in lieu of fire-retarding on the condition that:

(1) Such shafts are not exposed to freezing temperatures;

(2) If ventilating louvres, windows or skylights are present in such shafts, the highest head is located a sufficient distance from such openings to prevent freezing;

(3) One head is centered at the top of such shaft at the level of the highest ceiling;

(4) In shafts constructed of [*sic*] incombustible materials, excepting windows or doors opening thereon, sprinkler heads are placed at each floor level and are staggered at alternate levels;

(5) In shafts constructed of combustible materials, and which exceed 60 square feet in cross-sectional area, sprinkler heads are placed at each floor level and are staggered at alternate floor levels.

(g) The protection afforded by sprinklers to stairs, halls, corridors, and other passageways shall also apply to their soffits and overlaps.

(h) These rules shall also apply to a store or other space used for business on any story where there are no sleeping rooms and which is not provided with sprinkler heads, unless such spaces are otherwise arranged in conformity with the provisions of Section 6l, Multiple Dwelling Law.

(i) In lieu of complying with the provisions of §3-9.l.l of ANSI/NFiPA 13 of Reference Standard RS 17-2 of the Administrative (Building) Code, a 1 inch valved pipe may be extended from the top of the riser to the outside of the building, or inside the building to a deep sink for testing the system, pump and alarm under water-flow conditions.

(j) Check valves, gate valves, and water meters shall be installed

as and when directed by the Department of Environmental Protection.

(k) The term "sprinkler area" as used in these rules shall mean any floor space within a structure enclosed on all sides by exterior walls, fire walls, fire partitions, fire-retarded partitions, or fire-resistive partitions and doors acceptable to the Department of Housing and Buildings. The term "fire-resistive partition" as used in these rules shall mean a partition which is constructed of incombustible materials or wood studs covered on both sides with lath and plaster, plaster board, or other fire-resistive materials acceptable to the Department.

Such partitions shall extend from the floor to the ceiling. All doors in such partitions shall be self closing.

(l) The sprinkler control valve shall be inspected at least once weekly by a competent person, who is employed by the owner to see that such valves are sealed open, and who holds a certificate of fitness. A record of each inspection shall be kept for examination by a representative of the Department. The provisions of §27-957, in relation to alarm devices shall not apply to a sprinkler area which does not contain more than 36 heads in multiple dwellings, in which such weekly inspections are made.

(m) Systems installed before July 1, 1928 shall be subject to inspection and if found adequate may be accepted by the Department of Buildings. However, in such cases, a copy of the plans approved by the Fire Department shall be filed with the Department of Buildings.

(n) Where there are practical difficulties in the way of carrying out these rules, the Superintendent may permit modifications, provided that the spirit of these rules are observed and safety secured.

§29-03 Installation of Automatic Wet-Pipe Sprinkler Systems and Alarm Systems in Certain Class B Multiple Dwellings (Lodging Houses).

(a) Notice is hereby given that, pursuant to the provisions of Chapter 713 of the Laws of 1929, and Section 4 of Chapter 553 of the Laws of 1944, effective April 5, 1944, automatic wet pipe sprinkler systems installed in "lodging houses", shall be installed in conformity with the provisions of the Administrative Code of the City of New York.

(b) An automatic closed-circuit water-flow and valve-tamper alarm system, having at least one manual fire alarm station shall be provided in connection with the sprinkler system. This alarm system shall be connected to an approved central station which provided supervisory and maintenance service satisfactory to the fire commissioner.

In connection therewith, there shall be an approved transmitter so arranged as to actuate all gongs of the interior fire alarm system whenever a water flow through the sprinkler system occurs.

Interior fire alarm systems of the closed-circuit type previously installed under the rules then in force and approved by the fire commissioner may be accepted if, after inspection and test the systems are found to be adequate and in proper operating condition.

Battery operated interior fire alarm systems of the open-circuit type shall be replaced with an approved closed-circuit system.

In connection with these rules, the persons affected are advised to consult Article 5 of Subchapter 17 of Chapter 1 of Title 27, of the Administrative (Building) Code and §§15-126, 15-127 and 15-214, of the Administrative (Fire Prevention) Code of the city of New York, concerning interior fire alarm system, watchmen's time detector system and telegraphic communication.

§29-04 Installation of Automatic Wet-Pipe Sprinkler Systems and Alarm Systems in Certain Class B Multiple Dwelling (Lodging Houses).

(a) Automatic wet-pipe sprinkler systems installed in lodging houses in compliance with Subdivision 3, of §66, of the Multiple Dwelling Law shall be in conformity with the provisions of the Administrative Code, Subchapter 17 of Chapter 1 of Title 27, only to the extent that such article is not inconsistent with these amended rules.

(1) Sprinkler systems shall be automatic wet-pipe with one automatic source of water supply.

(2) Acceptable automatic sources of water supply shall be any one of the following:

(i) Elevated gravity tank having a minimum capacity of 5,000 gallons and installed in accordance with §27-965 of the Administrative (Building) Code. Effective capacity shall be determined by the largest number of heads in any floor area multiplied by 75 gallons, and shall never be less than 5,000 gallons.

(ii) Pressure tank having a minimum capacity of 2,500 gallons and installed in accordance with §27-965 of the Administrative (Building) Code. Effective water capacity shall be determined by the largest number of heads in any floor area multiplied by 37.5 gallons, and shall never be less than 2,500 gallons.

(iii) Automatic fire pump having a capacity of not less than 250 gallons per minute and installed in accordance with §27-964 of the Administrative (Building) Code.

(iv) A direct connection to the public water main, provided it is capable of maintaining a pressure of at least 15 pounds per square inch at the top of the highest sprinkler riser, with 250 gallons of water flowing per minute at a 2 1/2-inch outlet from a hydrant at the street level within 250 feet of the building. The hydrant test shall be made between the hours of 8 a.m. and 5 p.m. on a working day.

If the public water main pressure is incapable of maintaining a minimum pressure of 15 pounds per square inch as specified herein, a booster pump may be installed in conformity with these rules; or, in lieu of such booster pump, the sprinkler spacing and pipe sizes for the area not having the required minimum water pressure of 15 pounds per square inch shall be in conformity with the provisions of §27-956 of the Administrative (Building) Code, provided that in no event shall [*sic*] the minimum water pressure at the highest sprinkler riser be less than 2 pounds per square inch Booster pumps, if required, shall have a capacity sufficient to supply 250 gallons per minute, at a pressure of at least 15 pounds at the top of the highest sprinkler riser. All shall be installed in accordance with §27-964 of the Administrative (Building) Code.

A letter from the Department of Environmental Protection shall be filed with the application for the installation of a sprinkler system, stating the water pressure and supply conditions of the street main to which the sprinkler supply is to be connected.

(3) One common source of water supply shall be acceptable for any contiguous buildings under the same ownership or leasehold and under the same lodging-house management, provided that each such building is fully separated by fire walls with automatic fire doors on any connecting openings.

Supply mains shall be at least the size of the largest main riser in any one building and shall be arranged to be centrally located and run as directly as possible from the source of water supply to the respective risers in each building.
Each building shall be provided with a separate alarm valve in accordance with §29-04(a)(8).
In all other respects, the installation in each building shall comply with these rules.
Supply mains shall be increased in size as may be required for adequate water supply and pressure requirements in accordance with §29-04(a)(2).
(4) Sprinkler spacing for standard 1/2-inch heads under sheathed or plaster ceilings shall not exceed 168 square feet of protection area, with the distance between lines and between sprinklers on lines not in excess of 14 feet.
(5) The maximum permissible number of standard 1/2-inch sprinkler heads on a given pipe-size, in one fire area, on any one story shall be as follows:

Size of pipe diameters	Maximum number of sprinkler heads allowed
1 inch	2 heads
1 ¼ inch	3 heads
1 ½ inch	5 heads
2 inches	10 heads
2 ½	30 heads
3 inches	60 heads
3 ½ inches	100 heads
4 inches	Unlimited heads

Branch lines should not exceed eight sprinkler heads on either side of a cross main.
Areas within fire walls may be subdivided into separate fire areas by one-hour partitions. Openings in such partitions shall be protected with fireproof doors and assemblies, and such doors shall be self-closing. Areas within such subdivisions may be considered independent fire areas.
(6) Each riser shall be of sufficient size to supply all the sprinkler heads on that riser in any one fire area according to §29-04(a)(5).
The supply main shall be at least the size of the riser it serves, except that no main shall be less than two inches and shall be installed in accordance with §27-956 of the Administrative (Building) Code.
(7) Taps in the public water main may be one standard pipe-size smaller than the required supply main according to §29-04(a)(6), provided the supply main immediately increases at the tap to its full required size.
All water main installations shall be subject to the approval of the Department of Environmental Protection.
(8) Systems shall be equipped with an alarm valve so constructed that any flow of water in any part of the system, or the closure of any valve controlling water supply will automatically cause the interior fire alarm system and the central station alarm to operate.
(9) Prior to the issuance of a letter of approval from the Department of Buildings as to the satisfactory installation of any system, a letter from the Department of Environmental Protection must be filed with the Department as to the size of tap and service main and its satisfactory installation.

(b) An automatic closed-circuit water-flow and valve-tamper alarm system, having at least one manual fire alarm station shall be provided in connection with the sprinkler system. This alarm system shall be connected to an approved central station which provided supervisory and maintenance service satisfactory to the fire commissioner.
In connection therewith, there shall be an approved transmitter so arranged as to actuate all gongs of the interior fire alarm system whenever a water flow through the sprinkler system occurs.
Interior fire alarm systems of the closed-circuit type previously installed under the rules then in force and approved by the fire commissioner may be accepted if, after inspection and test the systems are found to be adequate and in proper operating condition.
Battery operated interior fire alarm systems of the open-circuit type shall be replaced with an approved closed-circuit system.
In connection with these rules, the persons affected are advised to consult Article 5 of Subchapter 17 of Chapter 1 of Title 27, of the Administrative (Building) Code and §§15-126, 15-127 and 15-214, of the Administrative (Fire Prevention) Code of the city of New York, concerning interior fire alarm system, watchmen's time detector system and telegraphic communication.

§29-05 Installation of Automatic Wet-Pipe Sprinklers in Fireproof Multiple Dwellings Converted to Business Use.

(a) Except as otherwise provided herein, automatic wet-pipe sprinklers used in fireproof multiple dwellings, converted in whole or in part to business use under the provisions of §27-248 of the Administrative (Building) Code, in effect prior to December 6, 1968, and in fireproof multiple dwellings that are altered under the provisions of §9, Subdivision 5, Paragraph b, of the Multiple Dwelling Law (subdivision of large apartments) shall be installed in conformity with Subchapter 17 of Chapter 1 of Title 27 of the Administrative (Building) Code.

(b) In lieu of one of the four alternate automatic sources of water supply specified in §27-961 of the Administrative (Building) Code, a connection may be made to the domestic water supply system on the condition that:
(1) It can be established from information obtainable from the Department of Environmental Protection that the minimum static pressure at the top of the highest riser will be at least 15 pounds per square inch, except as otherwise provided in §29-05(g).
(2) If the pressure from this source is insufficient to provide a minimum static pressure of 15 pounds per square inch, at the highest line of sprinklers, but is sufficient to supply a pressure of 5 pounds per square inch or more at the highest line of sprinklers, and that an automatic booster pump is provided, the capacity of which shall be sufficient to supply 250 gallons per minute at a pressure of at least 15 pounds per square inch at the highest sprinkler line
(3) A sprinkler shut-off valve is provided conveniently accessible, and its purpose clearly indicated by the words "Automatic Sprinkler Shut-Off Valve" on a sign affixed thereto, and that such valve is sealed open.
(4) The size of the domestic water supply line is at least equal in size of the main sprinkler connection.
(5) The provisions of Paragraph c of §27-964 shall not apply to sprinklers installed in conformity with the provisions of this

§29-05(b).
(6) Where the length of pipe from the furthermost sprinkler to the riser exceeds 100 feet the pipe beyond the 100 foot distance shall be increased in size one pipe size above the size otherwise required for each 100 feet of additional length or part thereof. This provision shall not require an increase in the size of the risers.
(7) A separate riser shall be provided in each required stair enclosure, separately controlled.

(c) The capacity of gravity tanks for sprinklers shall be in conformity with the provisions of §27-965, or such tank may be supplied by an automatic filling pump capable of delivering at least 65 gallons per minute to the tank and shall have sufficient capacity to supply 25 percent of the sprinkler heads in the largest sprinkler area for 20 minutes, at 20 gallons per minute The capacity of such tank shall not be less than 1,500 gallons. The bottom of the gravity tank, or the sprinkler supply pipe shall not be less than 20 feet above the highest supplied sprinkler line. When such elevation is not practicable, an automatic booster pump may be installed in the main sprinkler supply line in conformity with §29-05(b)(2).

(d) In lieu of complying with provisions of §27-965, a pressure tank located not more than one story below the highest supplied sprinkler line, filled by an automatic pump, and with a supply of water, all as described in §29-05(c), may be installed. In addition, a high-and-low air-alarm shall be provided.

(e) §27-963 may be construed to permit the sprinkler connection to the street main to be the same size as the main sprinkler riser, but in no instance shall it be less than 2 inches. A tap may be one pipe size less than the sprinkler main.

(f) §27-940 shall apply only when the number of sprinkler heads in any fire area as defined in these rules exceeds 36.

(g) In lieu of applying the provisions of §27-956, sprinkler heads shall be so spaced that there shall be one head for approximately 130 square feet of floor area, and heads shall be spaced not more than 14 feet on centers. The distance from a wall or partition to the first sprinkler head shall not exceed seven feet measured at right angles to the wall or partition. A 12 pound minimum static pressure will be accepted at the topmost sprinkler line, provided the sprinkler heads are spaced to cover 70 square feet or less.

(h) In lieu of complying with the provisions of Section ANSI/NFiPA 13 of Reference Standard RS 17-2 of the Administrative (Building) Code, a 1 inch valve pipe may be extended from the top of the riser to the outside of the building, or inside the building to a deep sink for testing the system, pump and alarm under water-flow conditions.

(i) Check valves, gate valves, and water meters shall be installed as and when directed by the Department of Environmental Protection.

(j) The term "sprinkler area" as used in these rules shall mean any floor space within a structure enclosed on all sides by [*sic*] exterior walls, fire walls, fire partitions, or fireproof [*sic*] partitions and self-closing doors acceptable to the Department of Buildings.

(k) The sprinkler control valve shall be inspected at least once weekly by a competent person, who is employed by the owner to see that such valves are sealed open, and who holds a certificate of fitness. A record of each inspection shall be kept for examination by a representative of the Department. The provisions of §27-957, in relation to alarm devices, shall not apply to those buildings having not more than 36 heads in any sprinkler area.

(l) Where there are practical difficulties in the way of carrying out these rules, the Superintendent may permit modification, provided that the spirit of these rules are observed and safety secured.

§29-06 Installation of Automatic Sprinklers in the Public Halls of Multiple Dwellings Under the Provisions of §187 (Converted Dwellings) and §218, Subdivision 5 (Old-Law Tenements), of the Multiple Dwelling Law, and of the Sprinklers in Cooking Spaces in all Types of Multiple Dwellings Under the Provisions of §33 of the Multiple Dwelling Law.

(a) *Certification from the Department of Environmental Protection*. When it is proposed to supply a sprinkler system by means of a direct connection to a public water supply main, the specifications shall be accompanied by a letter or other approved certification from the Department of Environmental Protection, establishing the fact that the water supply conditions and pressure are such that will meet the requirements of these rules for water supplies for sprinklers.

(b) Type of system required.

Sprinkler system shall be of the automatic wet type.
(c) *Connection to water main*.
The sprinkler system of each building shall have a separate and independent source of supply except as herein otherwise specifically provided. When a sprinkler system is supplied direct from a public water main, it shall be separately and independently connected to the public water main except that one street main supply will be accepted for not more than three contiguous buildings under one ownership where such buildings are separated by fire walls, provided that the supply is brought into the center building of a group of three, and provided further, that the supply shall be adequate for the total number of sprinklers in any two buildings, but not less than 50 percent of the total number of sprinklers in all the buildings in any case. In all other respects, the installation in each building shall comply with these rules.
When one street supply serves more than one building, there shall be submitted to the department evidence that [*sic*] an easement has been created in favor of each building for the continued use of such supply for each building.
A house service water supply connection may be taken from the sprinkler water supply connection to the city main, on the house side of the main shut-off valve for the building provided the diameter of the house service water supply connection does not exceed one-half of the diameter of the sprinkler water supply connection. Only one connection of the domestic water supply to the sprinkler water supply line shall be permitted and no shut-off valve shall be placed on the sprinkler supply line, other than the main shut-off valve for the building on the street side of the house service water supply connection. (§29-06(c) amended by resolution filed with City Clerk February 9, 1956.)

(d) *Water pressure and supply*.
Water supply from public water mains will be acceptable when such supply will provide a minimum static pressure at the highest sprinkler of not less than 15 pounds per square inch
For computation of the required water pressure at the curb

level to provide adequate pressure at the highest sprinkler, the following formula shall be used:
Required water pressure in pounds per square inch = 0.434 H plus 15.
Where H = height in feet from the curb level to the level of the highest sprinkler.
When the minimum pressure in the water supply is insufficient to provide the required pressure, but is capable of [*sic*] providing a pressure of not less then five pounds per square inch at the highest sprinkler, an automatic centrifugal booster pump for the purpose of increasing the water pressure will be accepted under the following conditions:
(1) The rated capacity of the pump shall be not less than 250 gallons per minute and shall be sufficient to supply at least 25 percent of the total number of sprinklers, or where there is insufficient pressure in the top story only, all the sprinklers on the top floor, at the rate of 20 gallons per minute per sprinkler. A 2 1/2-inch diameter test tee shall be attached to the discharge pipe from the pump for the purpose of testing its capacity.
(2) There shall be a pressure regulator attached to the pump which shall be set so that the pump will automatically start operating when the water pressure at the highest sprinkler falls below 20 pounds per square inch, and cease to operate when the said pressure reaches 30 pounds per square inch.
(3) The pump shall be attached on bypass properly valved to the sprinkler main on the house side of the main control valve. The intake and discharge pipes to the pump shall be of sufficient size to deliver the required volume of water to the system at the stated minimum pressure.
(4) Drain valves shall be installed on the main between the main (O.S.&Y.) control valve and the intake connection to the pump and on the house side of the discharge connection to the pump. Such drain valves shall be closed by means of screw plugs.
(5) A check valve shall be installed on the main on the inside service between the intake and discharge connections to the pump.
(6) The intake and discharge pipes from the pump shall each be provided with an O.S.&Y. valve.
(7) A variation of not more than two pounds per square inch, in the minimum pressure, in the street supply below the required pressure for the sprinkler system without the introduction of a booster pump or increased size in piping may be accepted by the Superintendent if in his opinion the supply is adequate.
There shall be sufficient actual water volume to supply 25 percent of the heads for a period of 20 minutes at 20 gallons per minute.

(e) *Roof tanks.*

Except as otherwise specifically provided in §29-06 (d), a gravity tank upon the roof will be required when the normal minimum water pressure from the public water main is insufficient. The bottom of each gravity tank supplying a sprinkler system shall be elevated at least 20 feet above the roof.
Each gravity tank shall be filled through a fixed water supply pipe of at least one and one-half inch diameter and independent of the sprinkler pipe system, by means of an automatically controlled pump of a capacity at the discharge nozzle of the pump of at least 65 gallons per minute against the total head, including friction. The tank fill line shall be standard weight pipe, galvanized steel, brass or copper [*sic*] pipe. The pump shall be equipped with control apparatus which will automatically start operation when the effective capacity of the tank falls below the minimum reserve supply for the sprinkler system.
A gravity tank, if used exclusively to supply the sprinkler system, shall have an effective capacity of not less than fifteen hundred (1500) gallons. Gravity tanks which serve both the house supply and the sprinkler system shall have an effective capacity of not less than twenty-five hundred (2500) gallons with a minimum of fifteen hundred (1500) gallons reserved for the sprinkler system.
All exposed water supply piping connecting with roof gravity tanks shall be properly protected against freezing by four layers of one inch high-grade hair felt, and each layer of hair felt shall be covered with a layer of heavy tar paper.
Each wrapping shall be securely fastened with heavy twine, and wrapping joints shall have a lap of not less than two inches staggered into the laps of the adjacent layers.
All coverings shall be finally covered with heavy canvas sewed at seams and painted with two coats of waterproof paint.
In lieu of the foregoing, three inch thick fiberglass in a metal shield may be used.
Exposed gravity tanks on the roof shall be protected against freezing by means of an approved enclosure, insulation, heating coil or other means acceptable to the Superintendent.
Gravity tanks shall be supported in accordance with the provisions of §P107.8 of Reference Standard RS-16 of the Administrative (Building) Code.
Gravity tanks shall be provided with emergency outlets in conformity with §P107.8 of Reference Standard RS-16 of the Administrative (Building) Code.

(f) *Pressure tanks.*

Except as otherwise specifically provided in §§29-06(d) and (e), a pressure tank will be required when the normal minimum water pressure from the public main is insufficient. Such pressure tank may be installed in the basement or cellar.
Pressure tanks when used shall be capable of supplying actual water volume as required in §29-06(d) of these rules at a pressure of not less than 15 pounds per square inch Pressure tanks shall be constructed and tested in accordance with the requirements of ANSI/NFiPA 22 of Reference Standard RS 17-10 of the Administrative (Building) Code.
Pressure tanks shall be at least two-thirds filled with water and an air pressure by gauge shall be maintained in the tank of not less than 75 pounds plus the pressure caused by the column of water in the sprinkler system above the bottom of the tank.
At the end of each pressure tank there shall be a glass water-level gauge, and the pressure tank shall also be provided with a pressure gauge and a manhole for access to the interior of the tank.
The filling pump for the pressure tank shall have a capacity of not less than 65 gallons per minute against the total head including friction and air pressure of the tank. The compressor shall be powered by an electric motor which shall be equipped with control apparatus, which will automatically start the motor when the pressure in the tank drops to 75 pounds per square inch and will cut out the motor when the pressure in the tank reaches the total required pressure. The air compressor shall be capable of delivering not less than 10 cubic feet of air per minute.
The filling pipe from the pump or air compressor shall be provided with a relief valve set to open at 15 pounds in excess of the maximum air pressure required in the tank.

(g) *Sprinkler pressure, where required.*

Sprinklers shall be arranged to spray all parts of the public stairways, service stairways, their hallways, landings and soffits.

Sprinkler protection shall be provided also in each closet opening on a public hall and in any permanent telephone booth placed in a public hall, but no sprinkler protection shall be required in any bathroom, water closet [*sic*] compartment or shower room opening upon a public hall.

There shall be two or more sprinklers installed under the soffit of each public stairs spaced not more than fourteen (14) feet apart. Sprinklers shall be provided over and under the stairway leading from the basement or cellar to the first floor, except that where the under part of the cellar stairway is completely enclosed with fireproof material, sprinklers will not be required under the soffit of such cellar stairway.

Sprinkler protection shall be provided in spaces exceeding three (3) feet in height, above a public hall between the ceiling of the top story and the roof unless such spaces are properly cut off from the public hall by means of fire retarded partitions.

Sprinkler protection shall be provided also on the underside of public stairhalls, stair landings and soffits which are not within stair enclosures except when such surfaces are fire-retarded.

Sprinklers shall not be required in roof bulkheads or in unheated outside street vestibules.

Sprinkler protection shall not be required in any auxiliary stairway extending from the lowest story to the next higher story above, on condition that such stairway is not located under any stairway leading to upper stories nor terminates in a public hall.

Deflectors of sprinklers shall be placed not less than three inches nor more than ten inches below ceilings or soffits.

Sprinklers shall not be located within 12 inches distance of any obstruction such as hanger, lighting fixture, etc.

(h) *Tap sizes required*.

Taps connecting to public water mains shall be equal in size to the main pipe line, except that:

A two and one-half inch tap connecting to the public water main and immediately increased to three inches in diameter, with piping of the same diameter extending into the building, shall be considered the same as a three inch direct connection to the public water main.

A two inch tap connecting to the public water main and immediately increased to two and one-half inches in diameter, with piping of the same diameter extending into the building, shall be considered the same as a two and one-half inch direct connection to the public water main.

A one and one-half inch tap connecting to the public water main and immediately increased to two inches in diameter, with piping of the same diameter extending into the building, shall be considered the same as a two inch direct connection to the public water main.

(i)*Pipe schedules*.

Except as otherwise provided in this section, the number of sprinklers on a given size of piping shall not exceed the following:

Diameter of Pipe	Maximum number of sprinklers allowed
1 inch pipe	2 sprinkler heads
1 ¼ inch pipe	3 sprinkler heads
1 ½ inch pipe	5 sprinkler heads
2 inch pipe	10 sprinkler heads
3 inch pipe	30 sprinkler heads
4 inch pipe	60 No Limit

The sprinkler main shall not be less in size than the sprinkler riser and shall not be less in size than any branch it serves.

Except as otherwise specifically provided in §29-06(h), the total number of sprinklers in a structure shall determine the required size of the tap, service main, risers and branches, but in no case shall the size of the main supply be less than two inches

The following sprinklers will not be counted in computing the size of the taps, mains and risers:

(1) One sprinkler of the required sprinklers placed under the soffits of the stairs in each story when more than one sprinkler is provided.

(2) Sprinklers placed in any closet or telephone booth opening upon a public hall.

(3) Sprinklers placed (in lieu of fire retarding) on the underside of public stairhalls, stair landings and soffits not within the stair enclosure.

The permissible number of heads may at the discretion of the Superintendent be increased by not more than 10 percent.

(j)*Siamese*.

A sprinkler system containing 55 or more sprinklers in one building or fire area, shall be provided with an approved Fire Department Siamese Connection installed in accordance with §27-940 of the Administrative (Building) Code.

(k) *Sprinklers in existing cooking spaces*.

When a sprinkler is installed in the ceiling over an existing cooking space, pursuant to §33 of the Multiple Dwelling Law, the sprinkler shall be connected with the domestic water supply of the building through a pipe of at least one inch diameter, at a point either side of the valve controlling the supply to the plumbing fixture in the cooking space. There shall be at least one sprinkler for every 49 square feet or fraction thereof of the floor area of the cooking space. Such sprinklers shall not be included in the computations for determining the size of the sprinkler piping or the necessity of a siamese as outlined in §§29-06(i) and 29-06(j).

No sprinkler shall be installed in a cooking space without a written approval from the Department of Buildings. The Superintendent may, however, waive the requirement as to the filing of the plans when, in his opinion, the nature of the alteration may be fully explained in the application.

(l)*Valves*.

Each valve controlling water supply and each valve controlling drainage of system or test flow, shall bear a metal plate securely attached to the valve and indicating clearly the purpose of each such valve.

On the sprinkler main, an outside screw and yoke gate valve, readily accessible, shall be provided near the front wall of the building and located so as to control the water supply to all of the interior sprinkler system. The said outside screw and yoke gate valve shall be sealed in an open position.

If a roof tank is used as a supply for sprinklers, an outside screw and yoke gate valve shall be provided in the piping leading from the tank to the sprinkler system, under conditions similar to those specified for such valves on sprinkler mains.

A check valve of equal diameter to the main shall be installed in all sprinkler mains where a building is supplied by services connected to different street mains, or where a building is equipped with a siamese connection. Such check valve shall be placed within two feet of the outlet side of the main control valve.

Where a sprinkler system is supplied with both a gravity tank and a street main, a check valve shall be placed in the independent supply pipe to the tank (on the tank side of the pump) and in the main at the outlet end of the main control valve. Such check valves shall be of equal diameter to the supply pipe and the main respectively.

When the sprinkler system has an auxiliary supply in the form of a siamese connection, a check valve shall be placed in a horizontal position in the down feed from the gravity tank and immediately below the roof.

When a building is supplied through a pressure tank in the cellar or basement, a check valve of equal diameter to the main shall be placed in the sprinkler main on the inside service between the intake and discharge connections to the pump feeding the pressure tank.

Where a sprinkler system is equipped with a booster pump, valves shall be provided in accordance with §29-06(d).

All control valves in supplies to the sprinkler system shall be sealed in an open position in an approved manner.

Where an underground main is used, the main control valve shall be located where readily accessible.

(m)*Drainage*.

All sprinkler pipe and fittings shall be so installed that the system can be thoroughly drained. Where practicable, all piping shall be arranged to drain to the main drain valve. Where this is impracticable, as in the case of sprinkler piping under stair soffits, a three-quarter inch screw plug shall be provided in the lower end of such piping to permit drainage.

Except where otherwise provided in the previous paragraph, sprinkler pipes shall be pitched not less than one-quarter inch in the 10 feet Pipe shall be straightened before installation to prevent pockets which would interfere with proper drainage.

For draining the sprinkler system, a three-quarter inch tee branch with a three-quarter inch plugged valve shall be provided on the sprinkler main on the house side of the main (O.S.&Y.) control valve.

Where a sprinkler system is provided with check valves, the intermediate pipe between check valves shall be so arranged as to properly drain.

(n) *Sprinkler specifications*.

Sprinklers shall be of a type and manufacture approved by the Board of Standards and Appeals and of current issue.

The operating temperature of all sprinklers shall be in the ordinary degree range. Appropriate higher degree operating temperatures shall be required in cooking spaces.

Any sprinkler which has opened or has been damaged shall be replaced immediately with a good sprinkler.

There shall be kept available on the premises at all times at least three extra sprinklers and also a sprinkler wrench for use to replace any fused or damaged sprinklers.

(o) *Pipe specifications- sleeves*.

All piping except underground piping used in sprinkler systems shall be full weight standard steel threaded pipe, well reamed and screwed up tight into fittings without reducing the waterway. Fittings shall be standard weight cast-iron. All fittings and pipes placed inside of tanks shall be of brass or other non-corroding material.

Underground piping shall be of Extra Heavy Cast Iron Corporation pipe with bell and spigot [*sic*] or mechanical joints.

Sprinkler piping passing through floors (other than floors in public halls) of concrete or waterproof construction, shall have properly designed substantial thimbles or sleeves projecting three to six inches above the floor to prevent possible floor leakage.

The space between the pipe and sleeve should be caulked with oakum or equivalent material. If floors are of cinder concrete, thimbles or sleeves should extend all the way through to protect the piping against corrosion.

(p) *Hangers and support of piping*.

All branches shall be adequately supported. There shall be at least one hanger for each length of pipe between sprinklers, with one hanger within 30 inches of the end sprinkler and with hangers not over 12 feet apart.

Vertical piping shall be securely supported at the base and at maximum intervals of every other floor, provided that such maximum intervals are 20 feet or less.

The maximum spacing between hangers on horizontal mains and risers shall be twelve 12 feet

Hangers shall be of a substantial metal type.

Sprinkler risers shall not be located within 12 inches of a window or other exterior wall opening.

(q) *Frost protection*.

When necessary for the protection of a sprinkler system against frost, the Superintendent shall require that the public halls be heated.

Exposed water supply piping shall be protected against frost in accordance with §29-06(e).

(r)*Tests*.

Sprinkler systems when completed shall be subjected to a hydrostatic test at a pressure of not less the thirty 30 pounds per square inch in excess of the normal pressure required for such sprinkler system when in service, except that where a siamese is required, the test pressure shall be not less than 200 pounds per square inch.

All piping shall remain uncovered in every part until it has successfully passed the test.

The Department of Buildings, in the borough in which the test is to be conducted, shall be notified when such test is to take place. Tests shall be conducted by the contractor or the owner or the owner's representative, in the presence of a representative of the Building Department.

Sprinkler risers shall be provided at the top for testing purposes, with a connection not less than one inch in diameter, with a valve outlet so located that same will be readily accessible at all times. When not in use the valve shall be provided with an iron or brass plug screwed in tight.

(s) *Maintenance*.

Each sprinkler system shall be maintained in good condition and in such manner that it will function effectively in the event of fire on the premises.

The owner is responsible for the condition of his sprinkler system and shall use due diligence in keeping the system in good operating condition.

Sprinkler systems shall be inspected at least once in each six months by the owner, to ascertain that all parts of the system are in perfect working order. A detailed record of each such inspection shall be kept on the premises for examination by the Department of Housing Preservation and Development, the Department of Buildings and the Fire Department.

(t)*Painting*.

When the sprinkler system is given any kind of coating, such

as whitewash or paint, care shall be exercised to see that no portion of the automatic sprinklers is covered.

(u) *Alterations*.

No additional sprinklers shall be installed and no part of a sprinkler system shall be altered without a written approval from the Department of Buildings.

(v) *Issuance of approval*.

Before the installation of a sprinkler system is approved and prior to the issuance of a letter of approval, there shall be filed with the Department of Buildings, in the borough in which the work has been installed, a letter from the Department of Environmental Protection indicating the size of the tap and service main and whether same has been installed in an approved manner.

§29-07 Installation of Wet-Pipe Sprinklers.

Rules and Regulations for the Installation of Wet-Pipe Sprinklers under the provisions of §248, Subdivision 4, Paragraph b, Multiple Dwelling Law, in Certain Fireproof Multiple Dwellings Erected before May 16, 1913, and Converted in Whole or in Part to Single Room Occupancy Prior to December 9, 1955.

Extract from the Multiple Dwelling Law Section 248, Subdivision 4, Paragraph b. "There shall be access to a second means of egress within the apartment without passing through any public stair or public hall. On and after July first, nineteen hundred fifty-seven, every tenement used or occupied for single room occupancy in whole or part under the provisions of this section, and which does not have at least two means of egress accessible to each apartment, and extending from the ground story to the roof, shall be provided with at least two means of egress or, in lieu of such egress, every stair hall or public hall, and every hall or passage within an apartment, shall be equipped on each story with one or more automatic sprinkler heads approved by the department. Elevator shafts in such tenements shall be completely enclosed with fireproof or other incombustible material and the doors to such shafts shall be fireproof or shall be covered on all sides with incombustible material."

(a) Except as otherwise provided herein, automatic wet-pipe sprinklers installed under the provisions of §248, Subdivision 4, Paragraph b, Multiple Dwelling Law, in certain fireproof multiple dwellings erected before May 16, 1913, and converted in whole or in part to single room occupancy prior to December 9, 1955, shall be installed in conformity with Subchapter 17 of Chapter 1 of Title 27 of the Administrative Code.

(b) In lieu of one of the four alternate automatic sources of water supply specified in §27-961, Subdivision b, of the Administrative (Building) Code, a connection may be made to the domestic water supply system under the following conditions:

(1) It can be established from the information obtainable from the Department of Environmental Protection that the minimum static pressure at the top of the highest riser will be at least 15 pounds per square inch except as otherwise provided in §29-07(g).

(2) If the pressure from this source is insufficient to provide a minimum static pressure of 15 pounds per square inch at the highest line of sprinklers, but is sufficient to supply a pressure of 5 pounds per square inch or more at the highest line of sprinklers, an automatic booster pump shall be provided, the capacity of which shall be 250 gallons per minute at a pressure of at least 15 pounds per square inch at the highest sprinkler line.

(3) A sprinkler shut-off valve is provided conveniently accessible, and its purpose is clearly indicated by the words "Automatic Sprinkler Shut-Off Valve" on a sign affixed thereto, and that such valve is sealed open.

(4) The size [*sic*] of the domestic water supply line is at least equal to the size of the main sprinkler connection.

(5) The provisions of Paragraph c, of §27-964 shall not apply to sprinklers installed in conformity with the provisions of this §29-07(b).

(6) Where the length of pipe from the furthermost sprinkler to the riser exceeds 100 feet, the pipe beyond the 100 foot distance shall be increased in size one pipe size above the size of otherwise required, for each 100 feet of additional length or part thereof. This provision shall not require an increase in the size of the risers.

(c) The capacity of [*sic*] gravity tanks for sprinklers shall be in conformity with provisions of §27-965, or such tank may be supplied by an automatic filling pump, capable of delivering at least 65 gallons per minute to the tank and shall have sufficient capacity to supply 25 percent of the sprinkler heads in the largest sprinkler area for 20 minutes, at 20 gallons per minute. The capacity of such tank shall not be less than 1,500 gallons The bottom of the gravity tank or the sprinkler supply pipe shall not be less than 20 feet above the highest supplied sprinkler line. When such elevation is not practicable, an automatic booster pump may be installed in the main sprinkler supply line in conformity with paragraph b of §29-07(b)(2).

(d) In lieu of complying with the provisions of §27-965, a pressure tank located not more than one story below the highest supplied sprinkler line, filled by an automatic pump, and with a supply of water, all as described in §29-07(c), may be installed. In addition, a high-and-low air-alarm shall be provided.

(e) Subdivision b of §27-963(a) may be construed to permit the sprinkler connection to the street main to be the same size as the main sprinkler riser, but in no instance shall it be less than 2 inches. A tap may be one pipe-size less than the sprinkler main.

(f) When the number of sprinkler heads in any fire area as defined in these rules exceeds fifty-five (55), an approved Fire Department siamese connection shall be installed in accordance with the requirements of §27-940 of the Administrative (Building) Code.

(g) In lieu of applying the provisions of §27-956, sprinkler heads shall be so spaced that there shall be one head for approximately 144 square feet of floor area, and heads shall be spaced not more than 14 feet on centers. The distance from a wall or partition to the first sprinkler head shall not exceed 7 feet, measured at right angles to the wall or partition. A 12-pound minimum static pressure will be accepted at the topmost sprinkler line, provided the sprinkler heads are spaced to cover 100 square feet or less.

(h) In lieu of complying with the provisions of ANSI/NfiPA [*sic*] 13 of Reference Standard RS 17-2 of the Administrative (Building) Code, a 1-inch valve pipe may be extended from the top of the riser to the outside of the building, or inside the building to a deep sink for testing the system, pump and alarm under water-flow conditions.

(i) Check valves, gate valves, and water meters shall be installed as and when directed by the Department of Environmental Protection.

(j) *Definition.* **Sprinkler area.** The term "sprinkler area" as used in these rules shall mean any floor space within a structure

enclosed on all sides by exterior walls, fire walls, fire partitions, or fireproof [*sic*] partitions and self-closing doors acceptable to the Department of Buildings.

(k) The sprinkler control valves shall be inspected at least once weekly, by a competent person, who is employed by the owner and who holds a Certificate of Fitness to see that such valves are sealed open, A record of each inspection shall be kept for examination by a representative of the Department. The provisions of §27-957, in relation to alarm devices, shall not apply to those buildings having more than 36 heads in any sprinkler area.

(l) In conformity with the provisions of §27-957, sprinkler alarm devices shall be required when more than 36 heads are installed in any fire area.

(m) Where there are practical difficulties in the way of carrying out these rules, the Superintendent may permit modification, provided that the spirit of these rules are observed and safely secured.

§29-08 Installation of Sprinklers in Rooms of Class B Non-Fireproof Converted Dwellings and in Rooms Used for Class B Occupancy in Non-Fireproof Class A Converted Dwellings Under the Provisions of §194 of the Multiple Dwelling Law.

(a) *Applicability*. Sprinklers installed in rooms of class B non-fireproof converted dwellings, and in rooms used for class B occupancy in non-fireproof class A converted dwellings shall conform to the "sprinkler rules governing the installation of automatic sprinklers in the public halls of multiple dwellings. Under the provisions of §187 (Converted Dwellings) and §218(7) (Old Law Tenements) of the Multiple Dwelling Law, and of sprinklers in cooking spaces in all types of multiple dwellings under the provisions of §33 of the Multiple Dwelling Law," except as provided otherwise in these rules.

(b) *Sprinkler protection-when required*. In every room in a class B non-fireproof converted dwelling, and in every room used for class B occupancy in any non-fireproof class A converted dwelling, there shall be one or more sprinkler heads so arranged as to sprinkle all parts of such rooms. A sprinkler system in the public stairway or in the service stairway shall not be required by these rules, but sprinklers shall be provided for such stairways where required by the Multiple Dwelling Law or the provisions of other rules.

(c) *Spray type sprinklers*. Where approved spray type sprinkler heads are used, they shall conform to the requirements of the rules specified in subdivision (a) of this section, except that the protected area for approved 1/2 inch spray type sprinklers shall not exceed 168 square feet in area, and the distance between heads shall not exceed 14 feet and the maximum distance between such heads and a wall or partition shall not exceed 7 feet

(d) *Connection to existing sprinkler systems*. Where a separate sprinkler system exists in a building and such sprinkler system was installed prior to December 15, 1956, and the sprinkler system was approved by the Department of Buildings and is in good operating condition, piping for the sprinklers in rooms may be taken from the existing sprinkler riser at each story, provided the riser has a diameter of not less than one inch The size of the branch piping between the sprinklers and the riser shall be determined according to the number of sprinklers supplied but shall not be required to be greater in size than 1 1/4 inches in diameter, except that if the length of pipe exceeds 50 feet, the entire length of pipe shall be increased one pipe size for each 50 feet of length. Existing risers and mains of sprinkler systems shall not be required to be increased. The sprinkler heads installed in rooms shall not be counted in determining whether a siamese hose connection is required.

(e) *Installation where no sprinkler system exists*. Where it is required that sprinklers be provided in rooms and there is no existing approved sprinkler system in the building, a system of sprinklers shall be provided which shall conform to the requirements of the rules specified in subdivision (a) of this section and to the requirements of these rules in the same manner as if such sprinklers were existing except that mains shall be not less than 1 1/4 inches in diameter and that a siamese hose connection shall not be required, and except as follows: Where the existing water supply piping is tested at any location within the dwelling and discharges at least 20 gallons of water per minute, at a flow pressure of not less than 10 pounds per square inch at the point of delivery, the existing house water supply main may be used provided the diameter of the main is not less than 3/4 inch, and provided a static pressure of at least 15 pounds per square inch is provided at the highest sprinkler. In such case, a riser for the sprinkler system shall be connected to the water main not more than 12 inches from the point where the main enters the building and on the house side of the main house control valve. No additional branch control valves shall be permitted. The size of the riser shall be determined by the number of sprinkler heads as required by the rules specified in subdivision (a) of this section, except that the riser shall not be required to be more than 1 1/4 inches in diameter regardless of the number of sprinkler heads provided. The size of branches shall be determined by the number of sprinkler heads, except that branches shall not be required larger than 1 1/4 inches in size. Risers and branches provided for the sprinkler system shall be used for no other purpose.

§29-09 Installation of Chlorinated Poly Vinyl Chloride (CPVC) Sprinkler Pipe and Fittings.

(a) Storage and Handling

CPVC piping shall be stored and carried in the original shipment containers whenever possible. Reasonable care should be exercised in handling the pipes. If improper handling results in splits, gouges or cuts and scratches that are not superficial in nature, the damaged section shall be cut out and discarded. Pipes must be covered with non-transparent material when stored outdoors without the original containers.

(b) Safety Precautions

All solvent cements and primers for CPVC piping are flammable and shall not be used or stored near heat, spark or open flames. Cement shall be stored in closed containers at temperatures between 40 ºF (4.4 ºC) and 110 ºF (43 ºC). They shall be used only with adequate ventilation. Containers shall be kept tightly closed when not in use and covered as much as possible when in use.

(c) Certification

Individuals installing CPVC piping shall be trained and certified by the manufacturer. Documentation of such certification of the individual shall be on the job site at all times when installation work is performed.

(d) Installation

(1) General

Sprinkler piping systems shall be laid out so that the piping is not located adjacent to heat producing sources such as light fixtures and ballasts, steam lines, etc. which can produce an ambient temperature exceeding 150 °F (66 ºC). CPVC pipes shall not be threaded, grooved or drilled.

(2) Concealed Installation

(i) For concealed installation, the minimum protection

shall consist of one layer of 3/8" (10mm) gypsum wallboard or a suspended membrane ceiling with lay-in panels or tiles having a weight of not less than 0.35 pounds per square foot (1.71kg/m²) when installed with metallic support grids, or ½" (13mm) plywood pipe enclosure. Plywood used for pipe enclosure shall be fire-retardant treated when used in buildings of non-combustible construction.

(ii) When pipes and fittings are installed in a plenum space, they shall not be positioned directly over open ventilation grills.

(iii) System risers shall not be installed exposed, and shall be provided with minimum protection for concealed installation as stated above.

(3) Exposed Installation

(i) Exposed sprinkler piping shall be installed below a smooth, flat, horizontal ceiling construction. Positioning of sprinkler heads relative to obstructions such as, but not limited to, beams, light fixtures or decorations shall be in accordance with Reference Standard RS 17-2, 17-2A and 17-2B.

(ii) Only quick-response sprinkler heads shall be used on exposed piping.

(iii) Deflectors of pendent sprinklers when installed shall be not more than 4" (102mm) from the ceiling, and sidewall sprinklers not more than 6" (152mm) from the ceiling and not more than 4" (102mm) from the sidewall.

(iv) Upright quick-response sprinklers when installed on exposed piping shall meet the following conditions:

(a) The deflectors shall be not more than 4" (102mm) from the ceiling.

(b) The maximum temperature rating shall be 155 ºF (68 ºC).

(c) The maximum distance from the ceiling to the centerline of the main run of pipe shall be 7½" (191mm).

(d) The maximum distance from the centerline of a sprinkler head to a hanger shall be 3" (76mm).

(4) Hangers and Supports

The pipe hangers shall comply with all the requirements of RS 17-2, 17-2A and 17-2B. The hanger shall not have rough or sharp edges which come in contact with the pipe. Hangers shall not bind the pipe from movement.

Nomianal Pipe Size		Maximum Support Spacing	
Inches	(millimeters)	Feet	(meters)
¾	(19)	5 ½	(1.675)
1	(25)	6	(1.830)
1 ¼	(32)	6 ½	(1.980)
1 ½	(38)	7	(2.135)
2	(51)	8	(2.440)
2 ½	(64)	9	(2.745)
3	(76)	10	(3.050)

TABLE A

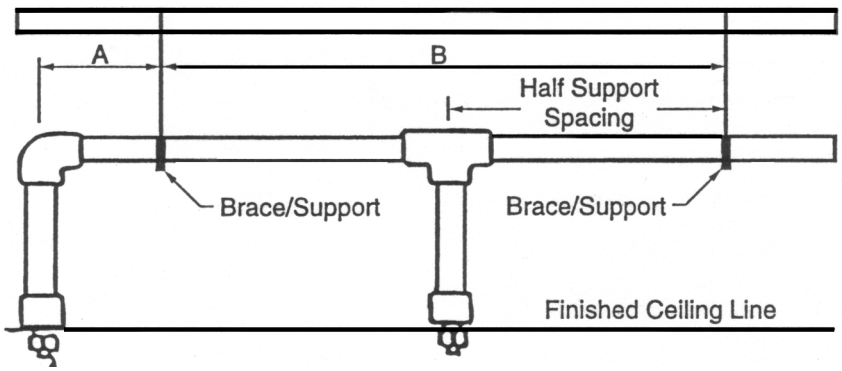
Maximum Support Spacing Distance End Line Sprinkler Head Drop Elbow

Norminal Pipe Size (In)	Less than 100 psi (689kPa)	More than 100 psi (689kPa)
¾" (19mm)	9" (229mm)	6" (152mm)
1" (25mm)	12" (305mm)	9" (229mm)
1 ¼" (32mm)	16" (406mm)	12" (305mm)
1 ½"-3" (38-76mm)	24" (610mm)	12" (305mm)

TABLE B

Maximum Support Spacing Distace Inline spinkler Head Drop Tee

Nominal Pipe Size (In)	Less than 100 psi (689kPa)	More than 100 psi (689kPa)
¾" (19mm)	4' (1.220m)	3' (0.915m)
1" (25mm)	5'(1.525m)	4' (1.220m)
1 ¼" (32mm)	6' (1.830m)	5'(1.525m)
1 ½"-3" (38-76mm)	7' (2.135m)	7' (2.135m)



(i) The support spacing shall be as shown on the following tables and diagram:
(ii) Vertical pipes shall be supported at each floor level or at 10 feet (3.050m) intervals whichever is less.
(iii) Other methods of pipe support shall be as recommended by the manufacturer.
(5) Pipe Cutting
Pipes shall be cut with a wheel-type plastic-tubing cutter. If any indication of damage or cracking is evident, cut off at least 2" (51mm) beyond any visible crack. Burrs and filings can prevent contact between pipe and fittings during assembly, and must be removed from the outside and inside of the pipe. A slight bevel shall be placed at the end of the pipe to ease entry of the pipe into the socket.
(6) Pipe Joints
(i) Primer and cement application.
The pipe and fittings shall be clean and free of any moisture and debris. Primer and cement shall be applied to the joining surfaces using an applicator. Puddling of cement or primer on or within fitting and pipe must be avoided. When cementing in temperatures below 40 °F (4.4 °C) make certain cement has not gelled. Gelled cement must be discarded.
A bead of cement should be evident around the pipe and fitting juncture. If this bead is not continuous around the socket shoulder, it should be rejected and the joint must be cut out, discarded and begun again.
(ii) Set and Cure Time
The assembly must be allowed to set, without any stress on the joint, in accordance with manufacturer's recommendations, which may vary from 1 to 5 minutes depending upon the pipe size and temperature. Refer to manufacturer's recommendation for minimum cure times prior to pressure testing.
(7) Sprinkler Installation
Sprinklers shall be installed only after all pipes and fittings, including sprinkler head adopters, are solvent welded to the piping system and allowed to cure for a minimum of 30 minutes. Sprinkler head fittings should be visually inspected and probed with a wooden dowel to insure that the waterway and threads are clear of any excess cement. Only Teflon tape or equivalent approved by the Commissioner shall be used when installing the sprinkler heads. If a leak is detected on the sprinkler head drop when the system is pressure tested, the sprinkler head must be removed and the joint redone before reinstalling the head.
(8) Firestopping
Pipe penetration through fire rated construction shall be firestopped as per Section 27-343 of the Building Code
(e) Hydrostatic Pressure Testing
After the installation is completed and cured, the system shall be pressure tested as per Section 27-967 of the Building Code. Air or compressed gas must never be used for pressure testing.

CHAPTER 30 STORAGE OF CERTAIN WASTE MATERIALS

§30-01 Enclosures of Premises Used for Automobile Wrecking, Storage of Scrap Metal, Junk, Scrap Paper or Rags, Storage of Lumber, and Building Material or Contractors' Yards.

(a) All existing or hereafter established yards or areas used for automobile wrecking, storage of scrap metal, junk, scrap paper or rags, including sorting of same, storage of lumber and other building materials, and open contractors' yards, unless the use is conducted entirely within a building enclosed on all sides, shall be completely enclosed by a solid fence or wall, of suitable uniform material and color at least eight feet high conforming to these Rules, the Administrative Code and the applicable provisions of the Zoning Resolution.

(b) Fences or walls shall be constructed or painted uniformly with one color.

(c) No material or racks shall be placed outside of, nor extend above the height of, the enclosing wall or fence.

(d) Fences and walls shall be maintained in good condition and appearance, and weakened or broken parts shall be repaired or replaced. Where paint has peeled or weathered to disclose the material under the paint or where the paint is dirty or faded, the wall or fence shall be repainted. Paint shall cover completely the material underneath.

(e) Walls or fences shall not encroach upon the public street nor upon the adjoining property.

(f) The following establishments are exempt from the requirements of these Rules:
(1) Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establishments, open or enclosed, with open storage limited to 5,000 square feet of lot area.
(2) Fuel, ice, coal or wood sales, open or enclosed, limited to 5,000 square feet of lot area per establishment.

§30-02 Open Lots Used for Storage or Sale of Motor Vehicles.

(a) *General.* (1) (i) These Rules shall apply to all open premises used for the storage or sale of more than four motor vehicles except as otherwise noted, including public parking lots, motor vehicles sales lots, accessory open parking spaces, etc. hereafter established and to all such existing premises hereafter enlarged or changed in location.
(ii) Before any premises is occupied for the storage or sale of motor vehicles, plans or diagrams and [***sic***] application shall be filed with the Department of Buildings by an applicant and a Certificate of Occupancy obtained from the Department. Application shall be made on forms furnished by the Department. Such Certificate of Occupancy shall contain inter alia, the maximum number of vehicles to be accommodated and the type of vehicle (private passenger or commercial).
(2) An application for or including an open parking lot shall be accompanied by a plan showing:
(i) dimensions of the plot and its location in relation to adjoining streets;
(ii) any structure existing or to be erected on the plot;
(iii)the relative elevations of the parking area, curbs and adjoining yards or courts;
(iv)the nature of the walls of adjoining structures, if any, i.e., whether masonry, frame, metal, etc.;
(v) retaining walls to be built;
(vi) retaining walls and open spaces, if any, on adjoining premises;
(vii) existing curb cuts and fences;
(viii)method of providing drainage of the lot;
(ix) material used to surface lot;
(x) etc. The applicant shall also submit such other information as may be requested by the Commissioner.
3. (i) Construction of curb cuts and sidewalks shall comply with the provisions of §27-558 of the Administrative Code.

No Certificate of Occupancy shall be issued unless a drop curb permit has been obtained.
(ii) Curb cuts must be a minimum of five feet from the intersection of two street lines.
(iii)For passenger vehicles with a capacity of not more than nine persons, the minimum width of a curb cut shall be 10 feet including splays, and the minimum width of all entrances and driveways leading to parking spaces shall be eight feet. For all other motor vehicles the minimum width of all driveways shall be 10 feet.
(iv) No motor vehicle may be stored or parked in any location where it would obstruct a required window or required exit.
(4) Openings in enclosures shall be restricted to vehicular entrances and exits on the street frontages. The width of a vehicular entrance and exit shall not exceed the length of the curb cut plus eight feet on each side or 46 feet, whichever is smaller.
(5) (i) Open parking lots shall be graded to conform approximately to the elevation of the abutting sidewalks and properties and shall be maintained so that no drainage will flow onto abutting sidewalks and adjoining properties. Grade separation between the parking lot and properties may be established if masonry retaining walls approved by the Commissioner are installed.

(ii) No resurfacing of porous surfaces shall be done which would increase the thickness to more than 1 1/2 inches after compaction. Maintenance repairs to maintain level surface or to insure adequate drainability of porous surfaces shall be preceded by breaking up and removal of existing asphaltic concrete. The Commissioner of Buildings may require suitable tests to be submitted of the materials used.

(iii)The entrance and exit driveways between the curb line and the open parking lot shall be paved in accordance with the provisions of §27-558 of the Administrative Code. The width of the driveway shall be the width of the opening in the enclosure.
(6) A sign which does not comply with all the requirements of the Administrative Code and the Zoning Resolution shall not be erected or maintained. Signs which may be erected shall be made secure, neatly lettered and properly maintained.
(7) (i) An open parking lot shall be occupied and used for the purpose stated on the Certificate of Occupancy; no other use, occupancy or service shall be conducted on the premises.

(ii) Space used for parking shall be entirely within the lot lines of the premises. Vehicles shall not encroach upon the sidewalks. Where a zoning restriction limits parking to a portion of the plot, the limit of the parking area shall be defined by a fence, wall milling or screening erected and maintained to the satisfaction of the Commissioner.

(iii) Every open parking lot shall be maintained in a clean and sanitary condition. The accumulation of rubbish or the storage of any kind of junk or waste is prohibited. Where a wood frame shelter, wood fence or railing are permitted, they shall be painted periodically in a [*sic*] neat, workmanlike manner and shall be properly maintained.

(b) *Additional rules to be applied where there are 10 or more motor vehicles.*
(1) Curb cuts shall conform to the requirements of §27-480(b), except for additional street frontage over 100 feet, there may be an additional curb cut for each 50 feet of frontage or major fraction thereof.
(2) (i) The premises shall have an enclosure on all interior lot lines and on street lines consisting of a substantial woven wire fence, iron picket fence, or masonry wall. A wood fence or railing may be acceptable at the discretion of the Commissioner in sparsely settled areas or outlying sections of the city. All enclosures shall be substantial and at least 4 feet high but may be omitted in cases where masonry walls of adjoining buildings abut the parking space. Such fences shall be installed in a permanent manner.

(ii) Bumpers shall be situated not less than one foot from adjacent property lines [*sic*] when vehicles are parked parallel to such adjacent property lines. Bumpers shall be situated not less than four feet from adjacent property lines when parked other than parallel to such adjacent property lines.

(iii)A steel guard rail or other substantial barrier designed in accordance with the provisions of §27-558(b) of the Administrative Code which will prevent any part of a vehicle from extending across a property line, may be accepted in lieu of bumpers.
(3) (i) Open parking lots which are to be operated during any portion of the time from 6 p.m. through 6 a.m. shall be adequately illuminated, and the minimum illumination shall be one-tenth of one watt per square foot of parking area, distributed over the entire area. Lights shall be provided with reflectors arranged so that the illumination is directed downward and away from adjacent buildings. Floodlights may also be used where such floodlights do not project light upon adjacent or nearby property.

(ii) For a public parking lot, an attendant's shelter conforming to the Construction Classification I-E of §27-271 of the Administrative Code, 100 square feet or less in area may be erected three feet from a lot line with no fire rating of the exterior walls required. Within three (3) feet, a fire resistive rating of at least two hours is required for the wall nearest the lot line.

(iii)Where there is an attendant's shelter, a copy of the Certificate of Occupancy shall be posted and maintained under glass in the shelter and a copy of the plan or diagram approved by the Department of Buildings shall be kept on the premises. Certified, reduced size, legible copies may be used for this purpose.
(4) Where strict compliance with any of these rules and regulations will create unnecessary hardship or will serve no useful purpose, the Commissioner may modify any part of these rules and regulations in a specific case if, in his opinion, the public health, safety and general welfare will not be endangered thereby, and such modification is in conformity with the general purpose of these rules and regulations.
(c) *Parking lots for four or fewer motor vehicles.*
Where there is hereafter established, provision for 4 or less motor vehicles, the premises shall comply with the applicable provisions of the Zoning Resolution in addition to sections of the above rules numbered (a)(1)(ii), (a)(2), (a)(3)(i), (a)(3)(ii), (a)(3)(iii), (a)(3)(iv)-(a)(5)(i), (a)(5)(ii)-(6)-(a)(7)(i), (a)(7)(ii), (a)(7)(iii)-(b)(4).

(d) *Existing open parking lots.*
Existing Open Parking Lots shall comply with the condition of their prior approval and with sections of the above rules numbered (a)(3)(i), (a)(3)(iv), -(a)(4)-(a)(5)(i), (a)(5)(ii), (a)(5)(iii)-(a)(7)(ii), (a)(7)(iii)-(b)(1)-(b)(2), (b)(2)(ii), (b)(2)(iii)-(b)(3)(i)-(b)(4).

Note: Before any business is conducted on any premises coming within the scope of these regulations, the person conducting or maintaining the business shall obtain such licenses as may be necessary from the Commissioner of Licenses, Department of Consumer Affairs, as required by §20-321 of the Administrative Code.
In addition to compliance with these rules, open parking lots shall comply with applicable provisions of the Zoning Resolution and such other laws as may apply.
The following rules previously promulgated by the Commissioner of Buildings will be repealed:
(1) Public Parking Lots, Filed with City Clerk October 13, 1964.
(2) Use of Vacant Land for Outdoor Motor Vehicle Sales Lot, filed with City Clerk April 22, 1955.
(3) Parking spaces Accessory to Permissible Uses, filed with City Clerk, January 11, 1955.
(4) Accessory Garages and Parking Spaces for Dwellings, filed with the City Clerk January 22, 1951.
(5) Open Parking Lots—Proposed Rules as published in November, 1968.

CHAPTER 31 SUSPENSION, REVOCATION OR LIMITATION OF REGISTRATION

§31-01 Suspension, Revocation or Limitation of Registration of Persons Who Present, Submit, Furnish or Seek Approval of Applications for Approval of Plans or Remove Any Documents from the Possession of the Department of Buildings.

(a) *Grounds for revocation, suspension or limitation of registration.* The Commissioner hereby authorizes the Department's Investigations Disciplinary Unit to give notice of a hearing to suspend, revoke or limit the registration of any person registered with the Department pursuant to Administrative Code §27-140.1 where investigation of such person and his or her activities reveals one or more of the following:
(1) Fraud or deceit in obtaining registration.
(2) Fraudulent dealings.
(3) Gross negligence, incompetence, misrepresentation or misconduct relating to the business, trade or calling of the person who is registered.
(4) Material misrepresentation made to persons not affiliated with the Department regarding the status of applications and/or plans filed with the Department.
(5) Poor moral character that adversely reflects upon fitness to engage in the activity for which registration is required pursuant to §27-140.1 of the Administrative Code [*sic*].
(6) Knowingly or negligently making false or misleading statements to the Department; or knowingly or negligently falsifying or allowing to be falsified any certificate, form, signed statement, application or report filed with the Department, or knowingly failing to submit a report required by law or the Department or willfully impeding or obstructing such submission, or inducing another person to do so.
(7) 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.
(8) Willful or negligent failure to comply with any rule, order or requirement of the Department of Buildings.
(9) Defacing or destroying Department property, or removing Department property, including permitted folders, from Department premises.
(10) Failure to notify the Department of any change in circumstances of employment, for example, change in employer.
(11) Assisting any exempt individual in the commission of any of the above proscribed acts.

(b) *Procedures for the conduct of a hearing regarding suspension, revocation or limitation of registration.*
(1) After a hearing in accordance with the procedures set forth below, and a determination that evidence supports any one or more of the types of misconduct described in subdivision (a), the Commissioner shall have the power to suspend, revoke or limit registration as provided in §27-140.1 of the Administrative Code and these rules.
(2) The hearing shall be conducted by the Office of Administrative Trials and Hearings (OATH) and governed by the rules of procedure utilized by that tribunal.
(3) After the conclusion of the hearing, OATH shall issue proposed findings of fact and conclusions of law where appropriate, along with a report and recommendation to the Commissioner. The Commissioner shall review the report and recommendation issued by OATH and shall issue a final decision. The Commissioner shall notify the registrant in writing of the Commissioner's decision. Such notice shall include a written statement indicating the reason for the decision.

CHAPTER 32 WALLS

§32-01 The Design and Installation of Curtain Wall and Panel Wall (Non-Loadbearing Exterior Wall) Systems.

(a) *Definition.*
Curtain wall or panel wall system. For the purpose of these rules, a curtain wall or panel wall system shall be defined as an exterior building wall, in skeleton frame construction which carries no roof or floor loads. Panel walls are attached at each story and may be wholly supported at every story or other stories. Curtain and panel walls consist of materials, veneering or assemblies other than loadbearing walls of stone, brick, hollow tile, concrete block, or tile, or combination of them, bonded together with mortar and laid up in place, or of concrete poured in place. Curtain and panel walls may include glass, metal, [*sic*] stone or masonry elements arranged in such a manner so as not to intentionally exert common action under load. Such elements move independently of each other and the supporting structure.

(b) *Applicability*. These rules and regulations shall not apply where such wall systems or any portion thereof does not extend more than forty feet above legal grade.

(c) *Factors to be considered.* The Licensed Professional Engineer and/or Registered Architect of record shall be responsible for the design of the wall system. The Licensed Professional Engineer and/or Registered Architect may designate such responsibility to other licensed professionals.
The Licensed Professional Engineer and/or Registered Architect of record or designee shall provide information to, and cooperate with, the designer for the wall system so that singly or jointly the following factors shall be considered:
(1) *Movements of the skeleton frame structure*. Care shall be

exercised in the design in order to prevent the transmission of loads from the building structure into any part of the wall system through the connections or adjacent building elements or components. In this regard, the following items shall be amongst those considered:

(i) Sidesway in buildings over 100 feet in height.

(ii) Elastic deformation of members supporting curtain or panel walls such as live load deflections of spandrel beams, differential live load deflections, etc. Short-term and long-term deflection are particularly significant in concrete frames.

(iii) Creep and shrinkage of concrete frames.

(iv) Thermal movements.

(2) *Dimensional changes of the building structure and of the curtain wall supports.*

(3) *Differential* [*sic*] *movement involving the building structure and veneer*.

(4) *Construction and related trade requirements such as*:

(i) Window supports.

(ii) Window washer tracks.

(iii) Back-up walls and insulation.

(iv) Construction tolerances.

(5) *Protection against water damage.* In this regard, the following items shall be considered:

(i) The protection of veneering joints. Care should be taken in the selection of sealants.

(ii) The location of expansion joints.

(iii) The possibility of a secondary system for controlling water which may enter veneering joints because of design or installation failure, sealant failure, or condensation.

(iv) The prevention of trapping water in wall components.

(v) The use of lap strips in joints/splices of extrusions.

(6) *Prevention of failures.* In this regard, the following items shall be considered:

(i) Specifying performance criteria for veneering.

(ii) Testing for water leakage of specimen wall sections.

(7) *Completeness of architectural drawings*.

(i) They shall contain adequate details of the wall assemblies.

(ii) Termination details of roof and store front.

(8) *Fabrication, installation and maintenance requirements*.

(i) Sufficiency of the horizontal and vertical expansion joints for thermal and other building movements.

(ii) Fabrication and erection tolerances of the connections.

(iii) That the flashing, weep-holes and air circulation have been designed for water defense to prevent uncontrolled water infiltration.

(iv) The prevention of electro-chemical reaction (galvanic action) from use of dissimilar metals.

(v) The anchoring and supporting system is suitable to the building materials.

(vi) The connection design is feasible.

(vii) The testing program is feasible and adequate.

(viii) The selection of the stone.

(ix) The anchor locations, including proper anchor-holes, kerfs, or slots.

(x) The transportation and handling requirements. Panelized units shall be handled and transported if possible in the position in which they are going to be anchored on the building. If other positions have to be used during transit, the panels and the stone anchors should be designed for such positions also.

(d) The general contractor, to whom the work permit is issued, shall be responsible for the fabrication and installation of the wall system.

The general contractor may retain, designate or sub-contract such responsibility to Licensed Professional Engineers, Registered Architects, construction superintendents, contractors, sub-contractors, and manufacturers.

(1) They shall receive information from, and cooperate with the licensed professionals and designer for the wall system, so that singly or jointly the factors enumerated in §32-01(c) shall be considered in the fabrication and installation.

(2) They shall ascertain that the fabrication and installation of the wall system is done in a safe, workmanlike and generally acceptable manner in accordance with:

(i) The Administrative (Building) Code and the Department of Buildings' Rules and Regulations and Directives and Memorandums.

(ii) The Department of Buildings' Approved Applications and Plans.

(iii) The Contractors' Specifications and developed Plans.

(iv) The Accepted Erection and Shop Drawings.

(v) The Manufacturer's recommendations.

(e) The general contractor, to whom the work permit is issued, or his retainee, designatee, sub-contractor or manufacturer responsible for the wall system shall submit the shop drawings and the computations employed to the Licensed Professional Engineer or Registered Architect of record for their acceptance.

(f) The Licensed Professional Engineer or Registered Architect of record shall review the shop drawings and any computations of the wall system for compliance with plans approved by the Department of Buildings, and with the applicable provisions of the Building Code, its reference standards, and the Rules on Exterior Veneering Materials, adopted by the Board of Standards and Appeals, and he shall certify his approval or acceptance of such shop drawings and computations to the Department of Buildings.

(g) A copy of the shop drawings referred to above, marked approved or accepted by the Licensed Professional Engineer or Registered Architect of record shall be available in the field for use in the installation of the wall system until the application is signed-off as completed by the Department of Buildings.

(h) The general contractor, to whom the work permit is issued or his retainee, designatee, sub-contractor, or manufacturer responsible for the fabrication and installation of the wall system, shall certify to the Department of Buildings that the materials and shop fabrications to be supplied by him are in conformance with the approved or accepted shop drawings and with applicable national standards and §27-132(a) of the Building Code of the City of New York.

(i) The requirements of §§32-01(a) through (f) above shall be complied with before the installation of the wall system is begun.

(j) The installation of the wall system shall be subject to controlled inspection as specified in §27-132(a) of the Building Code. It shall be the responsibility of the person performing the controlled inspection to see that the wall system or its component parts is incorporated into the work in a workmanlike manner and in compliance with the approved or accepted shop drawings.

(k) The controlled inspection field check shall include but not limited to the following:

(1) The supporting structure is:

(i) Properly aligned and within the designed tolerances.

(ii) Without missing or mislocated inserts.

(2) The framing components are:
(i) Properly sized and aligned.
(ii) Without missing or mislocated anchoring provisions.
(iii) Without structural defects. (In stone, weak seam, hairline cracks, etc.)
(3) The vision and spandrel lites are not defective.
(4) Anchors are properly placed, welded, bolted or primed.
(5) Accepted anchoring or materials are used in lieu of others where there are field changes.
(6) Weeps and tubes are in place.
(7) The joinery is properly sealed.
(8) Accepted sealants with sufficient elongation capability are provided.
(9) The gaskets meet specifications.
(10) The end dams are sealed where called for.
(11) Horizontal and vertical movement joints have been provided.
(12) "Erection shims", "wedges", mortar draps [*Probably intended "drafts"*] or other material in movement or expansion joints have been removed.
(13) Observation of unanticipated movements.

(l) The samples submitted to, and marked approved or accepted by the Professional Engineer or Registered Architect of record, consisting of, but not limited to sealants, glass and fasteners shall be available in the field until the application is signed-off as completed by the Department of Buildings.

(m) The alteration of an existing wall system for other than ordinary repairs, whether made voluntarily or as a result of damage, deterioration, or other cause, in its entirety or for a portion thereof, shall be made to comply with the pertinent provisions of Article 12 of Subchapter 10 of Chapter 1 of Title 27 and Reference Standard RS 9-5 and all other requirements of the new Building Code, effective December 6, 1968 as amended and/or the Rules on Exterior Veneering Materials, adopted by the Board of Standards and Appeals, regardless of the percentage which the cost of making the alteration bears to the value of the building.

(n) The Registered Architect or Professional Engineer responsible for controlled inspection shall report unsafe wall system conditions to the Department of Buildings.

(o) The Registered Architect or Professional Engineer responsible for controlled inspection shall submit to the Department of Buildings signed copies of required inspection and test reports (of the work in progress) and comment as to the conformance of material and work to Code requirements.

§32-02 Conditions of a Building's Exterior Walls and Appurtenances That Constitute Conditions Dangerous to Human Life and Safety.

(a) *Pertinent conditions*.
The following violations are determined to constitute conditions dangerous to human life and safety and are subject to the provisions of Paragraph 3 of Subdivision d of §26-248 of the Administrative Code. Any condition relating to the exterior walls of a building and appurtenances thereof that is designated:
(1) by an architect or engineer as being in an unsafe condition in the report filed by an architect or engineer with the Department of Buildings pursuant to §27-129 of the Building Code, or
(2) by personnel of the department as being an unsafe condition upon reviewing the aforementioned [*sic*] report or after having made an inspection of the building.

(b) *Civil penalties*. Pursuant to §26-248(d)(3) of the Administrative Code, in the event any person fails to remove any of the violations listed in this rule, after having been served with a notice personally or by certified mail indicating that such conditions exist and requiring 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, such person shall, in addition to any other prescribed penalty, be liable for a civil penalty of not less than $150 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, liability for civil penalties shall commence five days from the date of such mailing.

(c) *Discontinuance of action upon removal of violation*. Pursuant to §26-248(f) of the Administrative Code where a notice requiring removal of a violation listed in this rule has been issued, liability shall cease, and the Corporation Counsel, on request of the Commissioner of Buildings, shall discontinue prosecution of the civil penalty 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 a subsequent inspection by the department shows a failure to have removed the violation, the civil penalties shall be deemed to have accrued as of the first day a notice of violation has been served.

(d) *Explanation*. This rule declares that a condition relating to the exterior walls of a building and appurtenances thereof that is designated to be an unsafe condition by an architect or engineer in a report filed pursuant to Administrative Code §27-129 or by personnel of the Department of Buildings, is a condition dangerous to human life and safety. The failure to remove such a violation after notice subjects the violator to the penalties set forth in the [*sic*] Administrative Code §26-248(d)(3), including a civil penalty of $150 per day from the date that such removal has been substantially completed.

§32-03 Periodic Inspection of Exterior Walls and Appurtenances of Buildings.

(a) *Definitions.*
Critical examination. Critical examination means an examination conducted to review the exterior of a building and all parts thereof to determine whether the exterior walls and the appurtenances thereto are safe, unsafe, or safe with a repair and maintenance program and whether, in the judgment of a Registered Architect or Professional Engineer, they require remedial work.
Unsafe condition. Unsafe condition means a condition of a building wall, any appurtenances thereto or part thereof that is dangerous to persons or property and requires prompt remedial action. In addition, any condition which was reported as safe with a repair and maintenance program in an earlier report and which is not corrected at the time of the current inspection shall be reported as an unsafe condition.
Safe. Safe means a condition of a building wall, any appurtenances thereto or any part thereof not requiring repair or maintenance

to sustain the structural integrity of the exterior of the building and that will not become unsafe during the next five years.

Safe with a repair and maintenance program. Safe with a repair and maintenance program means a condition of a building wall, any appurtenances thereto or any part thereof that is safe at the time of inspection, but requires repairs or maintenance during the next five years in order to prevent its deterioration during that five year period into an unsafe condition.

Standard reporting period. The standard reporting period is the time interval established by the Commissioner of Buildings for the filing of each successive report for each successive critical examination of every building subject to the requirements of Local Law 10 for the Year 1980 as amended by Local Law 11 for the Year 1998.

(b) *Critical examinations***.**

(1) *Requirements.*

(i) In order to maintain a building's exterior walls and appurtenances in a safe condition in accordance with §27-129 of the Administrative Code, a critical examination of all parts of all exterior walls and any appurtenances thereto shall be conducted at periodic intervals, which are at least once every five years, of all existing buildings or buildings hereafter erected that are greater than six stories in height, except for those parts of any exterior wall which are less than twelve inches from the exterior wall of an adjacent building.

(ii) The second critical examination shall be conducted within two years after February 21,1985 for all buildings covered by the first examination cycle. The initial critical examination for any building erected subsequent to February 21,1982 shall be conducted in the fifth year following the erection or installation of any exterior walls and/ or enclosures. Subsequent critical examinations shall be conducted within five years from the previous examination.

(iii) Regarding buildings in existence on March first, nineteen hundred ninety-eight, initial critical examinations of exterior walls or parts thereof and any appurtenances thereto which were not subject to such examinations under the provisions of paragraph (i) of subdivision (1) of section (b) of these rules in effect prior to March first, nineteen hundred ninety-eight, and which did not have a critical examination for which a report was filed prior to February twenty-first, nineteen hundred ninety-seven, shall be conducted prior to March first, two thousand.

(2) *Inspection procedures.*

(i)Before any exterior wall for any building is critically examined, the Registered Architect or Licensed Professional Engineer (hereinafter referred to as "professional") employed by the owner of the building shall carefully review the most recent report and any previous available reports. The Buildings Department will maintain a file of such reports submitted in conformance with §27-129, and furnish copies upon payment of fees set forth in §26-214.

(ii) Such examination shall be conducted and witnessed by or under the supervision of a professional retained by or on behalf of the owner of the building. It shall be done to the best of his/her knowledge and belief.

(iii) The professional shall determine methods employed in the examination, but he/she need not be physically present at the location where the examination is made. Under the professional's supervision, technicians, tradesmen, contractors, and engineers-in-training may be delegated selected inspection tasks. These individuals need not be in his/her employ.

(iv) The methods used to examine the building shall permit a complete inspection of same. Except as herein required, the use of a scaffold or other observation platform is preferred, but the professional may use other methods of inspection as he/she deems appropriate. A physical examination from a scaffold or other observation platform is required for a representative sample of the exterior wall. The professional shall determine what constitutes a representative sample. The representative sample must include at least one physical examination along a path from grade to top of an exterior wall on a street front using at least one scaffold drop or other observation platform configuration.

(v) The known history of the building, the nature of the materials used and the conditions observed will dictate the extent of the critical examination.

The Registered Architect or Licensed Professional Engineer [sic] shall utilize a professional standard of care to detect splitting or fracturing of terra cotta on buildings, cracking of masonry and brick work in brick faced buildings, loosening of metal anchors and supports, water entry, movement of lintel angles, etc., and shall ascertain the cause of these and such other conditions detected. The professional shall order any special inspections and/or tests that may be required. The removal of portions of the façade in order to facilitate the performance of tests may require a permit from the Landmarks Preservation Commission.

(vi) During the course of the critical examination, photographs shall be taken and/or sketches made to properly document the location of all conditions observed that are either unsafe or safe with a repair and maintenance program.

(vii) Upon discovery of any unsafe condition, the professional shall immediately notify the Borough Commissioner and the owner of the building by letter or fax.

(3) *Report requirements.*

(i) The professional shall submit to the Commissioner and to the Owner of the building a written report as to the result of such examination, clearly documenting all conditions not classified as safe and stating that the inspection was performed and completed in accordance with the New York City Administrative Code.

(ii) The report shall include:

(A) The address, any a.k.a. addresses, the location from the nearest cross street, and Block and Lot numbers;

(B) The landmark status of the building;

(C) The name, mailing address and telephone number of the owner of the building, his agent or the person in charge, possession or control of the building;

(D) (a) The description of the building including number of stories, height, plan dimensions, Certificate of Occupancy number, if available, usage, and age and type of exterior wall construction;

(b) Brief history of any settlements, repairs, revisions to exterior enclosures, if available;

(E) A detailed description of the procedures used in making the critical examination;

(F) A detailed description of the extent and location of all physical examinations performed;

(G) A report of all conditions including significant deterioration and movement observed as well as a statement concerning the apparent water-tightness of the exterior surfaces, and the deleterious effect of exterior appurtenances, including exterior

fixtures, flagpoles, signs, parapets, copings, guard rails, window frames (including hardware and lights), window guards, window air conditioners, flower boxes, etc. The report shall classify each such condition as safe, unsafe or safe with a repair and maintenance program;
(H) The causes of the reported conditions;
(I) The status of the exterior maintenance;
(J) Comparison of observed conditions with conditions observed during previous examinations, including status of the repairs or maintenance performed with respect to the prior conditions;
(K) Recommendations for repairs or maintenance, if appropriate, including the recommended time frame for same to be performed;
(L) Date of start and completion of the critical examination;
(M) The seal and signature of the professional under whose supervision the critical examination was performed shall be on the written report;
(N) If there are no unsafe conditions and no conditions that are safe with a repair and maintenance program, then the building shall be classified as safe;
(O) If there is at least one unsafe condition, then the building shall be classified as unsafe;
(P) If there is (are) a(ny) condition(s) that is (are) safe with a repair and maintenance program and there are no unsafe conditions, then the building shall be classified as safe with a repair and maintenance program;
(Q) 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. Unless the professional certifies to the correction of all conditions identified in the earlier report as requiring repair the building shall be classified as unsafe;
(R) Photographs and/or sketches documenting the location of any conditions that are either unsafe or safe with a repair and maintenance program;
(S) A statement by the professional indicating which repairs and/or maintenance require the obtaining of work permits prior to their commencement.
(4) *Report filing requirements.*

(i) Any building existing as of the date of the passage of Local Law 10 of 1980 shall file a report of the second examination of the building's exterior walls and appurtenances thereto no sooner than February 21, 1985 and no later than February 21, 1987, and thereafter no sooner or no later than February 21 of each fifth subsequent year.

(ii) Any building of which the erection or installation of any exterior wall or enclosures reached a height greater than six stories or for which a Temporary Certificate of Occupancy or Certificate of Occupancy was received prior to January 1, 1983 shall be required to file a report no later than February 21, 1987, and thereafter no later than February 21 of each fifth subsequent year.

(iii) Any other building of which the erection or installation of any exterior wall or enclosures reaches a height greater than six stories shall be required to file an initial report five years from the date when such height is obtained, and thereafter a report each subsequent fifth year; however, such initial report shall be filed no later than five years from the date a Temporary Certificate of Occupancy, or Certificate of Occupancy, whichever is sooner, is received.
However, if the date reached five years from such issuance falls between the standard reporting periods, the filing shall be made during the first standard reporting period following the five-year date.

(iv) Persons or entities wishing to perform the critical examinations of and the report filing for the exterior walls referenced in Section (b) (1) (iii) of these rules in conjunction with the critical examinations of, and the report filing for the exterior walls otherwise scheduled for critical examinations and report filing from February twenty-first, two thousand until February twenty-first, two thousand two may perform such combined critical examinations and file such combined reports no earlier than February twenty-first, nineteen hundred ninety-nine and no later than March first, two thousand.

(v) Each written report shall be accompanied by a signed statement by the owner of the building acknowledging receipt of a copy of it and acknowledging awareness of the required repairs and/or maintenance, if any, and the time frame for same.

(vi) Each written report shall be submitted in original and in microfilm form to the appropriate Borough Office of the Department of Buildings. It shall be accompanied by an Exterior Periodic Inspection Report Form in triplicate, one copy of which may be retained by the applicant.
(5) *Unsafe conditions.*

(i) Upon the filing of the professional's report of an unsafe condition with the Department, the Owner of the building, his or her agent, or the person in charge of the building shall immediately commence such repairs or reinforcements and any other appropriate measures such as sidewalk sheds, fences, and/or safety netting as may be required to secure the safety of the public and to make the building's walls and/or appurtenances thereto conform to the provisions of the Building Code.

(ii) All unsafe conditions shall be corrected within 30 days from the filing of the critical examination report.

(iii) The professional shall inspect the premises and file a detailed amended report stating the condition of the building with the Borough office within two weeks after repairs to correct the unsafe condition have been completed.

(iv) The Commissioner may grant an extension of time of up to 90 days to complete the repairs required to remove an unsafe condition upon receipt and review of an initial extension application submitted by the professional, together with:
(A) Copy of original report with attachments;
(B) Notice that the premises have been made safe by means of a shed, fence or other appropriate measures;
(C) Copy of contract indicating scope of work to remedy unsafe conditions;
(D) Professional's estimate of length of time required for repairs;
(E) Notarized affidavit by owner of the building that work will be completed within stated time of professional's estimate.

(v) A further extension will be considered only upon receipt and review of a further extension application, together with notice of:
(A) Substantial completion of work but subject to an unforeseen delay (e.g., weather, labor strike), or
(B) Unforeseen circumstances (e.g., fire, building collapse), or
(C) Nature of hazard requires more than 90 days to remove (e.g., new wall to be built).

(6) *Conditions that are Safe with a Repair and Maintenance Program.*

(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 §[*sic*]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

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 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 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 multiset 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

with Department's procedures within thirty days after the completion date specified on the application for a certificate of electrical inspection or such date as extended by the Department, or cancels a scheduled inspection appointment with less than forty-eight (48) hours notice or cancels a scheduled inspection more than forty-eight (48) hours prior to the inspection without scheduling an alternative date in accordance with Department procedures, or fails to provide access for the scheduled inspection, or if upon inspection it is determined by the Department that the work is not complete, or the scope of the work exceeds the scope of work indicated on the application, or the work is not in compliance with the Electrical Code, the remainder of the total fee shall be due and payable immediately.

(3) Where the remainder of the total fee is due and payable immediately as provided in paragraph (2)(ii) above, the licensee shall continue to be required to schedule an inspection(s) in the same manner as the initial inspection until the Department determines that the work performed conforms with the scope of the work indicated on the application and is in compliance with the applicable provisions of the Electrical Code. Upon such a determination 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.

(4) Any additional fee, based on amendments to the original application that include additional work, must be paid prior to the issuance of a certificate of electrical inspection.

CHAPTER 36 ELECTRICAL CONTRACTORS

§ 36-01 Evaluation of Educational Experience of Applicants for Electrical Contractor Licenses.

(a) *Experience*. Any applicant for an electrical contractor's license must have experience in the installation, alteration and repair of wiring and appliances for electrical, [*sic*] light, heat and power in or on buildings as set forth in New York City Administrative Code §27-3010. In evaluating this experience, credit may be given for the educational experience of applicants who have attended courses in a recognized vocational, industrial or trade school in electrical wiring, installation and design, or applied electricity.

(b) Description of course credit in recognized vocational, industrial or trade schools in electrical wiring, installation and design, or applied electricity.

(1) A recognized vocational, industrial or trade school in electrical wiring, installation and design, or applied electricity, is one offering a comprehensive curriculum of classes and practical laboratories taught in a logical progression to complete a specific course of study in electricity, as set forth in the description of the instructional program in residential, industrial and commercial electricity contained in the New York State Education Department guidelines for trade and industrial education, or the equivalent as determined by the Commissioner of Buildings upon the recommendation of the New York City Electrical License Board.

(2) A curriculum year of credit shall be no less than 200 classroom hours comprised of 20 percent lecture hours and 80 percent practical laboratory hours, or the equivalent as determined by the Commissioner of Buildings upon the recommendation of the New York City Electrical License Board.

§ 36-02 Impact of Periods of Unemployment upon Applications for Electrician's Licenses.

(a) *Applicability*. Pursuant to New York City Administrative Code §27-3010, any applicant for a master or special electrician's license shall have had, immediately preceding his or her application, at least seven and one-half (7½) years of experience in the installation, alteration and repair of wiring and appliances for electric light, heat and power in or on buildings. In evaluating this experience, the Department recognizes that periods of unemployment may make continuous employment for the seven and one-half (7½) years preceding his or her application impossible. Thus, in evaluating whether a master or special electrician's license applicant has sufficient work experience, the Department may exclude periods of unemployment when considering whether work experience immediately preceded the application date, as set forth in this rule.

(b) In accordance with the above, the Commissioner may grant a master or special electrician's license application where the applicant's work experience has occurred within the ten years immediately preceding the application date, if: (i) the applicant has had at least seven and one-half years of such experience, and during such time, a minimum of seventy-five hundred (7500) hours or the equivalent experience in the legal installation, alteration and repair of wiring and appliances for electric light, heat and power in or on buildings in such ten years immediately preceding the application date; and (ii) during the two calendar years immediately preceding the application date, the applicant has been employed in the legal installation, alteration and repair of wiring and appliances for electric light, heat and power in or on buildings for at least a total of twelve months.

(c) Subdivision (b) shall not apply to electrician's license applicants whose work experience includes electrical work that was not supervised by a licensed electrician, or that was otherwise illegal.

Nothing in this rule shall affect how credit for the seven and one-half (7½) years of work experience is computed pursuant to New York City Administrative Code §27-3010 (a)-(e).

CHAPTER 37 REFERENCE STANDARDS

§37-01 Rules of Procedure for Amending, Revising or Promulgating Reference Standards.

(a) General. Pursuant to Administrative Code §27-131.1, the Commissioner is empowered to issue or amend the building code reference standards, acting in consultation with the fire commissioner on all issues relating to fire safety. This rule establishes the procedure to be followed.

(b) Definitions.

(1) "Advisory Committee" shall mean the committee appointed by the Commissioner, 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.

(2) "Task Force" shall mean a committee appointed by the mayor or the Commissioner to investigate a particular matter. Such committee shall include members of the public. The fire department shall be a member of any task force charged with investigating matters involving fire safety.

(c) Initial Consultation with the fire department. Where it is proposed to revise or amend reference standards 3-1, 3-2, 4-6, 5, 7-3, 8-1, 10-8, 10-9, 13-1, 13-2, 13-3, 13-6, 13-16,

14-11, 14-12, 14-13, 17, 18-1 and 19-1 and any other reference standard pertinent to fire safety, the fire department shall participate in preliminary meetings on proposed changes to these reference standards.

(d) Review by advisory committee. (1) Prior to publishing a proposed reference standard or amendment thereto, said proposal shall be distributed to the advisory committee for review and comment. In lieu of a review by the advisory committee, the Commissioner may direct a task force to review and comment on a proposed reference standard when said reference standard relates to the concerns of the task force.

(2) The advisory committee or task force shall review all proposed reference standards and shall timely comment on each draft submitted. The Department shall forward the advisory committee or task force a [*sic*] final draft of the reference standards relevant to fire safety to the fire department for review and comment.

(e) Public notice and hearing. (1) Upon receiving the comments of the advisory committee or task force, the full text of the proposed reference standard shall be published in the City Record at least twenty (20) days prior to the date set for a public hearing.

(2) Such published notice shall include a draft statement of the basis and purpose of the proposed reference standard, the time and place of public hearing and the final date for receipt of written comments.

(3) No proposed reference standard is to be published in the City Record unless comments required pursuant to §37-01(d)(2) have been received from the fire department or at least thirty (30) calendar days have elapsed from the submission of the final draft to the fire department, whichever is sooner.

(4) The final date for receipt of written comments regarding the proposed reference standard shall be five (5) calendar days after the public hearing.

(5) In the event substantive changes which may affect fire safety are made to the reference standard after the public hearing, the fire department shall review such draft and have ten (10) calendar days to comment.

(f) Final publication. (1) A reference standard shall become effective upon publication in the City Record after the close of the applicable comment period set forth in §37-01(e)(4) or (5), whichever is later.

(2) The reference standard as adopted shall be published in the next supplement to the compilation of "Building Code Reference Standards" and included as part of the Administrative Code.

CHAPTER 38 VENTILATION

§38-01 Ventilation of Garage Spaces Below Grade.

(a) Wherever the floor of a garage designed for the live storage of five (5) or more motor vehicles is more than two (2) feet below curb, ventilation shall be provided as required by the provisions of subdivision a of §C26-267.0 of the Administrative Code.[*sic*]

(b) Air exhaust ducts shall terminate above the roof of the garage or the roof of the building or shall terminate at least ten (10) feet above the curb in an exterior wall adjoining a legal street, yard or court. No air exhaust duct shall terminate within fifteen (15) feet of a window in another building, nor within fifteen (15) feet of a window in the residence portion of the same building.

(c) The ventilating system shall comply with Reference Standard 13.

CHAPTER 39 COOLING TOWERS AND EVAPORATIVE CONDENSERS

§39-01 Cooling Towers and Evaporative Condensers.

(a) Before any cooling tower or evaporative condenser is erected, a permit shall be obtained.

(b) Plans of the cooling tower or evaporative condenser shall be filed with the application for a permit, showing details of construction, such as materials, dimensions, thickness of metal, weight of tower or condenser and details of all structural members and supports, including details of the method of support on the structure below and within such structure and any required anchorage.

(c) Stresses permitted in structural members and connections shall not exceed the limitations of the Administrative Code.

(d) The minimum thickness of any structural steel members shall be one-quarter inch, including all bracing and secondary members.

(e) The location of the cooling towers and evaporative condensers shall comply with the pertinent provisions of the Zoning Resolution.

(f) All materials used in cooling towers, except the drip bars, shall be constructed of incombustible material. The supports of drip bars are required to be of incombustible material.

CHAPTER 40 INSTALLATION AND MAINTENANCE OF GAS-FUELED WATER AND SPACE HEATERS IN ALL PORTIONS OF DWELLINGS USED OR OCCUPIED FOR LIVING PURPOSES

Subchapter

- **A** *Scope*
- **B** *Departmental Procedure*
- **C** *Where Heaters May be Used*
- **D** *Installation of Gas-Fueled Heaters*

Subchapter A *Scope*

§40-01 Installation and Maintenance of Gas-Fueled Water and Space Heaters in all Portions of Dwellings Used or Occupied for Living Purposes.

These rules shall govern the installation and maintenance of gas-fueled space and water heaters in the residence portions of multiple dwellings in the City of New York, including but not limited to the installation of such devices in multiple dwellings which are installed in lieu of centrally supplied heat and hot water under the provisions of §27-2028 and §27-2032 of the Administrative Code and in one and two family residences not heated by a central heating system.

Subchapter B *Departmental Procedure*

§40-11 Applications and Plans.

(a) Before commencing the installation of a gas-fueled space or water heater in a dwelling an application, as specified below must be filed in the borough office of the Department of Buildings where the installation is to be made, giving the

address of the dwelling and all pertinent information required on the forms.

(b) Applications shall be accepted only where gas appliances will be connected to flues in existing brick chimneys, and where no other venting or other work is required to be done. They shall not be accepted for installation of gas-fueled heaters in sleeping rooms. Applications shall clearly state the type of appliance to be installed, the floors, apartments and rooms in which they are to be placed, including the number of rooms in the apartment and the occupancy of each room, whether sleeping room or otherwise. They shall describe the condition of the chimney flue to be used and state whether the draft is satisfactory. If a gas meter is to be installed its location shall be given.

(c) Where vent pipes are to be installed, or other work done in connection with the installation of gas-fueled heaters, an application shall be filed. It shall indicate the type of each such device, the floor on which, and the apartment and the occupancy of the room in which such appliance is to be installed, the material and dimensions of the vent pipe or flue, and the dimensions of the court or yard to which the exhaust vent will be carried. If a gas meter is to be installed, its location shall be shown. No plumbing specification sheet need be filed with such application.

(d) Application for permits to install gas-fueled space and water heaters may be made separately or together on one application but each such application shall indicate that all apartments in the building will be provided with gas-fueled space and/or water heaters as the case may be. The location, type, make, and capacity of all such appliances previously installed or to be installed in a building shall be specified. If any of the appliances have been installed in multiple dwellings prior to December 9, 1955, which the owner desires to maintain, the necessary work to make them comply with these rules should be indicated.

(e) An application may be filed by the owner of the premises, or his architect, engineer, contractor, plumber or other agent. If the application is not filed by the owner, an [*sic*] owner's authorization form also shall be filed.

§40-12 Examination and Approval of Applications.

(a) Applications, when filed, shall be processed in the usual manner and forwarded to the inspectors of plumbing.

(b) Applications calling for the installation of gas fueled space and water heaters shall be expedited and may be taken out of turn, except that they shall be processed in the order in which they were received. They shall be examined for compliance with these rules and all other laws and regulations applicable to such installations. If any chimney or metal stack is to be installed, examiners shall check such construction for compliance with subchapter 15 of Chapter 1 of Title 27 of the Administrative Code (Building Code). They shall require that the foundation shall be carried not less than four feet below the surface of the ground, and that the soil on which it is built to be not overloaded. They shall require that new chimneys be strapped to the existing walls.

(c) Only applications calling for the installation of gas-fueled space or water heaters, approved by the Department of Buildings, specifying the make and model shall be approved. All such gas appliances shall be of types approved also by the American Gas Association. However, where an owner desires to continue to use any gas appliance installed in a multiple dwelling prior to December 9, 1955, clearly shows on the plan the data required by §40-11(f) and prominently marks the appliances that have not been approved by the Department of Health, the application may be conditionally approved pending the approval of the appliances by the Department of Health.

§40-13 Commencement of Work.

(a) It shall be unlawful to commence any construction for which an application has been filed until a permit for the proposed work has been issued by the borough superintendent, and it shall be unlawful to commence the installation of piping of any gas appliance until a registered plumber has filed a signed statement with the borough superintendent containing the address of said plumber and stating that he is duly authorized to proceed with the work.

(b) The plumber shall notify in writing the borough superintendent of the Department of Buildings of the borough in which any gas-fueled space or water heater is to be installed, [*sic*] when such work is to begin and when it will be ready for operation and inspection.

§40-14 Inspection of Gas-Fueled Space and Water Heaters.

(a) Where an application has been filed it shall be the responsibility of the inspectors of plumbing to see that gas-fueled space and water heaters are installed in dwellings, apartments and rooms where such heaters are permitted to be installed in lieu of central heat or supply of hot water. They shall see to it that the appliances are of types approved by the Department of Buildings and the American Gas Association, and are installed in compliance with these rules.

(b) An application covering the installation of these appliances in dwellings shall be forwarded directly to the plumbing inspectors when approved as a permit. The installation of such appliances including Type B and other gas vents, but not chimneys, shall be inspected by inspectors of plumbing. If an application does not call for construction of a masonry or metal chimney, it shall be reported as completed, by the plumbing inspector, provided the work was satisfactory with a note on his report "no structural work."

(c) If the application calls for the erection of a masonry or metal chimney, it shall be forwarded by the plumbing inspector to the construction inspector as soon as the plumbing inspector has found the installation of these gas appliances and vent connections satisfactory. The construction inspector shall report such an application completed if the construction of the chimney has been satisfactorily performed.

§40-15 Issuing Approvals.

(a) A gas-fueled space or water heater installed after December 18, 1957, and a gas-fueled space heater installed prior to that date, in the residence portion of a multiple dwelling and installed after October 1, 1964, in one and two family dwellings, shall be approved by the Department of Buildings only if it is of a type approved by the Department of Buildings and the American Gas Association, and if it has been installed in compliance with these rules. A gas-fueled water heater installed in a multiple dwelling prior to December 18, 1957, and in a one or two family dwelling prior to October 1, 1964 shall be approved by this department only after it has been made to comply with all the requirements of these rules. The certification of approval of type of appliance by the Department of Buildings of such water heaters shall be

attached to the application.

(b) An application which has been filed to cover the installation of only gas-fueled space heaters or only gas-fueled water heaters shall be reported as being satisfactory completed only if all apartments in the building have been provided with either space or water heaters as the particular application specified. If an application calls for the installation of both space heaters and water heaters it shall be reported as being satisfactorily completed only if all apartments in the building have been provided with both space heaters and water heaters. Nor shall any application be reported as being satisfactorily completed unless all new appliances have been installed in compliance with these rules and all existing appliances have been made to conform with them.

(c) When the plumbing section signs off, as satisfactorily completed, an application which provides for the installation of gas-fueled space heaters in all apartments of a multiple dwelling, including the apartments where gas-fueled space heaters may have been installed prior to December 18, 1957, they shall make a list of such premises and send a copy of the list to the Department of Housing Preservation and Development. Where water heaters also have been satisfactorily installed, that fact shall be noted on the list. The list shall contain the premises and the application number under which the appliances have been installed, and shall be forwarded weekly.

Subchapter C *Where Heaters May be Used*

§40-21 Substitution for Central Heating or Hot Water Supply. Gas-fueled space or water heaters may be used in lieu of centrally supplied heat or hot water only in an apartment in a dwelling which complies with all the following requirements:

(a) The apartment shall consist of two or more living rooms.

(b) The apartment shall consist entirely of rooms used in Class A occupancy, or in one or two family dwellings.

(c) The apartment shall not be, in whole or in part, arranged, designed or intended to be used for single room occupancy.

(d) The apartment shall not have been formed, in whole or in part, as a result of work done to increase the number of apartments of a converted dwelling or a tenement under an application or plan filed with the department on or after December 9, 1955.

(e) The apartment shall not be located in a building which has been vacant under conditions and for periods which render it subject to the provisions of §27-2089 of the Administrative Code.

(f) The apartment shall not have been converted or altered under plans filed with the department on or after December 9, 1955 so as to cause any existing or newly created portion of a Class A or Class B converted dwelling not previously constituting an apartment consisting of rooms used for Class A occupancy to become such an apartment.

(g) The apartment shall not be a part of a Class A or Class B multiple dwelling which is or was converted to such dwelling from a single family or two-family dwelling under an application or plan filed with the department on or after December 9, 1955.

(h) The apartment shall not be in a tenement which, after being used or occupied as other than a tenement, is or was reconverted to a tenement under any application or plan filed with the department on or after December 9, 1955.

(i) In accordance with Building Code Reference Standard P107.26.

Subchapter D *Installation of Gas-Fueled Heaters*

§40-31 Required Approvals of Appliances. Gas-fueled space and water heaters, installed after December 18, 1957, in apartments in multiple dwellings, in lieu of centrally supplied heat or hot water where such centrally supplied heat or hot water supply is required by the Multiple Dwelling Law,[*sic*] and in one and two family dwellings installed after October 1, 1964 shall be of types approved by the Department of Buildings and the American Gas Association.

§40-32 Prohibited Types of Water Heaters. On and after December 18, 1957, it shall be unlawful to install in any apartment in any multiple dwelling, and after October 1, 1964 in a one or two family dwelling a gas-fueled water heater, so designed and arranged that it heats water in pipe coils placed at a distance from the hot water storage tank.

§40-33 Number and Capacity of Gas-Fueled Heaters.

(a) Where gas-fueled heaters are permitted to be installed in lieu of the required centrally supplied heat, each "living room," as such term is defined in subdivision 18 of §4 of the Multiple Dwelling Law, shall be heated by a heater placed in such room or in an adjoining room which connects with it except that a room whose exterior walls are exposed only on a fully enclosed inner court may be heated by a heater located one room removed from such room. For this purpose, an inner court shall be considered fully enclosed even though some of the enclosure walls are located on an adjoining lot. The aggregate input capacity of the heater or heaters installed in any apartment shall not be less than the number of living room times ten thousand (10,000) British thermal units per hour.

(b) Notwithstanding the provisions of subdivision (a) of this section, there shall be installed and continuously maintained by the owner in each apartment gas-fueled heaters in such numbers and at such locations as shall be sufficient to heat such apartment to the minimum temperature which would be required to be maintained therein by the owner under the provisions of the Health Code of the city relating to the heating of buildings, if such owner were required to furnish centrally supplied heat in such apartment.

(c) The requirements of subdivision (a) and (b) of this section are not applicable when an apartment in a multiple dwelling is heated by gas-fueled space heater or heaters which were installed by a tenant prior to December 18, 1957, and in a one or two family dwelling prior to October 1, 1964 and owned by such tenant or successor tenant.

§40-34 Capacity of Water Heaters. Gas-fueled water heaters shall be automatic storage types having a capacity of not less than twenty gallons and shall, in any event, be adequate to provide a supply of hot water as defined in §27-2031 and §27-2034 of the Housing Maintenance Code, and §131.042 of the Health Code.

§40-35 Shut-Off Devices. Each gas-fueled space or water heater installed in an apartment in a dwelling shall be equipped with an effective device which will automatically shut off the gas supply to such heater in the event that its pilot light or other constantly burning flame is extinguished, or in the event of an interruption of the gas supply to such heater. Such

automatic gas shut-off device shall be of type which, after it has shut off the supply of gas to a heater, will not permit such heater to be relighted unless such shut off device is first reset manually.

§40-36 Gas Piping.

(a) The sizes of gas piping shall be such as to give an adequate volumetric flow of gas to all appliances. The minimum diameter of gas piping shall be three-quarters of an inch (3/4") except that a branch supplying only one appliance may be one-half inch (1/2") diameter.

(b) Each gas-fueled space and water heater shall be rigidly connected to the gas piping supplying gas to the apartment.

§40-37 Appliances in Sleeping Rooms.

(a) Gas-fueled water heaters shall not be installed in a room occupied for sleeping purposes, in bathrooms, or in any occupied room normally kept closed.

(b) It shall be unlawful to install a gas-fueled space heater in a room occupied for sleeping purposes except when the space heater is so designed, installed and operated for it:

(1) Obtains combustion air directly from the outside of the building or through a duct leading to the outside.

(2) It vents directly to space outside of the building other than an inner court, or is connected through a flue or outlet pipe with an outside chimney which conforms with the requirements of Subchapter 15 of Chapter 1 of Title 27 of the Administrative Code (Building Code).

A flue in an existing brick chimney may be used if it is in good condition and tests show that it will provide adequate draft.

§40-38 Clearances from Combustible Materials.

(a) Space heaters and water heaters approved by the American Gas Association Laboratories, shall have clearance from combustible materials in accordance with the terms of their approval.

(b) Gas-fueled space and water heaters shall be installed also in conformity with any applicable requirements of specification Z21-30 of 1954 of the American Standards Association, except where these rules otherwise provide.

(c) Vent connectors and vent and outlet pipes shall be installed so as to provide a minimum clearance of three inches on all sides from combustible material. Vent and outlet pipes shall not pass through a floor. Where a vent or outlet pipe passes through a partition or roof constructed wholly or in part of combustible material, a ventilated metal thimble not less than six inches larger in diameter than the pipe shall be provided. Any material used to fill the space between the vent pipe and the thimble shall be incombustible**.**

§40-39 Venting of Gas Appliances. (a) *Definitions.*

Flue, vent or outlet pipe. A "flue, vent or outlet pipe" is a conduit or passageway, vertical or nearly so, for conveying flue gases to the outer air.

Vent connector. A "vent connector" is a pipe connecting an appliance with the flue, vent, outlet pipe or chimney.

(b) Every vent or outlet pipe serving a gas space or water heater shall be provided with a draft hood of a type approved by the American Gas Association, Inc., laboratories of the Underwriters' Laboratories, Inc., as conforming to accepted standards, unless the heater has an approved built-in draft hood, or has been approved by the American Gas Association without a draft hood. The draft hood shall be installed at the flue collar or as near to the appliance as possible and in the position for which it was designed, with reference to horizontal and vertical planes. The relief opening of the draft hood shall not be obstructed. A suitable cap shall be provided at top of vent pipes.

(c) Each gas-fueled space or water heater installed in an apartment in lieu of the required centrally supplied heat and hot water supply, respectively, shall be connected to a chimney flue, outlet pipe, or type B vent, complying with the requirements of subdivision (h) of this section, which shall be carried four feet above a flat roof and two feet above the highest part of a peaked roof, except that type B vents need not comply with this provision when equipped with a vent cap approved by the Department of Buildings or previously approved by the Board of Standards and Appeals for the prevention of downdraft. A flue in an existing chimney may be used if a licensed plumber certifies that he has made a smoke test of the flue and found no gas escaping through its walls, and made a test of the draft and found it adequate. However, window or wall type heaters of the sealed combustion chamber type which have been approved by the Department of Buildings or previously approved by the Board of Standards and Appeals may be vented in accordance with the approval of the Board, except as provided in subdivision (d) of this section.

(d) No gas-fueled space heater, including a window or wall type recessed heater and no gas-fueled water heater, installed in a dwelling, shall be vented to an inner court unless it is connected to a chimney complying with the requirements of subchapter 15 of Chapter 1 of Title 27 of the Administrative Code (Building Code). Standard steel steam or water pipes are acceptable in such locations.

(e) Gas-fueled water heaters shall be located as close as practicable to a vent or flue. They should be so located as to provide short runs of piping to fixtures.

(f) Vent connectors shall consist of galvanized iron of not less than No. 26 U.S. gage [*sic*] in thickness, cement-asbestos pipe, approved type B vents, enameled steel pipe of a quality acceptable to the superintendent as heat and corrosion resistant, or other materials satisfactory to the superintendent.

(g) Vent connectors shall have a cross-sectional area at least equal to the area of the vent outlets of the appliance and shall have a minimum diameter or dimension of three inches.

(h) Outlet pipes and vents, on the exterior of a building, shall consist of standard water, steam or soil pipes, type B vents approved by the Department of Buildings or previously approved by the Board of Standards and Appeals, or other corrosion resistant materials satisfactory to the superintendent, all so connected as to prevent leakage at joints. Outlet pipes and vents on the exterior of a building shall be adequately supported and braced. Flues inside of buildings shall be constructed as low temperature chimneys. Type B vents may be used inside buildings when installed in accordance with the requirements of §27-887(d) of the Administrative Code (Building Code) and with the conditions of their approval.

(i)Only vent connections serving appliances located in one story of a building may be made to any flue. The cross-sectional area of any flue shall be equal to or greater than the total cross-sectional area of all vents connected to it, but in any case the least internal dimension shall be three inches.

(j) Vent connections may be made to a flue serving other heat producing appliances, above the connection of the other

heat producing appliances, or the smoke pipe or vent connection from the gas appliance and the other heat producing device may enter the flue through a single opening if joined together by a Y fitting located as close as practical to the flue. The angle of intersection between the branch and the stem of the Y shall not exceed forty-five degrees. The area of the common outlet pipe shall not be less than the combined areas of the outlet pipes joined by the Y fitting.

(k) The horizontal run of vent pipe connectors shall not exceed three-fourths of the vertical rise of the flue to which the vent is attached, measured from the connection of the appliance to the top of the flue. A vent connector shall be pitched upward from the gas appliance with a slope of not less than one-fourth inch vertically for each foot of horizontal run.

(l) No dampers, steel wool or other obstructions shall be placed in any vent pipe or flue.

§40-40 Gas-Fueled Space Heaters Installed Prior to December 18, 1957.

(a) Gas-fueled space heaters installed prior to December 18, 1957, if of a type not approved by the Department of Health and the American Gas Association, shall be replaced by centrally supplied heat or by gas heaters approved by the said authorities on or before November 1, 1958, in any tenement and converted dwelling which contains ten or more apartments, and on or before November 1, 1959, in other tenements and converted dwellings.

(b) On or before the applicable dates given in subdivision (a) of this section, gas-fueled space heaters installed prior to December 18, 1957, in tenements and converted dwellings prescribed in said paragraph shall be made to comply with all the requirements of §§40-33 through 40-39.

§40-41 Gas-Fueled Water Heaters Installed Prior to December 18, 1957.

(a) On or before November 1, 1958, in any tenement and converted dwelling which contains ten or more apartments, and on or before November 1, 1959, in other tenements and converted dwellings, any gas-fueled water heater installed prior to December 18, 1957, if of a type not approved by the Department of Health, shall be replaced by a supply of hot water or by a water heater approved by said department.

(b) On or before the applicable dates given in §40-40(a), gas-fueled dwellings described in said paragraph shall be made to comply with all the applicable requirements of §§40-33 through 40-39, and all gas-fueled water heaters that have water heaters installed prior to December 18, 1957, in tenements and converted dwellings' sleeping rooms shall be removed.

(c) Any gas-fueled water heater so designed and arranged that it heats water in pipe coils placed at a distance from the hot water storage tank, installed prior to December 18, 1957, may be maintained in tenements and converted dwellings described in subdivision (a) of this section on and after the applicable dates given in said rule only if it is of a type approved by the Department of Health. However, no gas-fueled water heater shall be maintained in a sleeping room or bathroom.

§40-42 Maintenance of Space and Water Heaters.

(a) The owner of the tenement or converted dwelling and of the one and two family dwelling in which gas-fueled space and water heaters have been installed by him shall maintain each such appliance in a condition of good repair and in good operating condition.

(b) On and after November 1, 1958, in any tenement and converted dwelling which contains ten or more apartments, and on and after November 1, 1959, in any other tenement and converted dwelling, where a tenant provided a space or water heater on October 1, 1957, each such appliance shall be made to comply with all the applicable requirements of these rules and shall be maintained in a condition of good repair and in good operating condition by the tenant.

(c) Should a tenant fail to comply with the requirements of subdivision (b) of this section, it shall be the duty of the owner of the tenement or converted dwelling to provide centrally supplied heat and a supply of hot water, or if such apartment is eligible therefore [*sic*] and he so elects, to install and continuously maintain space and water heaters therein which shall comply with the requirements of these rules.

(d) On and after November 1, 1958, in any tenement and converted dwelling which contains ten or more apartments, and on and after November 1, 1959, in any other tenement and converted dwelling, where gas-fueled space or water heaters were provided by the tenant, and the ownership of such appliances passes from the tenant or successor tenant, or if any such space or water heaters are removed from gas-fueled space or water heater, or temporarily for the purpose of repairs, then such an apartment, except for the purpose of immediate replacement by another owner will be subject to the duties imposed on an owner by subdivision (c) of this section.

§40-43 Existing Appliances in Ineligible Locations. Where a gas-fueled space heater or water heater has heretofore been installed in a dwelling not complying with all the requirements of §40-21, nothing in these rules shall be construed to relieve the owner of his responsibility to provide for such dwelling centrally supplied heat and supply of hot water.

§40-44 [Reserved]

§40-45 Variations. Where there is a practical difficulty in carrying out the strict letter of the provisions of these rules, the Borough Superintendent may vary such provisions for a specific installation, provided the necessary safety is secured and the variance is not in conflict with Administrative Code.

CHAPTER 41 VENTING OF GAS WATER HEATERS AND OTHER GAS APPLIANCES IN MULTIPLE DWELLINGS

§41-01 Venting of Gas [*sic*] **Water Heaters and Other Gas Appliances in Multiple Dwellings.**

(a) This section shall apply to vents for gas burning water heaters within apartments of multiple dwellings as required by §27-887(d) of the Administrative Code (Building Code) and to gas appliances in rooms or spaces without a window opening to the outer air, used for living or sleeping within a multiple dwelling, where required by the provisions of §64 of the Multiple Dwelling Law.

(b) Vents shall consist of galvanized iron of not less than No. 26 U.S. gage [*sic*] in thickness, cement-asbestos pipe, metal asbestos pipe, enameled steel pipe of a quality acceptable to the Department as heat and corrosion resistant, or other materials satisfactory to the superintendent.

(c) Vents shall have a cross-sectional area at least equal to the area of the vent outlet of the appliance and shall have a

minimum diameter or dimension of three (3) inches.

(d) Vents shall lead to a flue or to the outer air as follows:
(1) Several vents may be connected to a flue if the cross-sectional area of the flue is equal to or greater than the total cross-sectional area of all vents so connected. No vent from a water heater or other gas appliance within an apartment may be connected to a flue serving a central heating plant.
(2) Vents may be connected to [*sic*] flue serving appliances burning other than gas fuel provided the connection of the gas appliance to the flue is at least nine (9) inches above the connection of the other heat producing device, or through a suitable "Y" connection in a common vent pipe of proper diameter.
(3) Every flue to which a vent from a gas water heater is attached, shall extend to a distance of not less than four (4) feet above a flat roof, or two (2) feet above a pitched roof. Such flues on the exterior of a building, and the portions of the vent pipes on the exterior of a building, shall consist of standard water, steam or soil pipe, cement asbestos pipe, metal-asbestos pipe or other corrosion resistant material satisfactory to the Department. Flues and vent pipes on the exterior of buildings shall be adequately supported and braced. Flues within buildings shall be constructed as low temperature chimneys.
(4) Vents leading to an outside flue or terminating at the exterior of the building may pass through the upper part of a window if the vent is adequately secured in place and provided the vent is so arranged as to give minimum interference with the operation of the window, provided the area of the windows in the room after alteration equals or exceeds that required by law. Vents may also pass through an exterior wall by means of a metal sleeve placed in the wall. The metal sleeve shall consist of standard water, steam, or soil pipe, cement-asbestos pipe, or other approved material. The space between the sleeve and the vent shall be filled with incombustible material.
(5) Vent pipes may be terminated at the exterior of an outside wall of a building in which case the vents shall be turned upward for not less than ten (10) inches, except that for any vent pipes installed after June 30, 1955, the vertical rise of the vent pipe shall not be less than one and one-third times the length of the horizontal run of the vent pipe. No vent pipe shall terminate below the level of the top of a window unless at least three (3) feet distant from any part of the window. Vents shall be capped with an approved tee. Vents on the exterior of a building shall comply with the provisions of paragraph (4), subdivision (d) of this section as to the material that may be used.

(e) Vent pipes shall be installed so as to provide a minimum clearance of three (3) inches on all sides from combustible material. Vent pipes shall not pass through a floor unless approved by the superintendent.

(f) Where a vent pipe passes through a partition or roof constructed wholly or in part of combustible material, a ventilated metal thimble not less than six (6) inches larger in diameter than the pipe, shall be provided. Any material used to fill the space between the vent pipe and the thimble shall be incombustible.

(g) Every vent pipe serving as a gas water heater shall be provided with a draft hood unless the water heater has an approved built-in draft hood. The draft hood shall be approved by a recognized testing laboratory as conforming to nationally accepted standards. The draft hood shall be installed at the flue collar or as near to the appliance as possible and in the position for which it was designed, with reference to horizontal and vertical planes. The relief opening of the draft hood shall not be obstructed.

(h) The horizontal run of vent pipe shall not exceed three-fourths of the vertical rise of the flue to which the vent is attached. The vent pipe shall be pitched upward from the water heater with a slope of not less than one-fourth inch vertically for each foot of horizontal run.

(i) No dampers, steel wool or other obstructions shall be placed in any vent pipe or flue.

(j) A permit shall be obtained from the Department of Buildings before any vertical flue or chimney is constructed.

CHAPTER 42 ENTRANCE DOORS, LOCKS AND INTERCOMMUNICATION SYSTEMS

§42-01 Entrance Doors, Locks and Intercommunication Systems.

(a) Bulkhead doors and scuttles shall have no key locks and shall not be locked by a key at any time. The only permissible and acceptable means of securing a bulkhead door or scuttle is by means of a movable bolt or hook on the inside.

(b) Section 15.10(n) of the current departmental rules and regulations in its last un-numbered paragraph provides as follows:
"All passageways required under these rules shall be not less than seven feet (7'0") in height and not less than three feet (3'0") in width and shall at all times be kept clear and unobstructed. Doors and gates at the end of such passageways are prohibited, except that a door or gate equipped with an approved-type knob or panic bolt which shall be readily openable from the inside will be permitted at the building line. Doors and gates provided with key locks or padlocks are prohibited."

(c) Where an entrance door leading from a vestibule to the main entrance hall or lobby is equipped with one or more automatic self-closing and self-locking doors, the entrance door from the street to the vestibule need not be equipped with automatic self-closing and self-locking doors.

(d) Every entrance from the street, court, yard or cellar to a class A multiple dwelling erected or converted after January 1, 1968 containing eight or more apartments shall be equipped with automatic self-closing and self-locking doors. Such multiple dwelling, as aforesaid, shall also be equipped with an intercommunication system to be located at the required main entrance door.

(e) On or after January 1, 1969, every entrance from the street, court, yard or cellar to a class A mltiple dwelling erected or converted prior to January 1, 1968 containing eight or more apartments, shall be equipped with automatic self-closing doors and self-locking doors and shall also be equipped with an intercommunication system.

(f) Every self-locking door required under this section shall be installed and maintained so as to be readily openable from the inside without the use of keys.

(g) The minimal devices acceptable for the inter-communication system shall be a bell or buzzer system, or a speaking and listening device to permit communication by voice between the occupant of each apartment and a person outside such required main entrance door, and a return buzzer

mechanism to release or open the lock to the aforesaid required door.

(h) The bell and intercommunication system shall be located at the required main entrance door so that a person may readily reach the door when the unlocking buzzer is activated.

(i) No push button device shall be more than six feet from the floor and the speaking and listening device shall be installed to be not less than four feet and not more than five feet from the floor.

(j) The device or devices for the the intercommunication system installed in the apartment shall be readily accessible to the occupant.

(k) The device or devices for the the intercommunication system installed hereunder shall be of a type and kind approved by the Department of Buildings or previously approved by the Board of Standards and Appeals.

(l) Devices which have been previously installed and which are in good condition and performing in an adequate manner may, in the discretion of the department, be accepted.

CHAPTER 43 INSTALLATION OF SECURITY ITEMS IN MULTIPLE DWELLINGS

§43-01 Installation of Peepholes.

(a) These new peepholes, or door interviewers, must bear a label showing the approval of the Department of Buildings or the previous approval of the Board of Standards and Appeals.

(b) The peeholes must be so located as to enable a person in such housing unit to view from the inside of the entrance door any person immediately outside.

(c) The distance above the inside finished floor to the center of the peephole shall be approximately 5 feet.

(d) The cutout shall not affect the adequacy of any stiffening member of the door.

(e) Peepholes installed prior to the enactment of the legislation will be acceptable unless the cutout for the peephole has affected the adequacy of any stiffening member of the door.

§43-02 Installation of Two 50 Watt Lights at Front Entrance Way.*

(a) All electrical work shall be done in accordance with the requirements and approval of the Department of Buildings.

(b) The installation shall be a separate circuit or connected to the house line servicing the public halls.

(c) The lights shall be encased in a metal guard or shatterproof globe.

(d) The lights of at least 50 watts of incandescent or equivalent illumination shall be placed on each side of the front entrance-way at a height of between 7 to 11 feet above floor level adjacent to such entrance-way and adequate to light same.

As promulgated, however provisions of the New York City Housing Maintenance Code may require high wattage requirements.

§43-03 Installation of Viewing Mirrors in Self-Service Elevators.

(a) Mirrors shall be made of polished metal.

(b) Mirrors shall be of such size and so located on the car wall opposite the car entrance so that a person entering the elevator may have a complete view of the interior of the car. It shall not be necessary to provide a view floor and ceiling.

(c) The mirror shall be so located as not to interfere with or endanger passengers in the elevator.

(d) Mirrors shall be mounted and secured so that they cannot be readily removed by the public.

43-04 Installation of Lights in Rear Yards, Side Yards, Front Yards and Courts.

(a) All electrical work shall be done in accordance with requirements and approval of the Department of Buildings.

(b) The installation shall be a separate circuit or connected to the house line servicing the public halls.

(c) The light or lights, shall be of at least 40 watts of incandescent or equivalent illumination.

(d) The lights shall be so located as to adequately light all portions of the rear yards, side yards, front yards and courts.

(e) Lights are not required in an inner court that is accessible only from the interior of the building and to which access is restricted for clean-out purposes.

CHAPTER 44 EXEMPTIONS FROM FILING REQUIREMENTS

§44-01 Minor Alterations that do not Require the Filing of Applications and Plans for Building Alteration Permits with the Department of Buildings.

(a) The following items associated with one and two family dwellings shall be considered minor alterations within the meaning of §27-124 of the Administrative Code of the City of New York and shall not require the filing of applications and plans for building alteration permits with the Department:

(1) Fences of any material, including masonry fences, up to six feet high;

(2) Boiler room enclosures;

(3) Minor interior non-structural changes not increasing room count;

(4) Outdoor in-ground pools limited to 400 square feet in area, provided that there is an existing slop sink for indirect waste; and

(5) Greenhouses and temporary portable freestanding sheds erected on the same zoning lot as the main building, provided that the following requirements are met:

(i) The shed or greenhouse shall not exceed 120 square feet in area and shall not be more than 7'6" in height;

(ii) The shed or greenhouse shall not be located nearer than 3 feet from any lot line;

(iii) The shed shall not be permanently affixed to the land;

(iv) The shed shall not be used for storage of other than normal household goods; the greenhouse shall not be used for any use other than cultivating plants and

(v) There shall not be more than one such shed or greenhouse on any zoning lot.

(b) The following item(s) associated with multiple dwellings shall be considered a minor alteration within the meaning of §27-124 of the Administrative Code of the City of New York and shall not require the filing of applications and plans for building alteration permits with the Department:

(1) Open screen balcony enclosures.

(c) This rule shall not relieve any applicant of the obligation to file at other City agencies, when appropriate, including the Landmarks Preservation Commission and the City Planning Commission.

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

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.

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 rountinely 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.

(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 execption 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