

Final Draft Proposed Changes to Chapter One (All 2020 Uniform Code books)
Issued July 2024

This document is being developed for the purpose of posting a notice of rule in development for the New York State Fire Prevention and Building Code Council (Code Council) and the New York State Department of State. The purpose is to show the final draft proposed changes to the current version of chapter one for each book of the 2020 Uniform Fire Prevention and Building Code of New York State.

Please note:

- This document contains chapter one for each Uniform Code book, separated by title pages.
- This document does not include grammatical, punctuation, formatting, and simple word clarifications that do not change the intent or meaning of a provision.
- Where a change is made by NYS, rather than an ICC level change, “[NY]” is added to the section numbers; however, grammatical and punctuation changes made by NYS that do not change the intent or meaning of a provision are not denoted by [NY]. Similarly, updates made by NYS to cross-referenced sections or sections where the only change is to the referenced code book (i.e. ~~International Plumbing Code~~ [Plumbing Code of New York State](#) are not denoted by [NY]).
- Changes to the existing text are denoted in the following manner:
 - Text insertions: [TEXT](#)
 - Text deletions: ~~TEXT~~
- Cross-referenced code sections may not be accurate and/or may change based on existing and future modifications. Code sections are based on the anticipated 2024 ICC code section.

Building Code of New York State

Chapter 1

~~[NY]~~ CHAPTER 1 SCOPE AND ADMINISTRATION

~~[NY]~~ SECTION 101 ~~TITLE, SCOPE AND PURPOSE~~ GENERAL REQUIREMENTS

[NY] **101.1 Title.** This publication shall be known as the 2020~~04~~ edition of the Building Code of New York State and is hereinafter referred to as “this code.” This code is part of the New York State Uniform Fire Prevention and Building Code (the “Uniform Code”).

[NY] **101.1.1 Amendments of New York State code books.** In Chapter 1, the term “New York State code books” shall include the *Residential Code of New York State*, the *Building Code of New York State* (i.e., this publication), the *Plumbing Code of New York State*, the *Mechanical Code of New York State*, the *Fuel Gas Code of New York State*, the *Fire Code of New York State*, the *Property Maintenance Code of New York State*, the *Existing Building Code of New York State*, and the *Energy Conservation Construction Code of New York State*. Provisions in any one or more of the New York State code books may be amended from time to time by provisions in 19 NYCRR Parts 1220 to 1227 or 19 NYCRR Part 1240, as currently in effect and as hereafter amended from time to time. If this publication is now or hereafter so amended, references in this publication to “this code” shall be deemed to be references to this publication as so amended. If any other New York State code book is now or hereafter so amended, references in this code to such other New York State code book shall be deemed to be references to such New York State code book as so amended.

[NY] **101.2 Scope.** The provisions of this code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exceptions:

1. Application of the provisions of the *Residential Code of New York State* to the construction, *alteration*, movement, enlargement, replacement, *repair*, equipment, use and occupancy, location, removal and demolition of the following buildings and structures, provided that such building or structure is not more than three stories above grade plane in height, and their accessory structures not more than three stories above grade plane in height:
 - 1.1. Detached one-family *dwelling*s;
 - 1.2. Detached two-family *dwelling*s, in which each *dwelling unit* has a separate *means of egress*,
 - 1.3. *Townhouses*;
 - 1.4. Bed and breakfast *dwelling*s;
 - 1.5. Live/work units that (+) are located in *townhouses*, and (2) comply with the requirements of Section ~~419~~ 508.5 of this code; and
 - 1.6. Owner-occupied lodging houses that (+) have five or fewer guestrooms and (2) are provided with a residential ~~fire~~ automatic sprinkler system complying with Section P2904 of the *Residential Code of New York State*.
2. Agricultural buildings, including barns, sheds, poultry houses and other buildings and equipment on the premises that are used directly and solely for agricultural purposes, shall not be subject to the construction-related provisions of this code.
3. Construction trailers that are used as temporary offices for the purpose of monitoring construction at a construction site shall not be subject to this code.
4. Structures such as radio and television transmission, communication and wind generation towers, and ground-mounted photovoltaic arrays that are neither a building appurtenance nor are attached to a building shall not be subject to this code.

5. Standards for construction of sleeping quarters in a children's overnight camp as defined in Public Health Law Section 1392(1) shall be governed by Public Health Law Section 1394(1) and the regulations promulgated by the Public Health Council. See Executive Law Section 378(1). As of the date of this publication, the Public Health Council's regulations for children's overnight camps are found in 10 NYCRR Subpart 7-2 ("Children's Camps").

[NY] 101.2.1 Facilities regulated by State Departments and Agencies. Where a building or premises under the custody, licensure, supervision or jurisdiction of a department or agency of the State of New York is regulated as a one- or two-family dwelling or multiple single-family dwelling (townhouse), in accordance with established laws or regulations of that department or agency, said buildings or premises, such as a community residence or hospice residence, and their accessory structures shall comply with the Residential Code of New York State.

[NY] 101.2.2 Appendices. Provisions in the following appendices have been adopted and are part of this code:

Appendix E	Supplemental Accessibility Requirements
Appendix F	Rodent Proofing
Appendix I	Patio Covers
Appendix O	Assistive Listening Systems Performance Standards
Appendix P	Diaper Changing Stations

In addition, the following appendices are included for informational purposes:

Appendix A	Employee Qualifications
Appendix C	Group U—Agricultural Buildings
Appendix D	Fire Districts
Appendix G	Flood-Resistant Construction
Appendix H	Signs
Appendix J	Grading
Appendix K	Administrative Provisions
Appendix L	Earthquake Recording Instrumentation
Appendix M	Tsunami-Generated Flood Hazard
Appendix N	Replicable Buildings

[NY] 101.3 Intent Purpose. The purpose of this code is to establish the minimum requirements to provide a reasonable level of safety, ~~public~~ health and general welfare through structural strength, *means of egress* ~~facilities~~, stability, sanitation, ~~adequate~~ light and *ventilation*, energy conservation, and for providing a reasonable level of life safety ~~to life~~ and property protection from the hazards of fire, *explosion* or dangerous conditions ~~and other hazards~~, and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

[NY] 101.4 Referenced codes. The other codes and publications listed or referred to in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this code shall be considered to be part of the requirements of this code to the prescribed extent of each such reference.

[NY] 101.4.1 Gas. The provisions of the Fuel Gas Code of New York State and the other publications incorporated by reference in 19 NYCRR Part 1224 shall apply to the design, installation, maintenance, alteration, and inspection of fuel gas piping and equipment, fuel gas-fired appliances, and fuel gas-fired appliance venting systems, that are permanently installed and specifically addressed in the Fuel Gas Code of New York State. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories, and gaseous hydrogen systems.

[NY] 101.4.2 Mechanical. The provisions of the Mechanical Code of New York State and the other publications incorporated by reference in 19 NYCRR Part 1223 shall apply to the design, installation, maintenance, alterations, repairs, replacement, and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. The Mechanical Code of New York State also regulates those mechanical systems, system components, equipment, and appliances specifically addressed therein, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

[NY] 101.4.3 Plumbing. The provisions of the Plumbing Code of New York State and the other publications incorporated by reference in 19 NYCRR Part 1222 shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. The Plumbing Code of New York State also regulates nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems and sanitary and condensate vacuum collection systems.

[NY] 101.4.4 Property maintenance. The provisions of the Property Maintenance Code of New York State and the other publications incorporated by reference in 19 NYCRR Part 1226 shall apply to all existing ~~residential and nonresidential~~ structures and ~~all existing~~ premises; ~~and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from life and fire and other safety hazards; and for a reasonable level of~~ sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; ~~the~~ and occupancy of existing structures and premises, ~~and for administration, enforcement and penalties~~.

[NY] 101.4.5 Fire prevention. The provisions of the Fire Code of New York State and the other publications incorporated by reference in 19 NYCRR Part 1225 shall apply to matters affecting or relating to structures, processes, premises, and safeguards regarding all of the following:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices.
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises.
3. Fire hazards in the structure or on the premises from occupancy or operation.
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.
5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.

[NY] **101.4.6 Energy.** The provisions of the Energy Conservation Construction Code of New York State and the other publications incorporated by reference in 19 NYCRR Part 1240 shall apply to all matters governing the design and construction of buildings for energy efficiency.

[NY] **101.4.7 Existing buildings.** The provisions of the Existing Building Code of New York State and the other publications incorporated by reference in 19 NYCRR Part 1227 shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

[NY] ~~105.1~~ **101.5 Purpose Provisions included in Uniform Code.** The purpose of ~~Section 105~~ [this chapter](#) is to include in the Uniform Code provisions requiring persons and entities who construct, renovate, use and occupy buildings and structures to apply for and obtain building permits, to facilitate construction inspections, to obey stop work orders, to obtain certificates of occupancy, and to obtain operating permits. The provisions in ~~Section 105~~ [this chapter](#) are considered to be integral parts of the Uniform Code's standards for construction, maintenance, and fire protection equipment and systems.

[NY] ~~105.1.1~~ **101.5.1 Definition.** For the purpose of ~~Section 105~~ [this chapter](#), the term "other applicable law" shall include the authority having jurisdiction's Code Enforcement Program; any local law, ordinance, or regulation establishing the authority having jurisdiction's Code Enforcement Program; and any other applicable statute, regulation, rule, local law, or ordinance.

~~[NY]~~ SECTION 102 APPLICABILITY

~~[NY]~~ **102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

[NY] **102.2 Other laws and regulations.** This code is part of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) promulgated pursuant to Article 18 of the New York State Executive Law. The provisions of this code shall not be deemed to nullify any federal, state or local law, ordinance, administrative code, rule or regulation relating to any matter as to which the Uniform Code does not provide.

However:

1. Pursuant to Section 383(1) of the Executive Law, and except as otherwise provided in paragraphs a, b, and c of Section 383(1) of the Executive Law, the provisions of the Uniform Code supersede any other provision of a general, special or local law, ordinance, administrative code, rule or regulation inconsistent or in conflict with the Uniform Code;
2. Pursuant to Section 379(3) of the Executive Law, no city, town, village, county or other municipality shall have the power to supersede, void, repeal, or make less restrictive any provision of the Uniform Code.
3. The ability of any city, town, or village, or the County of Nassau, to enact or adopt, and to enforce, a local law or ordinance imposing higher or more restrictive standards for construction within the jurisdiction of such city, town, village, or county that are applicable generally to such city, town, village, or county in the Uniform Code is subject to the provisions and requirements of Section 379 of the Executive Law.

Nothing in [this](#) Section ~~102.2~~ shall be construed as:

1. Affecting the authority of the State Labor Department to enforce a safety or health standard issued under provisions of Sections 27 and 27-a of the Labor Law.

2. Relieving a person from complying with a stricter standard issued pursuant to the Occupational Safety and Health Act of 1970, as amended.
3. Superseding, limiting, impairing or otherwise affecting any provision the Uniform Code, as now in effect and as hereafter amended from time to time.

[NY] 102.2.1 Other New York Codes, Rules and Regulations (NYCRR). Additional New York Codes, Rules and Regulations exist that may affect new and existing buildings, structures, systems and equipment. Such regulations include, but are not limited to:

1. 19 NYCRR Part 300 (Universal Symbol of Access).
2. 19 NYCRR Part 1261 (Recordkeeping—Smoke Detectors in Multiple Dwellings).
3. 19 NYCRR Part 1264 (Identification of Buildings Utilizing Truss Type Construction).
4. 19 NYCRR Part 1265 (Residential Structures with Truss Type Construction, Pre-Engineered Wood Construction and/or Timber Construction).

[NY] 102.2.2 Change in use or occupancy. ~~A~~No change of occupancy shall not be made in the use ~~or occupancy of any building or structure~~ unless the use or occupancy ~~such building or structure~~ is made to comply with ~~(1)~~ the applicable requirements of this code, ~~(2)~~ the requirements of the Existing Building Code of New York State, ~~(3)~~ other applicable provisions of the Uniform Code and ~~(4)~~ the applicable provisions of the Energy Code.

~~[NY] 102.3 Application of references.~~ References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

~~[NY] 102.4 Referenced codes and standards.~~ The codes and standards referenced in this code shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

~~[NY] 102.4.1 Conflicts.~~ Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

~~[NY] 102.4.2 Provisions in referenced codes and standards.~~ Where the extent of the reference to a referenced code or standard ~~that is not one of the New York State code books listed in Section 101.4~~ includes subject matter that is within the scope of this code or the New York State code books ~~listed~~ specified in Section 101.4, the provisions of this code or the New York State code books listed in Section 101.4, as applicable, shall take precedence over the provisions in such referenced code or standard.

[NY] 102.5 ~~Partial invalidity~~ Severability. ~~In the event that any part or provision~~ If a section, subsection, sentence, clause or phrase of this code is held by a court of competent jurisdiction to ~~be illegal or void unconstitutional, this shall not have the effect of making void or illegal any of the other parts or provisions~~ such decision shall not affect the validity of the remaining portions of this code.

[NY] 102.6 Existing structures. The legal occupancy of any structure existing on the effective date of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the Existing Building Code of New York State, the Property Maintenance Code of New York State, the Fire Code of New York State, or any other applicable provision of the Uniform Code. For the purposes of this section, the “effective date of this code” shall be deemed to be 90th day after the date on which the Notice of Adoption of the rule incorporating this code by reference in Part 1221 of the New York Codes, Rules, and Regulations shall have been published in the State Register.

102.6.1 Buildings not previously occupied. A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time

of its completion shall comply with the provisions of this code or the Residential Code of New York State, as applicable, for new construction or with any current permit for such occupancy.

[NY] 102.6.2 Buildings previously occupied. The legal occupancy of any *building* existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the Fire Code of New York State or Property Maintenance Code of New York State, or as is deemed necessary by the *building official* for the general safety and welfare of the occupants and the public. For the purposes of this section, the “effective date of this code” shall be deemed to be 90th day after the date on which the Notice of Adoption of the rule incorporating this code by reference in Part 1227 of the New York Codes, Rules, and Regulations shall have been published in the State Register.

[NY] 102.7 Factory manufactured buildings (modular buildings). Factory manufactured buildings shall be constructed and installed in accordance with the requirements of the Uniform Code and shall bear an Insignia of Approval issued in accordance with 19 NYCRR Part 1209 (entitled “Regulations and Fees for Factory Manufactured Buildings”), as currently in effect and as hereafter amended from time to time.

Exception: An Insignia of Approval shall not be required for the following buildings:

1. Modular buildings with structural components that cannot be inspected at the installation site but can be inspected in accordance with Section 1704 at the manufacturing facility in which it was built.
2. Buildings of Group S or U occupancy having an area not exceeding 400 square feet and not customarily used for human occupancy.

[NY] SECTION 103 ~~ADMINISTRATION AND ENFORCEMENT~~ RESERVED

[NY] SECTION 104 ~~MATERIALS, EQUIPMENT AND METHODS OF CONSTRUCTION~~ DUTIES AND POWERS OF BUILDING OFFICIAL AND AUTHORITY HAVING JURISDICTION

[NY] ~~103.1~~ 104.1 Administration and enforcement General. The Uniform Code shall be administered and enforced by the authority having jurisdiction. The identity of the authority having jurisdiction in a given situation is determined in accordance with Article 18 of the Executive Law and the regulations promulgated by the Secretary of State pursuant to Executive Law Section 381(1). In general, the authority having jurisdiction is the local government (city, town or village) in which the building or structure is located. In certain situations, the authority having jurisdiction may be the county in which the building or structure is located. In certain other cases, the State, the Secretary of State (acting through the Department of State) or some other State agency may be the authority having jurisdiction. The authority having jurisdiction responsible for administration and enforcement of the Uniform Code is also responsible for administration and enforcement of the Energy Code.

Administration and enforcement of the Uniform Code and Energy Code shall be in accordance with the following, as applicable:

1. Where a city, town, village or county is the authority having jurisdiction:
 - 1.1. Such, city, town, village or county shall provide for administration and enforcement of the Uniform Code and Energy Code by local law, ordinance, other appropriate regulation, or combination thereof.

- 1.2. The Code Enforcement Program established by such local law, ordinance or other appropriate regulation, or combination thereof, must include, at a minimum, the features described in Part 1203 and must satisfy all other requirements of Part 1203.
- 1.3. Such city, town, village or county shall administer and enforce the Uniform Code in accordance with the Code Enforcement Program established by such local law, ordinance or other appropriate regulation, or combination thereof.
2. Where the State is the authority having jurisdiction pursuant to 19 NYCRR Section 1201.2(d):
 - 2.1. The Code Enforcement Program shall be as established by Part 1204.
 - 2.2. The State, acting through one or more State agencies, shall administer and enforce the Uniform Code and Energy Code in accordance with Part 1204.
3. Where the Department of State is the authority having jurisdiction:
 - 3.1. The Code Enforcement Program shall be as established by Part 1202.
 - 3.2. The Department of State shall administer and enforce the Uniform Code and Energy Code in accordance with Part 1202.
4. Where any governmental unit or agency not included in paragraphs 1, 2, and 3 above is the authority having jurisdiction:
 - 4.1. Such governmental unit or agency shall provide for administration and enforcement of the Uniform Code and Energy Code by regulation.
 - 4.2. The Code Enforcement Program established by such regulation must include, at a minimum, the features described Part 1203 and must satisfy all other requirements of Part 1203.
 - 4.3. Such governmental unit or agency shall administer and enforce the Uniform Code and Energy Code in accordance with the Code Enforcement Program established by such regulation.

Every governmental unit or agency thereof charged with administration and enforcement of the Uniform Code shall exercise its powers in due and proper manner so as to extend to the public protection from the hazards of fire and inadequate building construction.

Any person or entity constructing or renovating a building or structure, changing the use or occupancy of a building or structure, or engaging in any other activity that is subject to the provisions of the Code Enforcement Program of the authority having jurisdiction responsible for administration and enforcement of the Uniform Code with respect to such building shall comply with all applicable provisions of such Code Enforcement Program.

In addition, persons and entities who construct, renovate, use and occupy buildings and structures shall comply with all applicable provisions of ~~Section 105~~ Chapter 1 of this code.

[NY] ~~103.2~~ 104.1.1 **Due process.** Nothing in Chapter 1, ~~or elsewhere in this code, or~~ elsewhere in the Uniform Code, or in any regulation promulgated pursuant to Executive Law Section 381(1), shall be construed as authorizing any authority having jurisdiction to administer and enforce the Uniform Code in a manner that deprives any person or entity of due process of law. ~~In particular, but not by way of limitation, nothing in Chapter 1, or elsewhere in this code or elsewhere in the Uniform Code, or in any regulation promulgated pursuant to Executive Law Section 381(1), relating to~~ For example, when posting, placarding and/or condemning ~~of~~ buildings or structures that are unsafe, unfit for human occupancy or unlawful, ~~shall be construed as authorizing any authority having jurisdiction to post, placard or condemn any such building or structure and/or to remove any owner or occupant or cause any owner or occupant to be removed from any such building or structure without providing such notice and opportunity to be heard (and, if applicable, right of appeal) may be required as may be required~~ under the applicable ~~circumstances by applicable~~ Constitutional provisions prior to posting, placarding, and/or

condemning such building or structure and/or removing any owner or occupancy or causing any owner or occupant to be removed from any such building or structure.

[NY] ~~103.2.1~~ 104.1.2 Imminent danger Post-action hearing in cases on imminent danger. In cases of imminent danger, posting, placarding, and condemning a building or structure and removing owners and occupants or causing owners and occupants to be removed without first providing an opportunity to be heard shall be permitted to the extent consistent with applicable Constitutional provisions, provided that the affected persons and entities are afforded the opportunity for a post-action hearing to the extent required by applicable Constitutional provisions.

104.2 Determination of compliance. The *building official* shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

104.2.1 Listed compliance. Where this code or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an *approved* listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer's instructions, and where required to verify compliance, the listing standard and manufacturer's instructions shall be made available to the *building official*.

104.2.2 Technical assistance. To determine compliance with this code, the *building official* is authorized to require the *owner* or *owner's* authorized agent to provide a technical opinion and report.

[NY] 104.2.2.1 Cost. A technical opinion and report shall be provided without charge to the *authority having jurisdiction*.

104.2.2.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the *building official*. The *building official* is authorized to require design submittals to be prepared by, and bear the stamp of, a *registered design professional*.

[A] 104.2.2.3 Content. The technical opinion and report shall analyze the properties of the design, operation or use of the *building* or premises and the *facilities* and appurtenances situated thereon to identify and propose necessary recommendations.

[A] 104.2.2.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the *building official* shall have the authority to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the *building official* shall approve the testing procedures. Such tests shall be performed by a party acceptable to the *building official*.

[NY] ~~104.3~~ 104.2.3 Alternative materials, ~~equipment~~, appliances, designs, and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any materials, equipment, or appliances not specifically prescribed by this code, or to prohibit any designs or methods of construction not specifically prescribed by this code, provided that any such alternative ~~materials, equipment, appliances, designs, or methods of construction: (1) are~~ is not specifically prohibited by ~~any provision of this code, by~~ any other provision of the Uniform Code, or by the Energy Code, and ~~(2) shall have~~ has been approved, in writing, by the building official. ~~Alternative materials, equipment, appliances, designs, or methods of construction may be approved only when the building official shall have determined, in writing, that such alternative is:~~

- ~~1. Satisfactory and complies with the intent of the provisions and requirements of the Uniform Code.~~
- ~~2. Not less than the equivalent of that prescribed in the Uniform Code in quality, strength, effectiveness, fire resistance, durability, and safety.~~

Nothing in this ~~S~~section 104.3 shall be construed as permitting any building official or any authority having jurisdiction to waive, vary, modify or otherwise alter any provision or requirement of ~~this code or any other provision or requirement of~~ the Uniform Code. Provisions or requirements of the Uniform Code may be varied or modified only pursuant to procedures established Part 1205 or by such other regulations as may hereafter be promulgated by the Secretary of State pursuant to Section 381(1)(f) of the Executive Law.

104.2.3.1 Approval authority. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed alternative is satisfactory and complies with Sections 104.2.3 through 104.2.3.7, as applicable.

104.2.3.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the *building official* for approval. Where the alternative material, design or method of construction is not *approved*, the *building official* shall respond in writing, stating the reasons the alternative was not *approved*.

104.2.3.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality.
2. Strength.
3. Effectiveness.
4. Durability.
5. Safety, other than fire safety.
6. Fire safety.

104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the *building official*.

104.2.3.5.1 Fire Tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the *building official*.

104.2.3.6 Reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

104.2.3.6.1 Evaluation reports. Evaluation reports shall be issued by an *approved agency* and use of the evaluation report shall require approval by the *building official* for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the building official's recognition of the *approved agency*. Criteria used for the evaluation shall be identified within the report and, where required, provided to the *building official*.

104.2.3.6.2 Other reports. Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the *building official*. The *building official* is authorized to require design submittals to be prepared by, and bear the stamp of, a *registered design professional*.

104.2.3.7 Peer review. The *building official* is authorized to require submittal of a *peer review* report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is *approved by the building official*.

[NY] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, a variance may be applied for in accordance with 19 NYCRR Part 1205.

[NY] 104.2.4.1 Reserved.

104.3 Applications and permits. The *building official* shall receive applications, review *construction documents*, issue *permits*, inspect the premises for which such *permits* have been issued and enforce compliance with the provisions of this code.

104.3.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of *existing buildings or structures located in flood hazard areas*, the *building official* shall determine if the proposed work constitutes *substantial improvement or repair of substantial damage*. Where the *building official* determines that the proposed work constitutes *substantial improvement or repair of substantial damage*, and where required by this code, the *building official* shall require the building to meet the requirements of Section 1612, or Section R306 of the Residential Code of New York State, as applicable.

[NY] 104.4 Reserved.

[NY] 104.4.1 Reserved.

104.5 Identification. The *building official* shall carry proper identification when inspecting *structures* or premises in the performance of duties under this code.

104.6 Notices and orders. The *building official* shall issue necessary notices or orders to ensure compliance with this code. Notices of violations shall be in accordance with Section 114.

[NY] 104.7 Official records. The *code official* shall keep official records as required by the applicable records retention and disposition schedules established by the *authority having jurisdiction* or pursuant to the Arts and Cultural Affairs Law.

[NY] 104.7.1 Reserved.

[NY] 104.7.2 Reserved.

[NY] 104.7.3 Reserved.

[NY] 104.7.4 Reserved.

[NY] 104.7.5 Reserved.

[NY] 104.8 Reserved.

[NY] 104.8.1 Reserved.

[NY] ~~104.1~~ 104.9 Approved materials and equipment. Materials, equipment, and devices approved by the *building official* shall be constructed and installed in accordance with such approval. Materials, equipment and devices tested by an approved testing laboratory shall be permitted to be constructed and installed in accordance with such approval.

~~[NY] 104.1.1~~ **104.9.1** ~~Used m~~**Materials and equipment reuse.** ~~Used m~~Materials, equipment, and devices shall not be reused unless ~~they meet the requirements of this code for new materials~~ such elements are in good working condition and approved.

[NY] ~~104.4~~ **104.10** **Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of the Uniform Code shall be executed and installed in a workmanlike manner and in accordance with Uniform Code and the manufacturer's installation instructions.

~~[NY] SECTION 105 BUILDING PERMITS, CONSTRUCTION INSPECTIONS, STOP WORK ORDERS, CERTIFICATES OF OCCUPANCY, AND OPERATING PERMITS~~

105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

[NY] **105.1.1** Reserved.

[NY] **105.1.2** Reserved.

[NY] ~~105.2~~ **105.1.3** **Building P**permits. No person or entity shall commence, perform, or continue any work that must conform with the Uniform Code and/or Energy Code unless all of the following apply:

1. Such person or entity has applied to the authority having jurisdiction for a **building** permit,
2. The authority having jurisdiction has issued a **building** permit authorizing such work,
3. Such **building** permit has not been revoked or suspended, and
4. Such **building** permit has not expired.

Any owner or owner's authorized agent who intends to construct, enlarge, alter, *repair*, move, demolish or change the occupancy of a *building* or *structure*, or to erect, install, enlarge, alter, *repair*, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the *building official* and obtain the required *permit*.

[NY] ~~105.2.1~~ **105.2** **Work exempt from building-permit requirement.** A **building** permit shall not be required for work in any category that is excluded from the **building**-permit requirement by the authority having jurisdiction's Code Enforcement Program, provided that Part 1203 allows an authority having jurisdiction to exclude such category of work from the **building** permit requirement. Exemptions from **building** permit requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of any provision the Uniform Code, any provision of the Energy Code, or any provision of any other applicable law.

[NY] **105.2.1** Reserved.

[NY] **105.2.2** Reserved.

[NY] ~~105.2.2~~ **105.3** **Applications for building permits.** To obtain a permit, the applicant ~~A person or entity applying for a building permit~~ shall submit an application to the *authority having jurisdiction*. ~~An~~ Such application ~~for a building permit~~ shall **include all of the following:**

1. Identify and describe the work to be covered by the permit for which application is made.

2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed *building* or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by ~~€~~construction documents and other information ~~that satisfy the requirements of as required in Section 106.2-107.;~~
- ~~5.—Any and all other submittal documents required by Section 106;~~
6. State the valuation of the proposed work.
7. Be signed by the applicant, or the applicant's authorized agent.
- ~~8.—Any and all other information and documentation that may be required by the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program; and~~
9. Give S~~such~~ other data and information ~~and documentation~~ as required by the building official. ~~authority having jurisdiction may determine to be necessary to allow the authority having jurisdiction to determine whether the proposed work conforms with the Uniform Code, the Energy Code, and other applicable laws.~~

[NY] 105.3.1 Reserved.

[NY] 105.3.2 Reserved.

[NY] ~~105.2.3~~ R105.3.3 **Approval of construction documents.** When the *authority having jurisdiction* issues a ~~building~~ permit, the *authority having jurisdiction* shall approve the *construction documents* in writing. Work shall be installed in accordance with the *approved construction documents* and the terms and conditions, if any, of the ~~building~~ permit.

[NY] ~~105.2.4~~ 105.4 **Validity of building permit.** The issuance or granting of a ~~building~~ permit shall not be construed to be a permit for, or an approval of, any violation of any provision of the Uniform Code, the Energy Code, or any other applicable law. ~~A building p~~Permits ~~purporting presuming~~ to give authority to violate or cancel any provision of the Uniform Code, the Energy Code, or any other applicable law shall not be valid. The issuance of a ~~building~~ permit based on *construction documents* and other data shall not prevent the *building official* from requiring the correction of errors in the *construction documents* and other data. The building official is authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of the authority having jurisdiction.

[NY] 105.5 Reserved.

[NY] ~~105.2.5~~ 105.6 **Suspension or revocation of building permit.** The ~~authority having jurisdiction~~ *building official* is authorized to suspend or revoke a ~~building~~ permit wherever the ~~building~~ permit is issued in error; or on the basis of incorrect, inaccurate or incomplete information; ~~;~~ or in violation of any provision of the Uniform Code, the Energy Code, or any other applicable law; or there has been a false statement or misrepresentation as to the material facts in the application or construction documents on which the permit or approval was based including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the name for which it was issued.

6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation or this code.

Any such suspension or revocation shall be in writing, signed by an authorized agent of the *authority having jurisdiction*.

~~[NY] 105.2.6 105.7~~ **Placement of building permit and approved construction documents.** The ~~building permit~~, or a copy thereof, and at least one set of approved construction documents shall be kept on the *site* of the work until the completion of the project. ~~The approved construction documents shall be open to inspection by any authorized representative of the authority having jurisdiction.~~

SECTION 106 FLOOR AND ROOF DESIGN LOADS

106.1 Live loads posted. In commercial or industrial *buildings*, for each floor or portion thereof designed for *live loads* exceeding 50 psf (2.40 kN/m²), such design *live loads* shall be conspicuously posted by the *owner* or the *owner's* authorized agent in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

106.2 Issuance of certificate of occupancy. A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

106.3 Restrictions on loading. It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a *building, structure* or portion thereof, a *load* greater than is permitted by this code.

~~[NY]~~ **SECTION 106 SUBMITTAL 107 CONSTRUCTION DOCUMENTS**

~~[NY] 106.1~~ **107.1 General.** Submittal documents consisting of construction documents, statements of special inspections, geotechnical reports and other data shall be submitted in two or more sets, or in a digital format where allowed by the authority having jurisdiction, with ~~each application for a building~~ each permit application. Construction documents shall be prepared by a registered design professional where required by Article 145 or Article 147 of the New York State Education Law, by the Code Enforcement Program of the *authority having jurisdiction*, or by any other applicable statute, regulation, local law, or ordinance.

~~[NY] 106.2~~ **107.2 Construction documents.** Construction documents shall be in accordance with Sections ~~106.2.1~~ 107.2.1 through ~~106.2.9~~ 107.2.8.

~~[NY] 106.2.1~~ **107.2.1 Information on construction documents.** Construction documents shall be dimensioned and drawn on suitable material. Electronic media documents are permitted to be submitted where approved by the building official. Construction documents ~~(1)~~ shall: ~~define the scope of the proposed work;~~ ~~(2)~~ shall be of sufficient clarity to indicate the location, nature and extent of the proposed work; ~~(3)~~ show in detail that the proposed work will conform to the provisions of the Uniform Code, the Energy Code, and other applicable codes, laws, ordinances, and regulations; ~~(4)~~ shall include all information required by any provision of this code ~~(including but not limited to the information described in Sections 106.2.2 through 106.2.8), all information required by any other applicable provision of the Uniform Code, and all information required by any applicable provision of the Energy Code;~~ and ~~(5)~~ shall include any and all additional information and documentation that may be required by the stricter of the Code Enforcement Program of the *authority having jurisdiction* or a Part 1203—Compliant Code Enforcement Program.

[NY] ~~106.2.1.1~~ 107.2.1.1 **Manufacturer's installation instructions.** Manufacturer's installation instructions, as required by any applicable provision of the Uniform Code or by any applicable provision of the Energy Code, shall be available on the job site at the time of inspection.

[NY] ~~106.2.2~~ 107.2.2 **Fire protection system shop drawings.** Shop drawings for the *fire protection system(s)* shall be submitted to indicate conformance to ~~Chapter 9, any other applicable provision of the Uniform Code,~~ this code and the *construction documents*. ~~Such shop drawings and~~ shall be *approved* prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9. ~~or in any other applicable provision of the Uniform Code.~~

[NY] ~~106.2.3~~ 107.2.3 **Means of egress.** The *construction documents* shall show in sufficient detail the location, construction, size and character of all portions of the *means of egress* including the path of the exit discharge to the *public way* in compliance with the provisions of ~~the Uniform~~ this Ccode. In other than occupancies in Groups R-2, R-3, and I-1, the *construction documents* shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

[NY] ~~106.2.4~~ 107.2.4 **Exterior wall envelope.** Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with ~~the Uniform Code and the Energy~~ this Ccode. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.

[NY] ~~106.2.5~~ 107.2.5 **Exterior balconies and elevated walking surfaces.** Where balconies or other elevated walking surfaces ~~are exposed to water from direct or blowing rain, snow, or irrigation~~ have weather-exposed surfaces, and the structural framing is protected by an impervious moisture barrier, the *construction documents* shall include details for all elements of the impervious moisture barrier system. The *construction documents* shall include manufacturer's installation instructions.

[NY] ~~106.2.6~~ 107.2.6 **Site plan.** The construction documents submitted with the application for ~~building~~ permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan where the application for a building permit is for alteration or repair or where otherwise warranted.

[NY] ~~106.2.6.1~~ 107.2.6.1 **Design flood elevations.** Where *design flood elevations* are not specified, they shall be established in accordance with Section 1612.3.1.

[NY] ~~106.2.6.2~~ 107.2.6.2 **Flood hazard documentation.** If located in a flood hazard area, documentation of the elevation of the lowest floor as required in Section 1612.4 shall be submitted to the building official prior to the final inspection.

[NY] ~~106.2.7~~ 107.2.7 **Structural information.** The construction documents shall provide the information specified in Section 1603.

[NY] ~~106.2.8~~ 107.2.8 **Relocatable buildings.** *Construction documents* for *relocatable buildings* shall comply with Section ~~3112~~ 3113.2.

~~[NY] 106.2.9 Design professional. Construction documents shall be prepared by a registered design professional where required by Article 145 or Article 147 of the New York State Education Law, by the stricter of Code Enforcement Program of the authority having jurisdiction or a Part 1203—Compliant Code Enforcement Program, or by any other applicable statute, regulation, or local law or ordinance.~~

107.3 Examination of documents. The *building official* shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

[NY] 107.3.1 Approval of construction documents. When the *building official* issues a *permit*, the *construction documents* shall be *approved*, in writing or by stamp, as “Reviewed for Code Compliance.” One complete set of *construction documents* so reviewed shall be retained by the *building official*. Another complete set shall be returned to the applicant, shall be kept at the *site* of work and shall be open to inspection by the authorized representatives of the authority having jurisdiction.

107.3.2 Previous approvals. This code shall not require changes in the *construction documents*, construction or designated occupancy of a *structure* for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

[NY] 107.3.3 Reserved.

107.3.4 Design professional in responsible charge. Where it is required that documents be prepared by a *registered design professional*, the *building official* shall be authorized to require the *owner* or the *owner’s* authorized agent to engage and designate on the building permit application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the *owner* or the *owner’s* authorized agent shall designate a substitute *registered design professional in responsible charge* who shall perform the duties required of the original *registered design professional in responsible charge*. The *building official* shall be notified in writing by the *owner* or the *owner’s* authorized agent if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties.

The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and *deferred submittal* items, for compatibility with the design of the building.

107.3.4.1 Deferred submittals. Deferral of any submittal items shall have the prior approval of the *building official*. The *registered design professional in responsible charge* shall list the *deferred submittals* on the *construction documents* for review by the *building official*.

Documents for *deferred submittal* items shall be submitted to the *registered design professional in responsible charge* who shall review them and forward them to the *building official* with a notation indicating that the *deferred submittal* documents have been reviewed and found to be in general conformance to the design of the building. The *deferred submittal* items shall not be installed until the *deferred submittal* documents have been *approved* by the *building official*.

107.4 Amended construction documents. Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

107.5 Retention of construction documents. One set of *approved construction documents* shall be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

~~[NY]~~ **SECTION 108 TEMPORARY STRUCTURES, EQUIPMENT AND SYSTEMS**

~~[NY]~~ **108.1 General.** Where permitted by the Code Enforcement Program of the *authority having jurisdiction*, the *building official* is authorized to issue a Temporary Certificate of Occupancy. Structures designed to comply with Section 3103.6 shall not be in service for a period of more than 1 year unless an extension of time is granted.

~~[NY]~~ ~~108.1~~ **108.2 General Conformance.** Temporary structures shall conform to Chapter 31 of this code and Chapter 31 of the Fire Code of New York State.

108.3 Temporary service utilities. The *building official* is authorized to give permission to temporarily supply service utilities in accordance with Section 112.

108.4 Termination of approval. The *building official* is authorized to terminate such *permit* for a *temporary structure*, equipment or system and to order the same to be discontinued.

SECTION 109 RESERVED

SECTION 110 INSPECTIONS

~~[NY]~~ **110.1 General.** Any person or entity performing construction or work for which a *permit* is required shall be subject to inspection by the *authority having jurisdiction* and such construction or work shall remain visible and able to be accessed for inspection purposes until it has been inspected and accepted by the *authority having jurisdiction*, or its authorized agent, at each element of the construction process that as specified in the authority having jurisdiction's Code Enforcement Program. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the authority having jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the authority having jurisdiction shall not be valid. It shall be the duty of the *owner* or the *owner's* authorized agent to cause the work to remain visible and able to be accessed for inspection purposes. Neither the *building official* nor the authority having jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

~~[NY] 105.3 Construction inspections.~~ Any person or entity performing work for which a building permit has been issued shall keep work accessible and exposed until the work has been inspected and accepted by the authority having jurisdiction, or its authorized agent, at each element of the construction process that is applicable to the work and specified in the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program.

110.2 Preliminary inspection. Before issuing a *permit*, the *building official* is authorized to examine or cause to be examined *buildings, structures* and *sites* for which an application has been filed.

~~[NY]~~ **110.3 Required inspections.** The *building official*, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.12, as well as any other inspections required by the Code Enforcement Program of the authority having jurisdiction.

110.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C94, the concrete need not be on the job.

110.3.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping

accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

110.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.4 or the Residential Code of New York State, as applicable, shall be submitted to the building official.

110.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire-blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

110.3.5 Types IV-A, IV-B and IV-C connection protection inspection. In buildings of Types IV-A, IV-B and IV-C construction, where connection fire-resistance ratings are provided by wood cover calculated to meet the requirements of Section 2304.10.1, inspection of the wood cover shall be made after the cover is installed, but before any other coverings or finishes are installed.

110.3.6 Lath and gypsum panel product inspection. Lath and gypsum panel product inspections shall be made after lathing and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum panel product joints and fasteners are taped and finished.

Exception: Gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

110.3.7 Weather-exposed balcony and walking surface waterproofing. Where balconies or other elevated walking surfaces have weather-exposed surfaces, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious moisture barrier system shall not be concealed until inspected and approved.

Exception: Where special inspections are provided in accordance with Section 1705.1.1, Item 3.

110.3.8 Fire- and smoke-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

[NY] 110.3.9 Energy efficiency inspections. Inspections shall be made to determine compliance with Chapter 13 and the Energy Code of New York State and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, HVAC and water-heating equipment efficiency, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, high-performance lighting, and controls.

[NY] 110.3.10 Other inspections. In addition to the inspections specified in Sections 110.3.1 through 110.3.9, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and the Code Enforcement Program of the authority having jurisdiction.

110.3.11 Special inspections. For special inspections, see Chapter 17.

110.3.12 Final inspection. The final inspection shall be made after all work required by the building permit is completed.

110.3.12.1 Flood hazard documentation. If located in a flood hazard area, documentation of the elevation of the lowest floor or the elevation of dry floodproofing, if applicable, as required in Section 1612.4 shall be submitted to the building official prior to the final inspection.

110.4 Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

~~[NY] 105.3.4~~ **110.5 Inspection requests.** It shall be the duty of the holder of the ~~building~~ permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the ~~building~~ permit holder to provide access to and means for inspections of such work that are required by this code.

[NY] 110.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *authority having jurisdiction*. The *building official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the *permit* holder or the *permit* holder's agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

[NY] SECTION 111 CERTIFICATE OF OCCUPANCY AND OPERATING PERMIT

[NY] ~~105.5~~ **111.1 Change ~~Certificates~~ of occupancy.** Where the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program requires a certificate of occupancy for permission to use or occupy a building or structure, or any portion thereof, no person or entity shall use or occupy such building or structure, or such portion thereof, and a change of occupancy of a building or structure or portion thereof shall not be made, unless:

1. The *authority having jurisdiction* has issued ~~such~~ a certificate of occupancy.
2. Such certificate of occupancy has not been revoked or suspended.
3. In the case of a temporary certificate of occupancy, such temporary certificate of occupancy has not expired.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the *authority having jurisdiction*. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the authority having jurisdiction shall not be valid.

Exception: Certificates of occupancy are not required for work exempt from *permits* in accordance with Section 105.2.

[NY] ~~105.5.1~~ **111.1.1 Authorized uses and occupancies.** Where a certificate of occupancy has been issued for a building or structure, or any portion thereof, no person or entity shall use or occupy such building or structure, or such portion thereof, for any use or occupancy other than that authorized by such certificate of occupancy.

[NY] ~~105.5.2~~ **111.1.2 Change in use or occupancy.** Without regard to whether a certificate of occupancy shall have been issued, no person or entity shall convert the use or occupancy of a building or structure, or any portion thereof, from one use or occupancy to another without first obtaining a building permit to perform the work, if any, required for such conversion; performing such work, if any; and obtaining a certificate of occupancy from the authority having jurisdiction.

[NY] 111.2 Certificate issued. After the *building official* inspects the *building or structure* and does not find violations of the provisions of this code or other laws that are enforced by the authority having jurisdiction, the *building official* shall issue a certificate of occupancy that contains the following:

1. The *permit* number, if any.
2. The date of issuance of the building permit, if any.
3. The name, address of the structure, and tax map number of the property.
4. A description of that portion of the *structure* for which the certificate is issued.

5. The use and occupancy classification of the *structure*, in accordance with the provisions of Chapter 3.
6. The type of construction as defined in Chapter 6.
7. The occupant load of the assembly areas in the *structure*, if any.
8. Any special stipulations and conditions of the *permit*.
9. The date of issuance and signature of the official issuing the certificate of occupancy or certificate of compliance.

[NY] 111.3 Temporary occupancy. The *building official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be occupied safely; any required fire and life safety components are installed and operational, such as fire protection equipment and fire, smoke, carbon monoxide and heat detectors and alarms; and all required *means of egress* from the *structure* have been provided. The temporary certificate of occupancy shall specify the portion or portions of the building or structure that may be occupied pursuant to the temporary certificate of occupancy, and any special terms or conditions of such occupancy that the *authority having jurisdiction* may deem to be appropriate to ensure the health and safety of the persons occupying and using the *building or structure* and/or performing further construction work in the *building or structure*.

[NY] 111.4 Reserved.

[NY] ~~105.6~~ 111.5 Operating permits. Where the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program requires an operating permit to conduct an activity or to use a category of *building*, no person or entity shall conduct such activity or use such category of *building* without obtaining an operating permit from the authority having jurisdiction. The procedures for applying for, issuing, revoking, and suspending operating permits shall be as set forth in the stricter of the *authority having jurisdiction's* Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program.

~~[NY]~~ SECTION ~~107~~ 112 SERVICE UTILITIES

[NY] ~~107.1~~ 112.1 Connection of service utilities. A *person* shall not make ~~C~~connections from a utility, a source of energy, fuel or power, or a water system or sewer system to any *building* or system ~~which~~ that is regulated by ~~Uniform Code~~ this code for which a *permit* is required, until *approved by the building official*. Connections shall be made in accordance with the requirements of the Uniform Code; the regulations of the public utility providing such utility service, source of energy, fuel or power, or water or sewer system; and the regulations of any governmental unit or agency having jurisdiction over such utility, source of energy, fuel, ~~or~~ power, water, or sewer system.

~~[NY] 107.1.1~~ 112.2 Temporary connection. ~~Where approved by the~~ *The building official*, shall have the authority to authorize temporary connections of the building or system to the ~~from a~~ utility, source of energy, fuel, or power, ~~to a building or system may be made, or the water system or sewer system for the purpose of testing systems or for use under a temporary approval. Temporary connections shall be made in accordance with Section 107.1.~~

112.3 Authority to disconnect service utilities. The *building official* shall have the authority to authorize disconnection of utility service to the *building, structure* or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The *building official* shall notify the serving utility, and wherever possible the *owner* or the *owner's* authorized agent and occupant of the *building, structure* or service system of the

decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

~~[NY] 107.2 Notice of disconnection of service utilities. The owner or the owner's authorized agent shall notify the building official of the disconnection of any utility service to the building, structure, or system regulated by the Uniform Code.~~

[NY] SECTION 113 VARIANCES AND APPEALS

~~[NY] 103.3~~ 113.1 Application for variance or appeal **General**. An application for a variance or modification of any provision or requirement of Uniform Code shall be in accordance with the provisions of Part 1205. An appeal of any order or determination, or the failure within a reasonable time to make an order or determination, of an administrative official charged to enforce or purporting to enforce the Uniform Code may be made in accordance with the provisions of Part 1205.

~~[NY] 104.2~~ 113.2 Waivers, variances, and modifications **Limitations on authority**. Nothing in this code or elsewhere in the Uniform Code shall be construed as permitting any building official or any authority having jurisdiction to waive, vary, modify, or otherwise alter any provision or requirement of this code or any other provision or requirement of the Uniform Code. Provisions or requirements of the Uniform Code may be varied or modified only in accordance with procedures established by Part 1205 or by such other regulations as may hereafter be promulgated by the Secretary of State pursuant to Section 381(1)(f) of the Executive Law.

[NY] 113.3 Reserved.

[NY] 113.4 Reserved.

SECTION 114 VIOLATIONS

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

[NY] 114.2 Reserved.

[NY] 114.3 Reserved.

~~[NY] 105.7~~ 114.4 Violations penalties. Any violation of any provision set forth in ~~Sections 105.2 through 105.6~~ this code shall be a violation of the Uniform Code, and any person or entity violating any such provision shall be subject to the penalties prescribed in Executive Law Section 382(2). In addition, to the extent that any act or omission that violates any provision set forth in ~~Sections 105.2 through 105.6~~ this code is also a violation of any other applicable law, any person or entity guilty of such act or omission shall also be subject to the penalties prescribed in or otherwise applicable to a violation of such other applicable law.

SECTION 115 STOP WORK ORDER

~~[NY] 105.4 Stop work orders~~ 115.1 Authority. The authority having jurisdiction is authorized to issue a stop work order to halt work that is being performed without a required **building** permit; work that is being performed after a required **building** permit has been revoked or suspended or has expired; work that is being conducted in a dangerous or unsafe manner; or work that is contrary to provisions of the Uniform Code, the Energy Code, the approved construction documents, or the terms and conditions (if any) of the

building permit. No person or entity shall commence, perform or continue any work if the authority having jurisdiction has issued a stop work order with respect to such work.

115.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

[NY] 115.3 Reserved.

115.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction.

SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

[NY] 116.1 Unsafe conditions. If the authority having jurisdiction determines that premises, structures, or any building system or equipment, in whole or in part, constitutes a clear and imminent threat to human life or the public welfare, is found unfit for human occupancy, or is found unlawful, the authority having jurisdiction shall exercise its powers in due and proper manner pursuant to the provisions of this code.

[NY] 116.1.2 Evacuation. The authority having jurisdiction or the fire chief shall be authorized to order the immediate evacuation of any occupied structure deemed unsafe where such structure has hazardous conditions that pose an imminent danger to structure occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the authority having jurisdiction or the fire department official in charge of the incident.

116.2 Record. The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

[NY] 116.3 Notice. If an unsafe condition is found, the building official shall serve on the owner of the structure, or the owner's authorized agent, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare to the building official acceptance or rejection of the terms of the order.

[NY] ~~108.5~~ 116.3.1 Notice-Posting. Whenever a structure or equipment has been condemned under the provisions of this section, a notice shall be posted in a conspicuous place in or about the structure affected by such notice. If the notice pertains to equipment, it shall also be placed on the condemned equipment.

[NY] 116.4 Method of service. Such notice shall be deemed properly served where a copy thereof is served in accordance with one of the following methods:

1. A copy is delivered to the owner personally.
2. A copy is sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested.
3. A copy is delivered in any other manner as prescribed by local law.

[NY] 116.5 Restoration or abatement. Where the structure or equipment determined to be unsafe by the building official, the owner, the owner's authorized agent, operator or occupant of a structure, premises or equipment deemed unsafe by the building official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the

restoration of the structure, such repairs, alterations, additions and change of occupancy shall comply with the requirements of the Existing Building Code of New York State.

[NY] 116.6 Prohibited occupancy. No person shall occupy a placarded structure.

[NY] 116.7 Placard removal. The placard shall not be removed until the defect or defects on which the condemnation and placarding action were based have been eliminated.

[NY] SECTION ~~109~~ 117 INSPECTION OF SOLID FUEL-BURNING HEATING APPLIANCES, CHIMNEYS AND FLUES

[NY] ~~109.1~~ 117.1 **General.** This Section 109 is made part of the Uniform Code pursuant to Executive Law Section 378(5-c).

[NY] ~~109.2~~ 117.2 **Permit.** Prior to the installation of any solid fuel burning heating appliance, chimney or flue in any dwelling used as a residence, the owner thereof, or his agent, shall first secure a permit from the authority having jurisdiction.

[NY] ~~109.3~~ 117.3 **Installation and inspection.** An appropriate and qualified inspector, as determined by the authority having jurisdiction, shall cause an inspection to be made of the solid fuel burning heating appliance, chimney or flue at a time when such inspection will best determine conformity of such installation with the Uniform Code.

Exception: The authority having jurisdiction may waive such inspection for good cause shown.

[NY] ~~109.4~~ 117.4 **Certificate of ~~approval~~ compliance.** Upon approval of such installation, the ~~building~~ building official or other appropriate official of the authority having jurisdiction shall issue a certificate evidencing compliance with the appropriate provisions of the Uniform Code (such certificate being hereinafter referred to as a “certificate of ~~approval~~ compliance”). No owner of any dwelling used as a residence shall operate, or cause to be operated, any solid fuel-burning heating appliance until such installation, including chimney and flue, has been approved and a certificate of ~~approval~~ compliance has been obtained from the authority having jurisdiction.

[NY] ~~109.4.1~~ 117.4.1 **Accidental fire.** In the event of an accidental fire in a solid fuel-burning heating appliance, chimney or flue requiring the services of a fire department, the chief of the responding fire department may issue a temporary thirty-day certificate indicating substantial conformity with the Uniform Code.

The authority having jurisdiction shall cause an inspection to be made by an official inspector, as determined by the Code Enforcement Program of the authority having jurisdiction, and a new certificate to be issued indicating conformity of such solid fuel-burning heating appliance, chimney or flue with the Uniform Code.

[NY] ~~109.4.2~~ 117.4.2 **Liability.** Pursuant to Executive Law Section 378(5-c)(f), the issuance of a certificate of ~~approval~~ compliance shall not be deemed to give rise to any claim or cause of action for damages against the authority having jurisdiction or any official of the authority having jurisdiction for damages resulting from operation or use of such solid fuel burning heating appliance, chimney or flue.

[NY] ~~109.5~~ 117.5 **Fee.** The authority having jurisdiction may establish and collect a reasonable fee for such inspection from the owner of such property or such owner’s agent.

[NY] ~~109.6~~ 117.6 **Violations.** Pursuant to Executive Law Section 378(5-c)(h), any violation of this Section 109 shall be deemed a violation and shall be punishable by a fine not to exceed two hundred fifty dollars.

[NY] ~~109.7~~ 117.7 **Emergency repair.** Where equipment replacements and repairs must be performed in an emergency situation and where a delay occasioned by the requirement of securing a permit could

reasonably be expected to cause irreparable damage to the property or serious personal injury to the occupants or other person, the owner or his agent may commence such installation without first obtaining such permit provided application therefor is filed within three business days after such work is commenced.

DRAFT

Residential Code of New York State

Chapter 1

~~[NY]~~ CHAPTER 1 SCOPE AND ADMINISTRATION

~~[NY]~~ SECTION 101 ~~TITLE, SCOPE AND PURPOSE~~ GENERAL REQUIREMENTS

[NY] **101.1 Title.** This publication shall be known as the 2020~~4~~ edition of the Residential Code of New York State and is hereinafter referred to as “this code.” This code is part of the New York State Uniform Fire Prevention and Building Code (the “Uniform Code”).

[NY] **101.1.1 Amendments of New York State code books.** In Chapter 1, the term “New York State code books” shall include the *Residential Code of New York State* (i.e., this publication), the *Building Code of New York State*, the *Plumbing Code of New York State*, the *Mechanical Code of New York State*, the *Fuel Gas Code of New York State*, the *Fire Code of New York State*, the *Property Maintenance Code of New York State*, the *Existing Building Code of New York State*, and the *Energy Conservation Construction Code of New York State*. Provisions in any one or more of the New York State code books may be amended from time to time by provisions in 19 NYCRR Parts 1220 to 1227 or 19 NYCRR Part 1240, as currently in effect and as hereafter amended from time to time. If this publication is now or hereafter so amended, references in this publication to “this code” shall be deemed to be references to this publication as so amended. If any other New York State code book is now or hereafter so amended, references in this code to such other New York State code book shall be deemed to be references to such New York State code book as so amended.

[NY] **R101.2 Scope.** The provisions of this code shall apply to the construction, *alteration*, movement, enlargement, replacement, *repair*, equipment, use and occupancy, location, removal and demolition of the following buildings and structures, provided that such building or structure is not more than three stories above grade plane in height, and their accessory structures not more than three stories above grade plane in height:

1. Detached one-family *dwelling*s.
2. Detached two-family *dwelling*s in which each *dwelling unit* has a separate *means of egress*;
3. *Townhouses*;
4. Bed and breakfast *dwelling*s;
5. *Live/work units* ~~that (1) are~~ located in *townhouses*; and ~~(2) complying~~ with the requirements of Section ~~419~~ 508.5 of the *Building Code of New York State*.
6. Owner-occupied lodging houses that ~~(1)~~ have five or fewer guestrooms and ~~(2)~~ are provided with a residential ~~fire~~ automatic sprinkler system complying with Section P2904 of this code.

Exception: Application of the provisions of the *Building Code of New York State* to the construction, *alteration*, movement, enlargement, replacement, *repair*, equipment, use and occupancy, location, removal and demolition of the buildings and structures listed in Section R101.2 is permitted, provided that all applicable provisions of the *Building Code of New York State* are applied.

[NY] **~~R101.4~~R101.2.1 Facilities regulated by New York State departments or agencies.** Where a building or premises under the custody, licensure, supervision or jurisdiction of a department or agency of the State of New York is regulated as a one- or two-family dwelling or multiple single-family dwelling (townhouse), in accordance with established laws or regulations of that department or agency, said buildings or premises, such as a community residence or hospice residence, and their accessory structures shall comply with the Residential Code of New York State, provided that such building or structure is not more than three stories above grade plane in height, and their accessory structures not more than three stories above grade plane in height.

[NY] **~~R102.5~~ R101.2.1 Appendices.** Provisions in the following appendices have been adopted and are made part of this code:

Appendix E BA	Manufactured Housing Used as Dwellings
Appendix Q BB	Tiny Houses
Appendix H BF	Patio Covers
Appendix BN	Extended Plate Wall Construction
Appendix J BO	Existing Buildings and Structures

In addition, the following appendices are included for informational purposes:

Appendix F BE	Radon Control Methods
Appendix K BG	Sound Transmission
Appendix O BH	Automatic Vehicular Gates
Appendix R BI	Light Straw-Clay Construction
Appendix S BJ	Strawbale Construction
Appendix BK	Cob Construction (Monolithic Adobe)
Appendix BL	Hemp-Lime (Hemcrete) Construction
Appendix BM	3D-Printing Building Construction
Appendix G CD	Piping Standards for Various Applications
Appendix C A	Sizing and Capacities of Gas Piping
Appendix C B	Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances and Appliances Listed for Use with Type B Vents
Appendix C	Exit Terminals of Mechanical Draft and Direct-vent Venting Systems
Appendix D CC	Recommended Procedure for Safety Inspection of an Existing Appliance Installation
Appendix G CD	Piping Standards for Various Applications
Appendix CE	Venting Methods
Appendix P CF	Sizing of Water Piping Systems
Appendix T	Solar Ready Provisions—Detached One and Two family Dwellings and Townhouses

~~[NY] R101.8 Intent~~ **[R101.3 Purpose](#)**. The purpose of this code is to establish minimum requirements to ~~safeguard the public~~ [provide a reasonable level of](#) safety, health and general welfare through affordability, structural strength, means of egress ~~facilities~~, stability, sanitation, light and *ventilation*, energy conservation and safety to life and property from fire and other hazards ~~attributed to the built environment~~, and to provide [a reasonable level of](#) safety to firefighters and emergency responders during emergency operations.

[NY] ~~105.1~~ **101.4 Purpose Provisions included in Uniform Code.** The purpose of ~~Section 105~~ [this chapter](#) is to include in the Uniform Code provisions requiring persons and entities who construct, renovate, use and occupy buildings and structures to apply for and obtain building permits, to facilitate construction inspections, to obey stop work orders, to obtain certificates of occupancy, and to obtain operating permits. The provisions in ~~Section 105~~ [this chapter](#) are considered to be integral parts of the Uniform Code's standards for construction, maintenance, and fire protection equipment and systems.

[NY] ~~105.1.1~~ **101.4.1 Definition.** For the purpose of ~~Section 105~~ [this chapter](#), the term "other applicable law" shall include the authority having jurisdiction's Code Enforcement Program; any local law, ordinance, or regulation establishing the authority having jurisdiction's Code Enforcement Program; and any other applicable statute, regulation, rule, local law, or ordinance.

~~[NY]~~ SECTION R102 APPLICABILITY

~~[NY]~~ **R102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

[NY] **R102.2 Other laws and regulations.** This code is part of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) promulgated pursuant to Article 18 of the New York State Executive Law. The provisions of the Uniform Code shall not be deemed to nullify any federal, state or local statute, rule, regulation, law or ordinance relating to any matter as to which the Uniform Code does not provide.

However:

1. Pursuant to Section 383(1) of the Executive Law, and except as otherwise provided in paragraphs a, b, and c of Section 383(1) of the Executive Law, the provisions of the Uniform Code supersede any other provision of a general, special or local law, ordinance, administrative code, rule or regulation inconsistent or in conflict with the Uniform Code;
2. Pursuant to Section 379(3) of the Executive Law, no city, town, village, county or other municipality shall have the power to supersede, void, repeal, or make less restrictive any provision of the Uniform Code; and
3. The ability of any city, town, or village, or the County of Nassau, to enact or adopt, and to enforce, a local law or ordinance imposing higher or more restrictive standards for construction within the jurisdiction of such city, town, village, or county that are applicable generally to such city, town, village, or county in the Uniform Code is subject to the provisions and requirements of Section 379 of the Executive Law.

Nothing in [this](#) Section ~~R102.2~~ shall be construed as any of the following:

1. Affecting the authority of the State Labor Department to enforce a safety or health standard issued under provisions of Sections 27 and 27-a of the Labor Law;
2. Relieving a person from complying with a stricter standard issued pursuant to the Occupational Safety and Health Act of 1970, as amended; and
3. Superseding, limiting, impairing or otherwise affecting any provision the Uniform Code, as now in effect and as hereafter amended from time to time.

[NY] **R102.2.1 Other New York Codes, Rules and Regulations (NYCRR).** Additional New York Codes, Rules and Regulations exist that may affect new and existing buildings, structures, systems and equipment. Such regulations include, but are not limited to:

1. 19 NYCRR Part 300 (Universal Symbol of Access),
2. 19 NYCRR Part 1261 (Recordkeeping—Smoke Detectors in Multiple Dwellings),
3. 19 NYCRR Part 1264 (Identification of Buildings Utilizing Truss Type Construction), and
4. 19 NYCRR Part 1265 (Residential Structures with Truss Type Construction, Pre-Engineered Wood Construction and/or Timber Construction).

[NY] R102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

[NY] R102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections R102.4.1 and R102.4.2.

Exception: Where enforcement of a code provision would violate the conditions of the *listing* of the *equipment* or *appliance*, the conditions of the *listing* and manufacturer's instructions shall apply.

[NY] R102.4.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

[NY] R102.4.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

[NY] ~~R102.6~~ R102.5 Partial invalidity. In the event any part or provision of this code is held by a court of competent jurisdiction to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

[NY] ~~R102.7~~ R102.6 Existing structures. The legal occupancy of any *structure* existing on the effective date of this code shall be permitted to continue without change, except as required by any provision of this code or by any other provision of the Uniform Code. For the purposes of this section, the "effective date of this code" shall be deemed to be the 90th day after the date on which the Notice of Adoption of the rule incorporating this code by reference in Part 1220 of the New York Codes, Rules, and Regulations shall have been published in the State Register.

[NY] ~~R102.7.1~~ R102.6.1 Additions, alterations, change of use or repairs. *Additions, alterations or repairs to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with the requirements of this code, including the requirements of Appendix BO, unless otherwise stated. Additions, alterations, repairs and relocations shall not cause an existing structure to become unsafe or adversely affect the performance of the building. less compliant with the provisions of this code than the existing building or structure was prior to the addition, alteration or repair. Where additions, alterations or changes of use to an existing structure result in a use, occupancy, height or means of egress outside the scope of this code, the building shall comply with the Existing Building Code of New York State.*

[NY] ~~R101.5~~ Change in use or occupancy. *No change shall be made in the use or occupancy of any building or structure unless such building or structure is made to comply with the requirements of Appendix J of this code.*

[NY] ~~R101.6~~ R102.7 Factory manufactured buildings (modular buildings). Factory manufactured buildings shall be constructed and installed in accordance with the requirements of the Uniform Code and shall bear an Insignia of Approval issued in accordance with the 19 NYCRR Part 1209 (entitled "Regulations and Fees for Factory Manufactured Homes"), as currently in effect and as hereafter amended from time to time.

[NY] ~~R101.7~~ **R102.8 Manufactured homes.** Manufactured homes shall be constructed in accordance with the requirements of the applicable US Department of Housing and Urban Development Manufactured Home Construction and Safety Standards (24 CFR Part 3280); and assembled and installed in accordance with the requirements of this code and in accordance with the 19 NYCRR Part 1210 (entitled “Manufactured Homes”), as currently in effect and as hereafter amended from time to time.

PART 2—ADMINISTRATION AND ENFORCEMENT

~~[NY] SECTION R103 ADMINISTRATION AND ENFORCEMENT RESERVED~~

[NY] SECTION R104 ~~MATERIALS, EQUIPMENT AND METHODS OF CONSTRUCTION~~ DUTIES AND POWERS OF THE CODE OFFICIAL AND AUTHORITY HAVING JURISDICTION

[NY] ~~R103.1~~ **R104.1 Administration and enforcement.** The *Uniform Code* shall be administered and enforced by the *authority having jurisdiction*. The identity of the *authority having jurisdiction* in a given situation is determined in accordance with Article 18 of the Executive Law and the regulations promulgated by the Secretary of State pursuant to Executive Law Section 381(1). In general, the *authority having jurisdiction* is the local government (city, town or village) in which the building or structure is located. In certain situations, the *authority having jurisdiction* may be the county in which the building or structure is located. In certain other cases, the State, the Secretary of State (acting through the Department of State) or some other State agency may be the *authority having jurisdiction*. The *authority having jurisdiction* responsible for administration and enforcement of the Uniform Code is also responsible for administration and enforcement of the Energy Code.

Administration and enforcement of the Uniform Code and Energy Code shall be in accordance with the following, as applicable:

1. Where a city, town, village or county is the authority having jurisdiction:
 - 1.1. Such city, town, village or county shall provide for administration and enforcement of the Uniform Code and Energy Code by local law, ordinance, other appropriate regulation, or combination thereof.
 - 1.2. The Code Enforcement Program established by such local law, ordinance or other appropriate regulation, or combination thereof, must include, at a minimum, the features described in Part 1203 and must satisfy all other requirements of Part 1203.
 - 1.3. Such city, town, village or county shall administer and enforce the Uniform Code in accordance with the Code Enforcement Program established by such local law, ordinance or other appropriate regulation, or combination thereof.
2. Where the State is the authority having jurisdiction pursuant to 19 NYCRR Section 1201.2(d):
 - 2.1. The Code Enforcement Program shall be as established by Part 1204.
 - 2.2. The State, acting through one or more State agencies, shall administer and enforce the Uniform Code and Energy Code in accordance with Part 1204.
3. Where the Department of State is the authority having jurisdiction:
 - 3.1. The Code Enforcement Program shall be as established by Part 1202.

- 3.2. The Department of State shall administer and enforce the Uniform Code and Energy Code in accordance with Part 1202.
4. Where any governmental unit or agency not included in Items 1, 2, and 3 above is the authority having jurisdiction:
 - 4.1. Such governmental unit or agency shall provide for administration and enforcement of the Uniform Code and Energy Code by regulation.
 - 4.2. The Code Enforcement Program established by such regulation must include, at a minimum, the features described in Part 1203 and must satisfy all other requirements of Part 1203.
 - 4.3. Such governmental unit or agency shall administer and enforce the Uniform Code and Energy Code in accordance with the Code Enforcement Program established by such regulation.

Every governmental unit or agency thereof charged with administration and enforcement of the Uniform Code shall exercise its powers in due and proper manner so as to extend to the public protection from the hazards of fire and inadequate building construction.

Any person or entity constructing or renovating a building or structure, changing the use or occupancy of a building or structure, or engaging in any other activity that is subject to the provisions of the Code Enforcement Program of the authority having jurisdiction responsible for administration and enforcement of the Uniform Code with respect to such building shall comply with all applicable provisions of such Code Enforcement Program.

In addition, persons and entities who construct, renovate, use and occupy buildings and structures shall comply with all applicable provisions of Section R105 of this code.

[NY] **R103.2 104.1.1 Due process.** Nothing in Chapter 1, ~~or elsewhere in the Uniform Code~~, or in any regulation promulgated pursuant to Executive Law Section 381(1), shall be construed as authorizing any authority having jurisdiction to administer and enforce the Uniform Code in a manner that deprives any person or entity of due process of law. ~~In particular, but not by way of limitation, nothing in Chapter 1, or elsewhere in this code or elsewhere in the Uniform Code, or in any regulation promulgated pursuant to Executive Law Section 381(1), relating to~~ For example, when posting, placarding and/or condemning ~~ation of~~ buildings or structures that are unsafe, unfit for human occupancy or unlawful, ~~shall be construed as authorizing any authority having jurisdiction to post, placard or condemn any such building or structure and/or to remove any owner or occupant or cause any owner or occupant to be removed from any such building or structure without providing such~~ notice and opportunity to be heard (and, if applicable, right of appeal) ~~as~~ may be required under the applicable ~~circumstances by applicable~~ Constitutional provisions prior to posting, placarding and/or condemning such building or structure and/or removing any owner or occupancy or causing any owner or occupant to be removed from any such building or structure.

[NY] **R103.2.1 104.1.1.1 Imminent danger Post-action hearing in cases on imminent danger.** In cases of imminent danger, posting, placarding, and condemning a building or structure and removing owners and occupants or causing owners and occupants to be removed without first providing an opportunity to be heard shall be permitted to the extent consistent with applicable Constitutional provisions, provided that the affected persons and entities are afforded the opportunity for a post-action hearing to the extent required by applicable Constitutional provisions.

[NY] R104.2 Determination of compliance. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of this code's provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

Nothing in this section shall be construed as permitting any *building official* or any *authority having jurisdiction* to waive, vary, modify or otherwise alter any provision or requirement of this code or any other provision or requirement of the Uniform Code. Provisions or requirements of the Uniform Code may be varied or modified only pursuant to procedures established 19 NYCRR Part 1205 or by such other regulations as may hereafter be promulgated by the Secretary of State pursuant to Section 381(1)(f) of the Executive Law.

R104.2.1 Listed compliance. Where this code or a referenced standard requires equipment, materials, products or services to be *listed* and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an *approved* listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer's instructions, and where required to verify compliance, the listing standard and manufacturer's instructions shall be made available to the *building official*.

[NY] ~~**R104.3**~~ **R104.2.2 Alternative materials, equipment, appliances, designs, and methods of construction.** The provisions of this code are not intended to prevent the installation of any materials, ~~equipment, or appliances not specifically prescribed by this code,~~ or to prohibit any designs or methods of construction not specifically prescribed by this code, provided that any such alternative ~~materials, equipment, appliances, designs, or methods of construction (1) are~~ is not specifically prohibited ~~by any provision of this code,~~ by any ~~other~~ provision of the Uniform Code, or ~~by~~ the Energy Code and ~~(2) shall have has~~ been *approved*, ~~in writing, by the building official. Alternative materials, equipment, appliances, designs, or methods of construction may be approved only when the building official shall have determined, in writing, that such alternative is:~~

- ~~1. Satisfactory and complies with the intent of the provisions and requirements of the Uniform Code.~~
- ~~2. Not less than the equivalent of that prescribed in the Uniform Code in quality, strength, effectiveness, fire resistance, durability, and safety.~~

Nothing in Section R104.3 shall be construed as permitting any building official or any authority having jurisdiction to waive, vary, modify or otherwise alter any provision or requirement of this code or any other provision or requirement of the Uniform Code. Provisions or requirements of the Uniform Code may be varied or modified only pursuant to procedures established 19 NYCRR Part 1205 or by such other regulations as may hereafter be promulgated by the Secretary of State pursuant to Section 381(1)(f) of the Executive Law.

R104.2.2.1 Approval authority. An alternative material, design or method of construction shall be approved where the *building official* finds that the proposed alternative is satisfactory and complies with Sections R104.2.2 through R104.2.2.6.2, as applicable.

R104.2.2.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the *building official* for *approval*. Where the alternative material, design or method of construction is not *approved*, the *building official* shall respond in writing, stating the reasons the alternative was not *approved*.

R104.2.2.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

R104.2.2.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all the following, as applicable:

1. Quality.
2. Strength.

3. Effectiveness.
4. Durability.
5. Safety, other than fire safety.
6. Fire safety.

R104.2.2.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Such tests shall be performed by a party acceptable to the building official.

R104.2.2.6 Reports. Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections R104.2.2.6.1 and R104.2.2.6.2.

R104.2.2.6.1 Evaluation reports. Evaluation reports shall be issued by an *approved agency* and use of the evaluation report shall require approval by the *building official* for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the building official's recognition of the *approved agency*. Criteria used for the evaluation shall be identified within the report and, where required, provided to the *building official*.

R104.2.2.6.2 Other reports. Reports not complying with Section R104.2.2.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the *building official*. The building official is authorized to require design submittals to be prepared by, and bear the stamp of, a *registered design professional*.

[NY] R104.2.3 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, a variance may be applied for in accordance with 19 NYCRR Part 1205.

[NY] R104.2.3.1 Reserved.

R104.3 Applications and permits. The *building official* shall receive applications, review *construction documents*, issue *permits*, inspect the premises for which such *permits* have been issued and enforce compliance with the provisions of this code.

[NY] ~~R105.2.2.1~~ R104.3.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. For applications for a building permit for the reconstruction, rehabilitation, *addition, alteration, repair* or other improvement of existing *buildings* or *structures* located in a flood hazard area as established by Table R301.2(4), the *building official* shall examine or cause to be examined the *construction documents* and the construction estimate of the value of the proposed work provided by the applicant. For *buildings* or *structures* that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the *building* or *structure* to its predamaged condition. If the *building official* finds that the value of proposed work equals or exceeds 50 percent of the market value of the *building* or *structure* before the damage has occurred or the improvement is started, the proposed work is a *substantial improvement* or *repair of substantial damage* and the *building official* shall require existing portions of the entire building or structure to meet the requirements of Section ~~R322~~ R306.

~~For the purpose of this determination, a substantial improvement shall mean any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started.~~ Where the *building* or *structure* has sustained substantial damage, repairs necessary to restore the *building* or *structure* to its predamaged condition shall be considered *substantial improvements* regardless of the actual repair work performed. The term *substantial improvement* shall not include either of the following:

1. Improvements to a *building* or *structure* that are required to correct existing health, sanitary or safety code violations identified by the *building official* and that are the minimum necessary to ensure safe living conditions.
2. Any alteration of a historic building or structure, provided that the alteration will not preclude the continued designation as a historic *building* or *structure*.

R104.4 Reserved.

R104.4.1 Reserved.

R104.5 Identification. The *building official* shall carry proper identification when inspecting *structures* or premises in the performance of duties under this code.

R104.6 Notices and orders. The *building official* shall issue necessary notices or orders to ensure compliance with this code. Notices of violations shall be in accordance with Section R113.2.

[NY] R104.7 Official Records. The *code official* shall keep official records as required by the applicable records retention and disposition schedules established by the *authority having jurisdiction* or pursuant to the Arts and Cultural Affairs Law.

R104.7.1 Reserved.

R104.7.2 Reserved.

R104.7.3 Reserved.

R104.7.4 Reserved.

R104.7.5 Reserved.

R104.8 Reserved.

R104.8.1 Reserved.

[NY] ~~R104.1~~ R104.9 Approved materials and equipment. Materials, *equipment* and *devices* approved by the *building official* shall be constructed and installed in accordance with such approval. Materials, *equipment* and *devices* tested by an approved testing laboratory shall be permitted to be constructed and installed in accordance with such approval.

[NY] ~~R104.1.1~~ R104.9.1 Used materials and equipment. ~~Used m~~Materials, *equipment*, and *devices* shall not be reused unless ~~they meet the requirements of this code for new materials~~ such elements are in good working condition and approved.

[NY] ~~R104.2 Waivers, variances, and modifications.~~ ~~Nothing in this code shall be construed as permitting any building official or any authority having jurisdiction to waive, vary, modify, or otherwise alter any provision or requirement of this code or any other provision or requirement of the Uniform Code. Provisions or requirements of the Uniform Code may be varied or modified only in accordance with procedures established by 19 NYCRR Part 1205 or by such other regulations as may hereafter be promulgated by the Secretary of State pursuant to Section 381(1)(f) of the Executive Law.~~

[NY] ~~R104.4~~ R104.10 Workmanship. *Repairs*, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of the Uniform Code shall be executed and installed in a workmanlike manner and in a workmanlike manner and in accordance with Uniform Code and the manufacturer's installation instructions.

[NY] SECTION R105 BUILDING PERMITS, CONSTRUCTION INSPECTIONS, STOP WORK ORDERS, AND CERTIFICATES OF OCCUPANCY

R105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

[NY] **R105.2 R105.1.1 Building Permits.** No person or entity shall commence, perform, or continue any work that must conform with the Uniform Code and/or Energy Code unless:

1. Such person or entity has applied to the authority having jurisdiction for a **building permit**,
2. The authority having jurisdiction has issued a **building permit** authorizing such work,
3. Such **building permit** has not been revoked or suspended, and
4. Such **building permit** has not expired.

[NY] **R105.2.1 R105.2 Work exempt from building permit requirement.** A **building permit** shall not be required for work in any category that is excluded from the **building permit** requirement by the authority having jurisdiction's Code Enforcement Program, provided that Part 1203 allows an authority having jurisdiction to exclude such category of work from the **building permit** requirement. Exemptions from **building permit** requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of any provision the Uniform Code, any provision of the Energy Code, or any provision of any other applicable law.

R105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

[NY] **R105.2.2 Repairs.** Application or notice to the building official is not required for the replacement of any equipment, provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications. Application or notice to the building official is not required for repairs, provided that the work does not have an impact on fire and life safety, including but not limited to:

1. Any part of the structural system.
2. The required means of egress.
3. The fire protection system or the removal from service of any part of the fire protection system for any period of time.

[NY] **R105.2.3 Reserved.**

[NY] **R105.2.2 105.3 Applications for building permits.** ~~To obtain a permit. A person or entity applying for a building permit shall submit~~ the applicant shall first file an application therefor in writing to the authority having jurisdiction. An ~~Such application for a building permit shall include:~~

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by ~~Construction documents and other information that satisfy the requirements of as required in~~ Section R106.2-R106.1.
5. ~~Any and all other submittal documents required by Section R106.~~
6. State the valuation of the proposed work.

7. Be signed by the applicant or the applicant's authorized agent.
- ~~8. Any and all information and documentation that may be required by the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program.~~
9. Give Ssuch other data and information ~~and documentation~~ as required by the building official or the authority having jurisdiction ~~may determine to be necessary to allow the authority having jurisdiction to determine whether the proposed work conforms with the Uniform Code, the Energy Code, and other relevant codes, laws, ordinances, and regulations.~~

[NY] R105.3.1 Reserved.

[NY] R105.3.2 Prior approval. This code shall not require changes to the *construction documents*, construction, or designated occupancy of a *structure* for which a *permit* has been issued prior to the effective date of this code, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and is thereafter diligently pursued through completion.

[NY] ~~R105.2.3~~ R105.3.3 Approval of construction documents. When the *authority having jurisdiction* issues a **building** permit, the *authority having jurisdiction* shall approve the *construction documents* in writing. Work shall be installed in accordance with the *approved construction documents* and the terms and conditions, if any, of the **building** permit.

[NY] ~~R105.2.4~~ R105.4 Validity of building permit. The issuance or granting of a **building** permit shall not be construed to be a permit for, or an approval of, any violation of any provision of the Uniform Code, the Energy Code, or of any other applicable law. ~~A building p~~Permits ~~purporting presuming~~ to give authority to violate or cancel ~~any the~~ provisions of the Uniform Code, the Energy Code, or of any other applicable law shall not be valid. The issuance of a **building** permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of the authority having jurisdiction.

[NY] R105.5 Reserved.

[NY] ~~R105.2.5~~ 105.6 Suspension or revocation of building permit. The authority having jurisdiction is authorized to suspend or revoke a **building** permit wherever the **building** permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any provision of the Uniform Code, the Energy Code, or any other applicable law. Any such suspension or revocation shall be in writing, signed by an authorized agent of the authority having jurisdiction.

[NY] ~~R105.2.6~~ R105.7 Placement of building permit and approved construction documents. The building permit, or a copy thereof, ~~and at least one set of approved construction documents~~ shall be kept on the site of the work until the completion of the project. ~~The approved construction documents shall be open to inspection by any authorized representative of the authority having jurisdiction.~~

R105.8 Responsibility. It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code.

R105.9 Preliminary inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

~~[NY]~~ SECTION R106 ~~SUBMITTAL~~ CONSTRUCTION DOCUMENTS

[NY] R106.1 ~~General~~ Submittal documents. Submittal documents consisting of *construction documents*, and other data shall be submitted in two or more sets, or in a digital format where allowed by

~~the authority having jurisdiction,~~ with each application for a ~~building~~ permit. ~~[NY] R106.3 Design professional.~~ Construction documents shall be prepared by a registered design professional when required by Article 145 or Article 147 of the New York State Education Law, by ~~the stricter of~~ Code Enforcement Program of the ~~authority having jurisdiction or a Part 1203—Compliant Code Enforcement Program,~~ or by any other applicable statute, regulation, or local law or ordinance.

[NY] R106.1.1 Information on construction documents. Construction documents shall be drawn upon suitable material. Electronic media documents are permitted to be submitted where approved by the building official. Construction documents shall define the scope of the proposed work; shall be of sufficient clarity to indicate the location, nature and extent of the proposed work; shall show in detail that the proposed work will conform to the provisions of the Uniform Code, the Energy Code, and other applicable codes, laws, ordinances, and regulations; and shall include any and all additional information and documentation that may be required by ~~the stricter of~~ the Code Enforcement Program of the ~~authority having jurisdiction or a Part 1203—Compliant Code Enforcement Program.~~

[NY] R106.1.2 Manufacturer's installation instructions. Manufacturer's installation instructions, as required by any applicable provisions of the Uniform Code or ~~by any applicable provision of~~ the Energy Code, shall be available on the job site at the time of inspection.

~~[NY] R106.1.3 Information on braced wall design.~~ For buildings and structures utilizing braced wall design, and where required by the building official, braced wall lines shall be identified on the construction documents. Pertinent information including, but not limited to, bracing methods, location and length of braced wall panels and foundation requirements of braced wall panels at top and bottom shall be provided.

~~[NY] R106.1.4 Information for construction in flood hazard areas.~~ For buildings and structures located in whole or in part in flood hazard areas as established by Table R301.2~~(4)~~, construction documents shall include:

1. Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate.
2. The elevation of the proposed lowest floor, including *basement*; in areas of shallow flooding (AO Zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade.
3. The elevation of the bottom of the lowest horizontal structural member in coastal high-hazard areas (V Zone) and in Coastal A Zones where such zones are delineated on flood hazard maps identified in Table R301.2~~(4)~~ or otherwise delineated by the jurisdiction.
4. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the *building official* and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

R106.1.5 Information on storm shelters. Construction documents for storm shelters shall include the information required in ICC 500.

~~[NY] R106.2 Site plan or plot plan.~~ The construction documents submitted with the application for a ~~building~~ permit shall be accompanied by a site plan showing the size and location of new construction and existing structures on the site and distances from lot lines. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan where the application for ~~building~~ permit is for alteration or repair or where otherwise warranted.

R106.3 Examination of documents. The building official shall examine or cause to be examined construction documents for code compliance.

R106.3.1 Approval of construction documents. Where the *building official* issues a permit, the *construction documents* shall be approved in writing or by a stamp that states “REVIEWED FOR CODE COMPLIANCE.” One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

[NY] R106.3.2 Reserved.

[NY] R106.3.3 Reserved.

R106.4 Amended construction documents. Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

R106.5 Retention of construction documents. One set of *approved construction documents* shall be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

SECTION R107 TEMPORARY STRUCTURES AND USES

[NY] 107.1 Conformance. Temporary structures shall conform to Chapter 31 of the Building Code of New York State and Chapter 31 of the Fire Code of New York State.

R107.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, light, *ventilation* and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

R107.3 Temporary power. The *building official* is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

R107.4 Termination of approval. The *building official* is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

[NY] SECTION R108 RESERVED

SECTION R109 INSPECTIONS

R109.1 Types of inspections. For on-site construction, from time to time the *building official*, upon notification from the *permit* holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the *permit* holder or his or her agent wherein the same fails to comply with this code.

~~**[NY] R105.3 Construction inspections.** Any person or entity performing work for which a building permit has been issued shall keep work accessible and exposed until the work has been inspected and accepted by the authority having jurisdiction, or its authorized agent, at each element of the construction process that is applicable to the work and specified in the stricter of the authority having jurisdiction’s Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program.~~

R109.1.1 Foundation inspection. Inspection of the foundation shall be made after poles or piers are set or trenches or *basement* areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include

excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.

R109.1.2 Plumbing, mechanical, gas and electrical systems inspection. Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

Exception: Backfilling of ground-source heat pump loop systems tested in accordance with Section M2105.28 prior to inspection shall be permitted.

R109.1.3 Floodplain inspections. For construction in flood hazard areas as established by Table R301.2, upon placement of the lowest floor, including *basement*, and prior to further vertical construction, the *building official* shall require submission of documentation, prepared and sealed by a *registered design professional*, of the elevation of the lowest floor, including *basement*, required in Section R306.

R109.1.4 Frame and masonry inspection. Inspection of framing and masonry construction shall be made after the roof, masonry, framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are approved.

R109.1.5 Other inspections. In addition to inspections in Sections R109.1.1 through R109.1.4, the *building official* shall have the authority to make or require any other inspections to ascertain compliance with this code and other laws enforced by the *building official*.

R109.1.5.1 Fire-resistance-rated construction inspection. Where fire-resistance-rated construction is required between *dwelling units* or due to location on property, the *building official* shall require an inspection of such construction after lathing or gypsum panel products are in place, but before any plaster is applied, or before panel joints and fasteners are taped and finished.

R109.1.6 Final inspection. Final inspection shall be made after the permitted work is complete and prior to occupancy.

R109.1.6.1 Elevation documentation. If located in a flood hazard area, the documentation of elevations required in Section R306.1.10 shall be submitted to the *building official* prior to the final inspection.

R109.2 Inspection agencies. The *building official* is authorized to accept reports of approved agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

~~**[NY] R105.3.1 R109.3 Inspection requests.** It shall be the duty of the *permit* holder ~~of the building permit~~ or their ~~duly authorized~~ agent to notify the *building official* ~~when~~ that such work is ready for inspection. It shall be the duty of the ~~building permit holder~~ person requesting any inspections required by this code to provide *access* to and means for inspections of such work ~~that are required by this code~~.~~

~~**[NY] R109.4 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *authority having jurisdiction*. The *building official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the *permit* holder or an agent of the *permit* holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.~~

SECTION R110 CERTIFICATE OF OCCUPANCY

~~**[NY] R105.5.2 Change in use or occupancy.** Without regard to whether a certificate of occupancy shall have been issued, no person or entity shall convert the use or occupancy of a building or structure, or any portion thereof, from one use or occupancy to another without first obtaining a building permit to perform the work, if any, required for such conversion; performing such required work, if any; and obtaining a certificate of occupancy from the authority having jurisdiction.~~

[NY] ~~R105.5~~ **R110.1 Certificates** **Change of occupancy.** Where a certificate of occupancy is required by the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program, ~~requires a certificate of occupancy for permission to use or occupy a building or structure, or any portion thereof, no person or entity shall use or occupy such building or structure, or such portion thereof~~ a building or structure shall not be used or occupied in whole or in part, and a change of occupancy of a building or structure or portion thereof shall not be made, unless:

1. The authority having jurisdiction has issued such certificate of occupancy,
2. Such certificate of occupancy has not been revoked or suspended, and
3. In the case of a temporary certificate of occupancy, such temporary certificate of occupancy has not expired.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

[NY] **R110.2 Certificate issued.** After the building official inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the department, the building official shall issue a certificate of occupancy containing the following:

1. The permit number, if any;
2. The date of issuance of the building permit, if any;
3. The name, address, and tax map number of the property;
4. The name and address of the owner or the owner's authorized agent;
5. If the certificate is not applicable to an entire structure, a description of that portion of the structure for which the certificate is issued;
6. Any special stipulations and conditions of the building permit; and
7. The date of issuance and signature of the official issuing the certificate of occupancy or certificate of compliance.

[NY] **R110.3 Temporary occupancy.** The authority having jurisdiction is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The authority having jurisdiction shall set a time period during which the temporary certificate of occupancy is valid.

[NY] **R110.4 Revocation.** The authority having jurisdiction is authorized to suspend or revoke a certificate of occupancy issued under the provisions of this code, in writing, wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of the provisions of this code or other ordinance of the authority having jurisdiction.

~~[NY] **R105.5.1 Authorized uses and occupancies.** Where a certificate of occupancy has been issued for a building or structure, or any portion thereof, no person or entity shall use or occupy such building or structure, or such portion thereof, for any use or occupancy other than that authorized by such certificate of occupancy.~~

~~[NY]~~ SECTION ~~R107~~ **R111** SERVICE UTILITIES

~~[NY] R107.1~~ **R111.1 Connection of service utilities.** ~~A person shall not make connections from a utility, a source of energy, fuel or power, or water system or sewer system to any building or system which that is regulated by this code for which a permit is required, until approved by the building official. shall be made in accordance with the requirements of the Uniform Code; the regulations of the public utility providing such utility, source of energy, fuel or power; and the regulations of any governmental unit or agency having jurisdiction over such utility, source of energy, fuel or power.~~

~~[NY] R107.1.1~~ **R111.2 Temporary connection.** ~~Where approved by the The building official, shall have the authority to authorize the temporary connections of the building or system to the from a utility, source of energy, fuel or power, water system or sewer system for the purpose of testing systems for use under a temporary approval. to a building or system may be made. Temporary connections shall be made in accordance with Section R107.1.~~

R111.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section R111.1 or R111.2. The building official shall notify the serving utility and where possible the owner or the owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner, the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

~~[NY] R107.2~~ **R111.4 Notice of disconnection of service utilities.** The owner or the owner's authorized agent shall notify the *building official* of the disconnection of any utility service to the building, structure, or system regulated by the Uniform Code.

[NY] SECTION R112 VARIANCES AND APPEALS

~~[NY] R103.3~~ ~~R112.1 Application for variance or appeal~~ **General.** An application for a variance or modification of any provision or requirement of Uniform Code shall be in accordance with the provisions of Part 1205. An appeal of any order or determination, or the failure within a reasonable time to make an order or determination, of an administrative official charged to enforce or purporting to enforce the Uniform Code may be made in accordance with the provisions of Part 1205.

~~[NY] 104.2~~ ~~112.2 Waivers, variances, and modifications~~ **Limitations on authority.** Nothing in this code or elsewhere in the Uniform Code shall be construed as permitting any building official or any authority having jurisdiction to waive, vary, modify, or otherwise alter any provision or requirement of this code or any other provision or requirement of the Uniform Code. Provisions or requirements of the Uniform Code may be varied or modified only in accordance with procedures established by Part 1205 or by such other regulations as may hereafter be promulgated by the Secretary of State pursuant to Section 381(1)(f) of the Executive Law.

R112.3 Reserved.

R112.4 Reserved.

SECTION R113 VIOLATIONS

[NY] R113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

[NY] ~~R105.6~~ **R113.1.1 Violations.** Any violation of any provision set forth in [this code Sections R105.2 through R105.5](#) shall be a violation of the Uniform Code, and any person or entity violating any such provision shall be subject to the penalties prescribed in Executive Law Section 382(2). In addition, to the extent that any act or omission that violates any provision set forth in ~~Sections R105.2 through R105.5~~ [this chapter](#) is also a violation of any other applicable law, any person or entity guilty of such act or omission shall also be subject to the penalties prescribed in or otherwise applicable to a violation of such other applicable law.

[NY] **R113.2 Notice of violation.** The authority having jurisdiction is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

[NY] **R113.3 Reserved.**

R113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

SECTION R114 STOP WORK ORDER

[NY] ~~R105.4~~ **R114.1 Stop-work orders Authority.** The authority having jurisdiction is authorized to issue a stop work order to halt work that is being performed without a required ~~building~~ permit; work that is being performed after a required ~~building~~ permit has been revoked or suspended or has expired; work that is being conducted in a dangerous or unsafe manner; or work that is contrary to provisions of the Uniform Code, the Energy Code, the approved construction documents, or the terms and conditions (if any) of the ~~building~~ permit. ~~No person or entity shall commence, perform or continue any work if the authority having jurisdiction has issued a stop work order with respect to such work.~~

R114.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

[NY] **R114.4 Reserved.**

R114.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction.

[NY] SECTION ~~R108~~ **R115 INSPECTION OF SOLID FUEL-BURNING HEATING APPLIANCES, CHIMNEYS AND FLUES**

[NY] ~~R108.1~~ **R115.1 General.** This Ssection ~~R108~~ is made part of this code pursuant to Executive Law Section 378 (5-c).

[NY] ~~R108.2~~ **R115.2 Permit.** Prior to the installation of any solid fuel-burning heating appliance, chimney or flue in any dwelling used as a residence, the owner thereof, or his agent, shall first secure a permit from the authority having jurisdiction.

[NY] **R108.3 R115.3 Installation and inspection.** An appropriate and qualified inspector, as determined by the authority having jurisdiction, shall cause an inspection to be made of the solid fuel-burning heating appliance, chimney or flue at a time when such inspection will best determine conformity of such installation with the Uniform Code.

Exception: The authority having jurisdiction may waive such inspection for good cause shown.

[NY] **R108.4 R115.4 Certificate of approval compliance.** Upon approval of such installation, the **building code** official or other appropriate official of the authority having jurisdiction shall issue a certificate evidencing compliance with the appropriate provisions of the Uniform Code (such certificate being hereinafter referred to as a “certificate of **approval compliance**”). No owner of any dwelling used as a residence shall operate, or cause to be operated, any solid fuel-burning heating appliance until such installation, including chimney and flue, has been approved and a certificate of approval has been obtained from the authority having jurisdiction.

[NY] **R108.4.1 R115.4.1 Accidental fire.** In the event of an accidental fire in a solid fuel-burning heating appliance, chimney or flue requiring the services of a fire department, the chief of the responding fire department may issue a temporary thirty-day certificate indicating substantial conformity with the Uniform Code.

The authority having jurisdiction shall cause an inspection to be made by an official inspector, as determined by the Code Enforcement Program of the authority having jurisdiction, and a new certificate to be issued indicating conformity of such solid fuel-burning heating appliance, chimney or flue with the Uniform Code.

[NY] **R108.4.2 R115.4.2 Liability.** Pursuant to Executive Law Section 378(5-c)(f), the issuance of such certificate of **approval compliance** shall not be deemed to give rise to any claim or cause of action for damages against the authority having jurisdiction or any official of the authority having jurisdiction for damages resulting from operation or use of such solid fuel-burning heating appliance, chimney or flue.

[NY] **R108.5 R115.5 Fee.** The authority having jurisdiction may establish and collect a reasonable fee for such inspection from the owner of such property or such owner’s agent.

[NY] **R108.6 R115.6 Violations.** Pursuant to Executive Law Section 378(5-c)(h), any violation of Section R108 shall be deemed a violation and shall be punishable by a fine not to exceed two hundred fifty dollars.

[NY] **R108.7 R115.7 Emergency repair.** Where equipment replacements and repairs must be performed in an emergency situation and where a delay occasioned by the requirement of securing a permit could reasonably be expected to cause irreparable damage to the property or serious personal injury to the occupants or other person, the owner or his agent may commence such installation without first obtaining such permit provided application therefore is filed within three business days after such work is commenced.

Fire Code of New York State

Chapter 1

~~[NY]~~ CHAPTER 1 SCOPE AND ADMINISTRATION

~~[NY]~~ SECTION 101 ~~TITLE, SCOPE AND PURPOSE~~ GENERAL REQUIREMENTS

[NY] **101.1 Title.** This publication shall be known as the 2020~~04~~ edition of the Fire Code of New York State hereinafter referred to as “this code.” This code is part of the New York State Uniform Fire Prevention and Building Code (the “Uniform Code”).

[NY] **101.1.1 Amendments of New York State code books.** In Chapter 1, the term “New York State code books” shall include the Residential Code of New York State, the Building Code of New York State, the Plumbing Code of New York State, the Mechanical Code of New York State, the Fuel Gas Code of New York State, the Fire Code of New York State (i.e., this publication), the Property Maintenance Code of New York State, the Existing Building Code of New York State, and the Energy Conservation Construction Code of New York State. Provisions in any one or more of the New York State code books may be amended from time to time by provisions in 19 NYCRR Parts 1220 to 1227 or 19 NYCRR Part 1240, as currently in effect and as hereafter amended from time to time. If this publication is now or hereafter so amended, references in this publication to “this code” shall be deemed to be references to this publication as so amended. If any other New York State code book is now or hereafter so amended, references in this code to such other New York State code book shall be deemed to be references to such New York State code book as so amended.

~~[NY]~~ **101.2 Scope.** This code establishes regulations affecting or relating to structures, processes, premises and safeguards regarding all of the following:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices.
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises.
3. Fire hazards in the structure or on the premises from occupancy or operation.
4. Matters related to the construction, extension, repair, *alteration* or removal of fire ~~suppression or alarm~~ protection systems.
5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.

[NY] **101.2.1 Appendices.** Provisions in the following appendix have been adopted and are part of this code:

Appendix D Fire Apparatus Access Roads

In addition, the following appendices are included for informational purposes:

Appendix B	Fire-Flow Requirements for Buildings
Appendix C	Fire Hydrant Locations and Distribution
Appendix E	Hazard Categories
Appendix F	Hazard Ranking
Appendix G	Cryogenic Fluids—Weight and Volume Equivalents
Appendix H	Hazardous Materials Management Plan and Hazardous Materials Inventory Statement Instructions
Appendix I	Fire Protection Systems—Noncompliant Conditions

Appendix J	Building Information Sign
Appendix L	Requirements for Fire Fighter Air Replenishment Systems
Appendix N	Indoor Trade Shows and Exhibitions

[NY] 101.3 Intent Purpose. The purpose of this code is to establish the minimum requirements ~~consistent with nationally recognized good practice~~ for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to provide a reasonable level of safety to firefighters and emergency responders during emergency operations.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

[NY] ~~102.10~~ 101.5 Partial Invalidity. In the event that any part or provision of this code is held by a court of competent jurisdiction to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

[NY] ~~105.1~~ 101.6 Purpose Provisions included in Uniform Code. The purpose of ~~Section 105 this chapter~~ is to include in the Uniform Code provisions requiring persons and entities who construct, renovate, use and occupy buildings and structures to apply for and obtain building permits, to facilitate construction inspections, to obey stop work orders, to obtain certificates of occupancy, and to obtain operating permits. The provisions in ~~Section 105 this chapter~~ are considered to be integral parts of the Uniform Code's standards for construction, maintenance, and fire protection equipment and systems.

[NY] ~~105.1.1~~ 101.6.1 Definition. For the purpose of ~~Section 105 this chapter~~, the term "other applicable law" shall include the authority having jurisdiction's Code Enforcement Program; any local law, ordinance, or regulation establishing the authority having jurisdiction's Code Enforcement Program; and any other applicable statute, regulation, rule, local law, or ordinance.

~~[NY]~~ SECTION 102 APPLICABILITY

[NY] ~~102.2~~ 102.1 Construction and design provisions. The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions where ~~identified in this code~~ required in Chapter 11.

Exception: Agricultural buildings, including barns, sheds, poultry houses and other buildings and equipment on the premises that are used directly and solely for agricultural purposes, shall not be subject to the construction-related provisions of this code.

[NY] ~~102.3~~ 102.2 Administrative, operational and maintenance provisions. The administrative, operational and maintenance provisions of this code shall apply to:

1. Conditions and operations arising after the adoption of this code.
2. Existing conditions and operations.

[NY] ~~102.4~~ 102.3 Change of use or occupancy. ~~No~~ A change of occupancy shall not be made ~~in the use or occupancy of any building or structure~~ unless ~~such building or structure~~ the use or occupancy is made

to comply with ~~(1)~~ the ~~applicable~~ requirements of this code, ~~(2)~~ the requirements of the Existing Building Code of New York State, ~~(3)~~ other applicable provisions of the Uniform Code and ~~(4)~~ the applicable provisions of the Energy Code.

[NY] ~~102.5~~ 102.4 Application of the Bbuilding Ccode of New York State. The design and construction of new structures shall comply with the Building Code of New York State, and any alterations, additions, changes in use or changes in structures required by this code, which are within the scope of the Building Code of New York State, shall be made in accordance therewith.

[NY] ~~102.6~~ 102.5 Application of the Rresidential Ccode of New York State. Where structures are designed and constructed in accordance with the Residential Code of New York State, the ~~construction and design~~ provisions of this code ~~pertaining to the exterior of the structure~~ shall apply ~~including, but not limited to, premises identification, fire apparatus access, and water supplies, as follows:~~

1. Construction and design provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Where interior or exterior systems or devices are installed, construction permits required by Section 105.6 shall apply.
2. Administrative, operational and maintenance provisions of this code shall apply.

[NY] 102.6 Reserved.

[NY] ~~102.9~~ 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 80, and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated ~~in~~ by Sections ~~102.9.1~~ 102.7.1 and ~~102.9.2~~ 102.7.2.

[NY] ~~102.9.1~~ 102.7.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

[NY] ~~102.9.2~~ 102.7.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

[NY] 102.8 Reserved.

[NY] 102.9 Reserved.

[NY] ~~102.1~~ 102.10 Conflicting provisions-General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in ~~any~~ specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

[NY] ~~102.7~~ 102.11 Other laws and regulations. This code is part of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) promulgated pursuant to Article 18 of the New York State Executive Law. The provisions of this code shall not be deemed to nullify any federal, state or local law, ordinance, administrative code, rule or regulation relating to any matter as to which the Uniform Code does not provide.

However:

1. Pursuant to Section 383(1) of the Executive Law, and except as otherwise provided in paragraphs a, b, and c of Section 383(1) of the Executive Law, the provisions of the Uniform Code supersede any other provision of a general, special or local law, ordinance, administrative code, rule or regulation inconsistent or in conflict with the Uniform Code.

2. Pursuant to Section 379(3) of the Executive Law, no city, town, village, county or other municipality shall have the power to supersede, void, repeal, or make less restrictive any provision of the Uniform Code.
3. The ability of any city, town, or village, or the County of Nassau, to enact or adopt, and to enforce, a local law or ordinance imposing higher or more restrictive standards for construction within the jurisdiction of such city, town, village, or county that are applicable generally to such city, town, village, or county in the Uniform Code is subject to the provisions and requirements of Section 379 of the Executive Law.

Nothing in [this](#) Section ~~102.7~~ shall be construed as:

1. Affecting the authority of the State Labor Department to enforce a safety or health standard issued under provisions of Sections 27 and 27-a of the Labor Law;
2. Relieving a person from complying with a stricter standard issued pursuant to the Occupational Safety and Health Act of 1970, as amended; or
3. Superseding, limiting, impairing or otherwise affecting any provision the Uniform Code, as now in effect and as hereafter amended from time to time.

[NY] ~~102.7.1~~ [102.11.1](#) **Other New York Codes, Rules and Regulations (NYCRR).** Additional New York Codes, Rules and Regulations exist that may affect new and existing buildings, structures, systems and equipment. Such regulations include, but are not limited to:

1. 19 NYCRR Part 300 (Universal Symbol of Access),
2. 19 NYCRR Part 1261 (Recordkeeping – Smoke Detectors in Multiple Dwellings),
3. 19 NYCRR Part 1264 (Identification of Buildings Utilizing Truss Type Construction), and
4. 19 NYCRR Part 1265 (Residential Structures with Truss Type Construction, Pre-Engineered Wood Construction and/or Timber Construction).

[NY] ~~102.8~~ [102.12](#) **Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

[NY] ~~102.11~~ [102.13](#) **Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the Existing Building Code of New York State, the Property Maintenance Code of New York State, or any other applicable provision of the Uniform Code. For the purposes of this Section, the “effective date of this code” shall be deemed to be 90th day after the date on which the Notice of Adoption of the rule incorporating this code by reference in Part 1225 of the New York Codes, Rules, and Regulations shall have been published in the State Register.

PART 2—ADMINISTRATION AND ENFORCEMENT

[NY] SECTION 103 RESERVED ~~ADMINISTRATION AND ENFORCEMENT~~

[NY] SECTION 104 ~~MATERIALS, EQUIPMENT, AND METHODS OF CONSTRUCTION~~ DUTIES AND POWERS OF THE AUTHORITY HAVING JURISDICTION

[NY] ~~103.1~~ [104.1](#) **Administration and enforcement.** The Uniform Code shall be administered and enforced by the authority having jurisdiction. The identity of the authority having jurisdiction in a given

situation is determined in accordance with Article 18 of the Executive Law and the regulations promulgated by the Secretary of State pursuant to Executive Law Section 381(1). In general, the authority having jurisdiction is the local government (city, town or village) in which the building or structure is located. In certain situations, the authority having jurisdiction may be the county in which the building or structure is located. In certain other cases, the State, the Secretary of State (acting through the Department of State) or some other State agency may be the authority having jurisdiction. The authority having jurisdiction responsible for administration and enforcement of the Uniform Code is also responsible for administration and enforcement of the Energy Code.

Administration and enforcement of the Uniform Code and Energy Code shall be in accordance with the following, as applicable:

1. Where a city, town, village or county is the authority having jurisdiction:
 - 1.1. Such city, town, village or county shall provide for administration and enforcement of the Uniform Code and Energy Code by local law, ordinance, other appropriate regulation, or combination thereof;
 - 1.2. The Code Enforcement Program established by such local law, ordinance, other appropriate regulation, or combination thereof, must include, at a minimum, the features described in Part 1203 and must satisfy all other requirements of Part 1203.
 - 1.3. Such city, town, village or county shall administer and enforce the Uniform Code in accordance with the Code Enforcement Program established by such local law, ordinance or other appropriate regulation, or combination thereof.
2. Where the State is the authority having jurisdiction pursuant to 19 NYCRR Section 1201.2(d):
 - 2.1. The Code Enforcement Program shall be as established by Part 1204.
 - 2.2. The State, acting through one or more State agencies, shall administer and enforce the Uniform Code and Energy Code in accordance with Part 1204.
3. Where the Department of State is the authority having jurisdiction:
 - 3.1. The Code Enforcement Program shall be as established by Part 1202.
 - 3.2. The Department of State shall administer and enforce the Uniform Code and Energy Code in accordance with Part 1202.
4. Where any governmental unit or agency not included in paragraphs 1, 2, and 3 above is the authority having jurisdiction:
 - 4.1. Such governmental unit or agency shall provide for administration and enforcement of the Uniform Code and Energy Code by regulation.
 - 4.2. The Code Enforcement Program established by such regulation must include, at a minimum, the features described Part 1203 and must satisfy all other requirements of Part 1203.
 - 4.3. Such governmental unit or agency shall administer and enforce the Uniform Code and Energy Code in accordance with the Code Enforcement Program established by such regulation.

Every governmental unit or agency thereof charged with administration and enforcement of the Uniform Code shall exercise its powers in due and proper manner so as to extend to the public protection from the hazards of fire and inadequate building construction.

Any person or entity constructing or renovating a building or structure, changing the use or occupancy of a building or structure, or engaging in any other activity that is subject to the provisions of the Code Enforcement Program of the authority having jurisdiction responsible for administration and enforcement

of the Uniform Code with respect to such building shall comply with all applicable provisions of such Code Enforcement Program.

In addition, persons and entities who construct, renovate, use and occupy buildings and structures shall comply with all applicable provisions of Section 105 of this code.

[NY] ~~103.2~~ 104.1.1 **Due process.** Nothing in Chapter 1, ~~or elsewhere in this code, or~~ elsewhere in the Uniform Code, or in any regulation promulgated pursuant to Executive Law Section 381(1), shall be construed as authorizing any authority having jurisdiction to administer and enforce the Uniform Code in a manner that deprives any person or entity of due process of law. ~~In particular, but not by way of limitation, nothing in Chapter 1, or elsewhere in this code or elsewhere in the Uniform Code, or in any regulation promulgated pursuant to Executive Law Section 381(1), relating to~~ For example, when posting, placarding and/or condemnation of buildings or structures that are unsafe, unfit for human occupancy or unlawful shall be construed as authorizing any authority having jurisdiction to post, placard or condemn any such building or structure and/or to remove any owner or occupant or cause any owner or occupant to be removed from any such building or structure without providing such notice and opportunity to be heard (and, if applicable, right of appeal) as may be required under the applicable circumstances by applicable Constitutional provisions prior to posting, placarding and/or condemning such building or structure and/or removing any owner or occupant or causing any owner or occupant to be removed from any such building or structure.

[NY] 104.2 **Determination of compliance.** The authority having jurisdiction shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[NY] 104.2.1 **Listed compliance.** Where this code or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer's instructions, and where required to verify compliance, the listing standard and manufacturer's instructions shall be made available to the authority having jurisdiction.

[NY] 104.2.2 **Technical assistance.** To determine compliance with this code, the authority having jurisdiction is authorized to require the owner or owner's authorized agent to provide a technical opinion and report.

104.2.2.1 **Cost.** A technical opinion and report shall be provided without charge to the authority having jurisdiction.

[NY] 104.2.2.2 **Preparer qualifications.** The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the authority having jurisdiction. The authority having jurisdiction is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

104.2.2.3 **Content.** The technical opinion and report shall analyze the properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon to identify and propose necessary recommendations.

[NY] 104.2.2.4 **Tests.** Where there is insufficient evidence of compliance with the provisions of this code, the authority having jurisdiction shall have the authority to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of

recognized test standards, the authority having jurisdiction shall approve the testing procedures. Such tests shall be performed by a party acceptable to the authority having jurisdiction.

~~[NY] 104.2 Waivers, variances, and modifications. Nothing in this code shall be construed as permitting any building official or any authority having jurisdiction to waive, vary, modify, or otherwise alter any provision or requirement of this code or any other provision or requirement of the Uniform Code. Provisions or requirements of the Uniform Code may be varied or modified only in accordance with procedures established by Part 1205 or by such other regulations as may hereafter be promulgated by the Secretary of State pursuant to Section 381(1)(f) of the Executive Law.~~

~~[NY] 104.3 104.2.3 Alternative materials, equipment, appliances, designs, and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any materials, equipment, or appliances not specifically prescribed by this code, or to prohibit any designs or methods of construction not specifically prescribed by this code, provided that any such alternative materials, equipment, appliances, designs, or methods of construction: (1) are is not specifically prohibited by any provision of this code, by any other provision of the Uniform Code, or by the Energy Code, and (2) shall have has been approved in writing by the fire code official, in writing, by the building official. Alternative materials, equipment, appliances, designs, or methods of construction may be approved only when the building official shall have determined, in writing, that such alternative is:~~

- ~~1. Satisfactory and complies with the intent of the provisions and requirements of the Uniform Code.~~
- ~~2. Not less than the equivalent of that prescribed in the Uniform Code in quality, strength, effectiveness, fire resistance, durability, and safety.~~

Nothing in this section shall be construed as permitting any authority having jurisdiction to waive, vary, modify or otherwise alter any provision or requirement of this code or any other provision or requirement of the Uniform Code. Provisions or requirements of the Uniform Code may be varied or modified only pursuant to procedures established in Part 1205 or by such other regulations as may hereafter be promulgated by the Secretary of State pursuant to Section 381(1)(f) of the Executive Law.

[NY] 104.2.3.1 Approval authority. An alternative material, design or method of construction shall be approved where the authority having jurisdiction finds that the proposed alternative is satisfactory and complies with Sections 104.2.3.2 through 104.2.3.7, as applicable.

[NY] 104.2.3.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the authority having jurisdiction for approval. Where the alternative material, design or method of construction is not approved, the authority having jurisdiction shall respond in writing, stating the reasons the alternative was not approved.

104.2.3.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality.
2. Strength.
3. Effectiveness.
4. Durability.
5. Safety, other than fire safety.
6. Fire safety.

[NY] 104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the authority having jurisdiction.

[NY] 104.2.3.5.1 Fire tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to authority having jurisdiction.

104.2.3.6 Reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

[NY] 104.2.3.6.1 Evaluation reports. Evaluation reports shall be issued by an *approved agency* and use of the evaluation report shall require approval by the authority having jurisdiction for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the authority having jurisdiction's recognition of the *approved agency*. Criteria used for the evaluation shall be identified within the report and, where required, provided to the authority having jurisdiction.

[NY] 104.2.3.6.2 Other reports. Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the authority having jurisdiction. The authority having jurisdiction is authorized to require design submittals to be prepared by, and bear the stamp of, a *registered design professional*.

[NY] 104.2.3.7 Peer review. The authority having jurisdiction is authorized to require submittal of a *peer review* report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is *approved* by the authority having jurisdiction.

[NY] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, a variance may be applied for in accordance with 19 NYCRR Part 1205.

[NY] 104.2.4.1 Reserved.

[NY] 104.2.4.2 Reserved.

[NY] 104.3 Applications and permits. The authority having jurisdiction is authorized to receive applications, review *construction documents* and issue *permits* for construction regulated by this code, issue *permits* for operations regulated by this code, inspect the premises for which such *permits* have been issued and enforce compliance with the provisions of this code.

[NY] 104.4 Reserved.

[NY] 104.4.1 Reserved.

[NY] 104.5 Identification. The authority having jurisdiction shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[NY] 104.6 Notices and orders. The authority having jurisdiction shall issue necessary notices or orders to ensure compliance with this code. Notices of violations shall be in accordance with Section 113.

[NY] 104.7 Official records. The authority having jurisdiction shall keep official records as required by the applicable records retention and disposition schedules established by the *authority having jurisdiction* or pursuant to the Arts and Cultural Affairs Law.

[NY] 104.7.1 Reserved.

[NY] 104.7.2 Reserved.

[\[NY\] 104.7.3 Reserved.](#)

[\[NY\] 104.7.4 Reserved.](#)

[\[NY\] 104.7.5 Reserved.](#)

[\[NY\] 104.7.6 Reserved.](#)

[\[NY\] 104.8 Reserved.](#)

[\[NY\] 104.8.1 Reserved.](#)

~~**[NY] 104.1**~~ **104.9 Approved materials and equipment.** Materials, equipment, and devices approved by the ~~building official-~~ authority having jurisdiction shall be constructed and installed in accordance with such approval. ~~Materials, equipment and devices tested by an approved testing laboratory shall be permitted to be constructed and installed in accordance with such approval.~~

~~**[NY] 104.1.1**~~ **104.9.1 Used materials and equipment reuse.** ~~Used materials, equipment, and devices shall not be reused unless they meet the requirements of this code for new materials-~~ such elements are in good working order and approved.

[\[NY\] 104.10 Reserved.](#)

[\[NY\] 104.10.1 Reserved.](#)

[\[NY\] 104.11 Reserved.](#)

[\[NY\] 104.11.1 Reserved.](#)

[\[NY\] 104.11.2 Reserved.](#)

104.11.3 Systems and devices. Persons shall not render a system or device inoperative during an emergency unless by direction of the fire chief or fire department official in charge of the incident.

~~**[NY] 104.4**~~ **104.12 Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of the Uniform Code shall be executed and installed in a workmanlike manner in accordance with Uniform Code and the manufacturer's installation instructions.

~~**[NY] SECTION 105 BUILDING PERMITS, CONSTRUCTION INSPECTIONS, STOP WORK ORDERS, CERTIFICATES OF OCCUPANCY, AND OPERATING PERMITS**~~

105.1 General. Permits shall be in accordance with Sections 105.1.1 through 105.6.25.

[NY] 105.1 Permits required. A property owner or owner's authorized agent who intends to conduct an operation or business, or install or modify systems and equipment that are regulated by this code, or to cause any such work to be performed, shall first make application to the authority having jurisdiction and obtain the required permit.

[\[NY\] 105.1.2 Reserved.](#)

[NY] 105.1.3 Multiple permits for the same location. Where more than one permit is required for the same location, the authority having jurisdiction is authorized to consolidate such permits into a single permit provided that each provision is listed in the permit.

[NY] 105.1.4 Emergency repairs. Where equipment replacement and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the authority having jurisdiction.

[NY] 105.1.5 Repairs. Application or notice to the *authority having jurisdiction* is not required for ordinary repairs to structures, equipment or systems. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or change of any required *means of egress*, or rearrangement of parts of a structure affecting the egress requirements; nor shall any repairs include addition to, *alteration of*, replacement or relocation of any standpipe, fire protection water supply, *automatic sprinkler system*, fire alarm system or other work affecting fire protection or life safety.

[NY] 105.1.6 Reserved.

[NY] 105.1.6.1 Reserved.

[NY] ~~105.2~~ 105.1.7 **Building permits.** No person or entity shall commence, perform, or continue any work that must conform with the Uniform Code and/or Energy Code unless all of the following apply:

1. Such person or entity has applied to the authority having jurisdiction for a **building** permit;
2. The authority having jurisdiction has issued a **building** permit authorizing such work;
3. Such **building** permit has not been revoked or suspended, ~~and~~;
4. Such **building** permit has not expired.

[NY] **105.2.1 Work exempt from building permit requirement.** A **building** permit shall not be required for work in any category that is excluded from the **building** permit requirement by the authority having jurisdiction's Code Enforcement Program, provided that Part 1203 allows an authority having jurisdiction to exclude such category of work from the **building** permit requirement. Exemptions from **building** permit requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of any provision of the Uniform Code, any provision of the Energy Code, or any provision of any other applicable law.

[NY] ~~105.2.2~~ **Applications for building permits.** ~~A person or entity applying for a building~~ Application for a permit shall submit an application be made to the authority having jurisdiction in such form and detail as prescribed by the authority having jurisdiction. ~~An a~~ Applications for a building permits shall include all of the following:

1. Construction and submittal documents that satisfy the requirements of Section 106;
- ~~2. Any and all other submittal documents required by Section 106;~~
3. Any and all other information and documentation that may be required by the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program; and
4. ~~Such other~~ All information and documentation ~~as the~~ required by the authority having jurisdiction ~~may determine to be necessary~~ to allow the authority having jurisdiction to determine whether the proposed work conforms with the Uniform Code, the Energy Code, and other applicable laws.

[NY] 105.2.1 Refusal to issue permit. If the application for a permit describes a use that does not conform to the requirements of this code and other pertinent laws and ordinances, the *authority having jurisdiction* shall not issue a permit, but shall return the application to the applicant with the refusal to issue such permit. Such refusal shall, where requested, be in writing and shall contain the reasons for refusal.

[NY] 105.2.2 Inspection authorized. Before a new operational permit is *approved*, the *authority having jurisdiction* is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used to determine compliance with this code or any operational constraints required.

[NY] 105.2.3 Reserved.

[NY] ~~105.2.3~~ **105.2.4 Approval of construction documents** **Action on application.** The *authority having jurisdiction* shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *authority having jurisdiction* shall reject such application in writing, stating the reasons therefor. If the *authority having jurisdiction* is satisfied that the proposed work or operation conforms to the requirements of this code and laws and ordinances applicable thereto, ~~When the authority having jurisdiction issues a building permit,~~ the *authority having jurisdiction* shall approve the *construction documents* in writing. Work shall be installed in accordance with the approved *construction documents* and the terms and conditions, if any, of the **building** permit.

105.3 Conditions of a permit. A permit shall constitute permission to maintain, store or handle materials; or to conduct processes that produce conditions hazardous to life or property; or to install equipment utilized in connection with such activities; or to install or modify any *fire protection system* or equipment or any other construction, equipment installation or modification in accordance with the provisions of this code where a permit is required by Section 105.5 or 105.6. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code or other applicable regulations or laws of the *authority having jurisdiction*.

[NY] **105.3.1 Reserved.**

[NY] **105.3.2 Reserved.**

[NY] **105.3.3 Occupancy prohibited before approval.** The building or structure shall not be occupied prior to the *authority having jurisdiction* issuing a permit, conducting associated inspections indicating the applicable provisions of this code have been met, and issuing a certificate of occupancy.

[NY] **105.3.4 Reserved.**

[NY] ~~105.2.6~~ **105.3.5 Placement of building** **Placement of** permit **and approved construction documents.** The **building** permit, or a copy thereof, ~~and at least one set of approved construction documents~~ shall be kept on the site of the work until the completion of the project. ~~The approved construction documents shall be open to inspection by any authorized representative of the authority having jurisdiction.~~

[NY] **105.3.6 Reserved.**

[NY] **105.3.7 Information on the permit.** The *authority having jurisdiction* shall issue all permits required by this code on an approved form furnished for that purpose. The permit shall contain a general description of the operation or occupancy and its location and any other information required by the authority having jurisdiction. Issued permits shall bear the signature of the authority having jurisdiction or other approved legal authorization.

[NY] ~~105.2.4~~ **105.3.8 Validity of building permit.** The issuance or granting of a **building** permit shall not be construed to be a *permit* for, or an approval of, any violation of any provision of the Uniform Code, the Energy Code, or any other applicable law. ~~A building p~~Permits ~~purporting~~ presuming to give authority to violate or cancel any provision of the Uniform Code, the Energy Code, or any other applicable law shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the ~~building official~~ *authority having jurisdiction* from requiring the correction of errors in the ~~construction~~ documents and other data. The authority having jurisdiction is authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of the authority having jurisdiction.

[NY] ~~105.2.5~~ **105.4 Suspension or revocation of building permit.** The *authority having jurisdiction* is authorized to suspend or revoke a **building** permit where ~~ver~~ it is found that the **building** permit is issued in error or on the basis of incorrect, inaccurate or incomplete information; ~~or~~ in violation of any provision of the Uniform Code, the Energy Code, or any other applicable law; or there has been a false statement or

misrepresentation as to the material facts in the application or *construction documents* on which the permit or approval was based including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the name for which it was issued.
6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation or this code.

Any such suspension or revocation shall be in writing, signed by an authorized agent of the *authority having jurisdiction*.

[NY] ~~105.6~~ 105.5 Operating permits. Where the stricter of the *authority having jurisdiction's* Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program requires an operating permit to conduct an activity or to use a category of building, no person or entity shall conduct such activity or use such category of building without obtaining an operating permit from the *authority having jurisdiction*. The procedures for applying for, issuing, revoking, and suspending operating permits shall be as set forth in the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program.

[NY] 105.5.1 Reserved.

[NY] 105.5.2 Reserved.

[NY] 105.5.3 Reserved.

[NY] 105.5.4 Reserved.

[NY] 105.5.5 Reserved.

[NY] 105.5.6 Reserved.

[NY] 105.5.7 Reserved.

[NY] 105.5.8 Reserved.

[NY] 105.5.9 Reserved.

[NY] TABLE 105.5.9 RESERVED

[NY] 105.5.10 Reserved.

[NY] 105.5.11 Reserved.

[NY] TABLE 105.5.11 RESERVED

[NY] 105.5.12 Reserved.

[NY] 105.5.13 Reserved.

[NY] 105.5.14 Reserved.

[NY] 105.5.15 Reserved.

[NY] 105.5.16 Reserved.

[\[NY\] 105.5.17 Reserved.](#)

[\[NY\] 105.5.18 Reserved.](#)

[\[NY\] 105.5.19 Reserved.](#)

[\[NY\] 105.5.20 Reserved.](#)

[\[NY\] 105.5.21 Reserved.](#)

[\[NY\] 105.5.22 Reserved.](#)

[\[NY\] TABLE 105.5.22 RESERVED](#)

[\[NY\] 105.5.23 Reserved.](#)

[\[NY\] 105.5.24 Reserved.](#)

[\[NY\] 105.5.25 Reserved.](#)

[\[NY\] 105.5.26 Reserved.](#)

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[\[NY\] 105.5.44 Reserved.](#)

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[\[NY\] 105.5.46 Reserved.](#)

[\[NY\] 105.5.47 Reserved.](#)

[\[NY\] 105.5.48 Reserved.](#)

[\[NY\] 105.5.49 Reserved.](#)

[\[NY\] 105.5.50 Reserved.](#)

~~[NY] 105.5.51~~ Reserved.

~~[NY] 105.5.52~~ Reserved.

~~[NY] 105.5.53~~ Reserved.

~~[NY] 105.5.54~~ Reserved.

~~[NY] 105.5.55~~ Reserved.

~~[NY] 105.5.56~~ Reserved.

~~[NY] 105.5.57~~ Reserved.

~~[NY] 105.6~~ Reserved.

[NY] ~~105.5~~ **105.7 Certificates of occupancy.** Where the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program requires a certificate of occupancy for permission to use or occupy a building or structure, or any portion thereof, no person or entity shall use or occupy such building or structure, or such portion thereof, unless:

1. The authority having jurisdiction has issued such certificate of occupancy,
2. Such certificate of occupancy has not been revoked or suspended, and
3. In the case of temporary certificate of occupancy, such temporary certificate of occupancy has not expired.

[NY] ~~105.5.1~~ **105.7.1 Authorized uses and occupancies.** Where a certificate of occupancy has been issued for a building or structure, or any portion thereof, no person or entity shall use or occupy such building or structure, or such portion thereof, for any use or occupancy other than that authorized by such certificate of occupancy.

[NY] ~~105.5.2~~ **105.7.2 Change in use or occupancy.** Without regard to whether a certificate of occupancy shall have been issued, no person or entity shall convert the use or occupancy of a building or structure, or any portion thereof, from one use or occupancy to another without first obtaining a building permit to perform the work, if any, required for such conversion; performing such work, if any; and obtaining a certificate of occupancy from the authority having jurisdiction.

~~[NY]~~ **SECTION 106 ~~SUBMITTAL~~ CONSTRUCTION DOCUMENTS**

[NY] **106.1 General.** Submittal documents consisting of construction documents, statements of special inspections, geotechnical reports and other data shall be submitted in two or more sets, or in a digital format where allowed by the authority having jurisdiction with each application for a ~~building~~ permit.

[NY] ~~106.2.9~~ **106.1.1 Design professional.** Construction documents shall be prepared by a registered design professional where required by Article 145 or Article 147 of the New York State Education Law; by the stricter of the Code Enforcement Program of the authority having jurisdiction; or a Part 1203—Compliant Code Enforcement Program, or by any other applicable statute, regulation, ~~or~~ local law, or ordinance.

[NY] 106.2 Examination of documents. The authority having jurisdiction shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

~~[NY] 106.2 Construction documents. Construction documents shall be in accordance with Sections 106.2.1 through 106.2.9.~~

[NY] **106.2.1 Information on construction documents.** *Construction documents shall be dimensioned and drawn on suitable material. Electronic media documents are permitted to be submitted where approved by the authority having jurisdiction.* ~~(1) Construction documents shall define the scope of the proposed work; (2) shall be of sufficient clarity to indicate the location, nature and extent of the proposed work; (3) shall show in detail that the proposed work will conform to the provisions of the Uniform Code, the Energy Code, and other applicable codes, laws, ordinances, and regulations; (4) shall include all information required by any provision of this code (including, but not limited to, the information described in Sections 106.2.2 through 106.2.8) and all information required by any other applicable provision of the Uniform Code, and all information required by any other applicable provision of the Energy Code; and (5) shall include any and all additional information and documentation that may be required by the stricter of the Code Enforcement Program of the authority having jurisdiction or a Part 1203—Compliant Code Enforcement Program.~~

[NY] **106.2.1.1 Manufacturer's installation instructions.** Manufacturer's installation instructions, as required by any applicable provision of the Uniform Code or by any applicable provision of the Energy Code, shall be available on the job site at the time of inspection.

[NY] **106.2.2 Fire protection system shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate ~~compliance to Chapter 9, any other applicable provision of the Uniform Code, conformance to this code~~ and the *construction documents*. ~~Such shop drawings and~~ shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the installation standards referenced in Chapter 9 ~~or in any other applicable provision of the Uniform Code.~~

106.2.3 Applicant responsibility. It shall be the responsibility of the applicant to ensure that the *construction documents* include all of the fire protection requirements and the shop drawings are complete and in compliance with the applicable codes and standards.

[NY] **106.2.4 Approved documents.** *Construction documents approved by the authority having jurisdiction are approved with the intent that such construction documents comply in all respects with this code. Review and approval by the authority having jurisdiction shall not relieve the applicant of the responsibility of compliance with this code.*

[NY] 106.2.4.1 Reserved.

[NY] ~~106.2.3~~ **106.2.5 Means of egress.** The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress, including the path of the exit discharge to the public way in compliance with the provisions of the Uniform Code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

~~[NY] 106.2.4 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with the Uniform Code and the Energy Code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water resistive membrane and details around openings.~~

~~The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.~~

~~[NY] 106.2.5 Exterior balconies and elevated walking surfaces. Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow, or irrigation, and the structural framing is protected by an impervious moisture barrier, the construction documents shall include details for all elements of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.~~

[NY] ~~106.2.6~~ **106.2.6 Site plan.** The construction documents submitted with the application for a ~~building~~ permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations. The site plan shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The ~~building official~~ authority having jurisdiction is authorized to waive or modify the requirement for a site plan where the application for a building permit is for an alteration or repair or where otherwise warranted.

~~[NY] 106.2.6.1 Design flood elevations. Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1 of the Building Code of New York State.~~

~~[NY] 106.2.6.2 Flood hazard documentation. If located in a flood hazard area, documentation of the elevation of the lowest floor as required in Section 1612.4 of the Building Code of New York State shall be submitted to the building official prior to the final inspection.~~

~~[NY] 106.2.7 Structural information. The construction documents shall provide the information specified in Section 1603 of the Building Code of New York State.~~

~~[NY] 106.2.8 Relocatable buildings. Construction documents for relocatable buildings shall comply with Section 3112 of the Building Code of New York State.~~

106.3 Amended construction documents. Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of construction documents.

[NY] 106.4 Retention of construction documents. One set of *approved construction documents* shall be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

~~[NY] 105.2.6 Placement of building permit and approved construction documents. The building permit, or a copy thereof, and at least one set of approved construction documents shall be kept on the site of the work until the completion of the project. The approved construction documents shall be open to inspection by any authorized representative of the authority having jurisdiction.~~

~~[NY] SECTION 111~~ **107 TEMPORARY STRUCTURES, USES, EQUIPMENT AND SYSTEMS**

[NY] 107.1 Conformance. Temporary structures shall conform to Chapter 31 of the Building Code of New York State and Chapter 31 of the Fire Code of New York State.

107.2 Conformance. Temporary uses, equipment and systems shall conform to the requirements of this code as necessary to ensure health, safety and general welfare.

~~[NY] 110.1.1~~ **107.3 Temporary connection service utilities.** ~~Where approved by the building official, The authority having jurisdiction is authorized to give permission to temporarily supply service utilities temporary connections from a utility, source of energy, fuel or power to a building or system may be made. Temporary connections shall be made~~ in accordance with Section 110.1.

[NY] 107.4 Termination of approval. The v is authorized to terminate such permit for temporary structures, equipment or systems and to order the same to be discontinued.

[NY] SECTION 108 RESERVED

SECTION 109 INSPECTIONS

[NY] 109.1 Inspection authority. The authority having jurisdiction is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.4 for the purpose of enforcing this code.

[NY] 109.2 Inspections. The authority having jurisdiction is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such *approved agency* or by the responsible individual. The authority having jurisdiction is authorized to engage such expert opinion as deemed necessary to report on unusual, detailed or complex technical issues subject to the approval of the authority having jurisdiction .

[NY] ~~105.3.1~~ 109.2.1 Inspection requests. It shall be the duty of the holder of the ~~building~~ permit or their duly authorized agent to notify the ~~building official~~ authority having jurisdiction when work is ready for inspection. It shall be the duty of the ~~building~~ permit holder to provide access to and means for inspections of such work that are required by this code.

~~[NY] 105.3 Construction inspections. Any person or entity performing work for which a building permit has been issued shall keep work accessible and exposed until the work has been inspected and accepted by the authority having jurisdiction, or its authorized agent, at each element of the construction process that is applicable to the work and specified in the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program.~~

[NY] 109.2.2 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *authority having jurisdiction*. The *fire code official*, on notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or permit holder's agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected, and such portion shall not be covered or concealed until authorized by the *fire code official*.

[NY] 109.3 Concealed work. It shall be the duty of the permit applicant to cause the work to remain visible and able to be accessed for inspection purposes. Where any installation subject to inspection prior to use is covered or concealed without having first been inspected, the authority having jurisdiction shall have the authority to require that such work be made visible and able to be accessed for inspection. Neither the authority having jurisdiction nor the authority having jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

[NY] 109.4 Approvals. Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel provisions of this code or of other ordinances of the authority having jurisdiction shall not be valid.

[NY] SECTION ~~107~~ 110 MAINTENANCE OF EQUIPMENT AND SYSTEMS

[NY] ~~107.1~~ **110.1 Maintenance of ~~required~~ safeguards.** Where any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code, the Property Maintenance Code of New York State and applicable referenced standards.

[NY] ~~107.1.1~~ **110.1.1 Existing nonrequired safeguards.** Wherever any nonrequired device, equipment, system, condition, arrangement, level of protection, or any other feature is provided, such device, equipment, system, condition, arrangement, level of protection, or other feature shall, thereafter, be continuously maintained in accordance with this code and applicable referenced standards or shall be removed in its entirety.

Exceptions:

1. Nonrequired devices, equipment and systems are permitted to be removed in entirety;
2. Nonrequired devices, equipment and systems are permitted to be disabled, provided that all visible elements are removed;
3. Electrically charged devices, equipment and systems are permitted to be disabled, provided they are disconnected from power sources and all visible elements are labeled as not being energized; and
4. Nonrequired fire protection systems are permitted to be disabled, provided that sprinkler heads, exposed valves, fire department connections, initiating and notification devices and similar equipment are removed, and any remaining visible components are labeled as not being in service.

[NY] ~~107.2~~ **110.2 Testing and operation.** Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

[NY] ~~107.2.2~~ **110.2.1 Reinspection and testing.** Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the authority having jurisdiction for inspection and testing.

[NY] ~~107.2.1~~ ~~110.3 Test and inspection records~~ **Recordkeeping.** ~~Required test and inspection records shall be available at all times.~~ A record of periodic inspections, tests, servicing and other operations and maintenance shall be maintained as required by the applicable records retention and disposition schedules established by the authority having jurisdiction or pursuant to the Arts and Cultural Affairs Law. Records shall be made available for inspection by the authority having jurisdiction, and a copy of the records shall be provided to the authority having jurisdiction on request.

110.4 Supervision. Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

[NY] ~~107.3~~ **110.5 Rendering equipment inoperable.** Portable or fixed fire-extinguishing systems or devices, and fire-warning systems, shall be provided with ready access and shall not be rendered inoperative, except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

110.6 Overcrowding. Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The authority having jurisdiction, on finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or on finding any condition that constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

~~[NY]~~ SECTION ~~110~~ 111 SERVICE UTILITIES

[NY] 111.1 Authority to disconnect service utilities. The authority having jurisdiction shall have the authority to authorize disconnection of utility service to the building, structure or system in order to safely execute emergency operations or to eliminate an immediate hazard. The authority having jurisdiction shall notify the serving utility and, where possible, the *owner* or the *owner's* authorized agent and the occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, then the *owner*, the *owner's* authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

~~[NY] 110.2 Notice of disconnection of service utilities.~~ The owner or the owner's authorized agent shall notify the building official of the disconnection of any utility service to the building, structure, or system regulated by the Uniform Code.

[NY] ~~110.1~~ 111.2 Connection of service utilities. A person shall not make ~~C~~connections from a utility, a source of energy, fuel or power, or a water system or sewer system to any *building* or system ~~which~~ that is regulated by ~~Uniform Code~~ this code for which a permit is required, until approved by the building official. Connections shall be made in accordance with the requirements of the Uniform Code; the regulations of the public utility providing such utility service, source of energy, fuel or power, or water or sewer system; and the regulations of any governmental unit or agency having jurisdiction over such utility, source of energy, fuel, ~~or~~ power, water, or sewer system.

[NY] SECTION 112 VARIANCES AND APPEALS

[NY] ~~103.3~~ 112.1 Application for variance or appeal. An application for a variance or modification of any provision or requirement of Uniform Code shall be in accordance with the provisions of Part 1205. An appeal of any order or determination, or the failure within a reasonable time to make an order or determination, of an administrative official charged to enforce or purporting to enforce the Uniform Code may be made in accordance with the provisions of Part 1205.

[NY] 112.2 Reserved.

[NY] 112.3 Reserved.

[NY] 112.4 Reserved.

SECTION 113 VIOLATIONS

[NY] ~~105.7~~ 113.1 Violations Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. Any violation of any provision set forth in ~~Sections 105.2 through 105.6~~ this code shall be a violation of the Uniform Code, and any person or entity violating any such provision shall be subject to the penalties prescribed in Executive Law Section 382(2). In addition, to the extent that any act or omission that violates any provision set forth in ~~Sections 105.2 through 105.6~~ this code is also a violation of any other applicable law, any person or entity guilty of such act or omission shall also be subject to the penalties prescribed in or otherwise applicable to a violation of such other applicable law.

113.2 Owner/occupant responsibility. Correction and abatement of violations of this code shall be the responsibility of the owner or the owner's authorized agent. Where an occupant creates, or allows to be

created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

[NY] 113.3 Reserved.

[NY] 113.3.1 Reserved.

[NY] 113.3.2 Reserved.

[NY] 113.3.3 Reserved.

[NY] 113.3.4 Reserved.

[NY] ~~105.7~~ **113.4 Violations penalties.** Any violation of any provision set forth in Sections 105.2 through 105.6 shall be a violation of the Uniform Code, and any person or entity violating any such provision shall be subject to the penalties prescribed in Executive Law Section 382(2). In addition, to the extent that any act or omission that violates any provision set forth in Sections 105.2 through 105.6 is also a violation of any other applicable law, any person or entity guilty of such act or omission shall also be subject to the penalties prescribed in or otherwise applicable to a violation of such other applicable law.

[NY] 113.4.1 Abatement of violation. In addition to the imposition of the penalties herein described, the authority having jurisdiction is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

SECTION 114 STOP WORK ORDER

[NY] ~~105.4~~ **114.1 Stop-work orders Authority.** The authority having jurisdiction is authorized to issue a stop work order to halt work that is being performed without a required building permit; work that is being performed after a required building permit has been revoked or suspended or has expired; work that is being conducted in a dangerous or unsafe manner; or work that is contrary to provisions of the Uniform Code, the Energy Code, the approved construction documents, or the terms and conditions (if any) of the building permit. ~~No person or entity shall commence, perform or continue any work if the authority having jurisdiction has issued a stop work order with respect to such work.~~

114.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

[NY] 114.3 Reserved.

114.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction.

~~[NY]~~ **SECTION ~~108~~ 115 UNSAFE STRUCTURES AND EQUIPMENT**

[NY] ~~108.1~~ **115.1 General.** If the authority having jurisdiction determines, during an inspection or otherwise that a premises, a ~~building or~~ structure, or any building system or equipment, in whole or in part, constitutes a clear and imminent threat to human life, safety or health, the authority having jurisdiction shall exercise its powers in due and proper manner so as to extend to the public protection from the hazards of threat to human life, safety or health.

[NY] ~~108.1.1~~ 115.1.1 **Unsafe ~~structures~~ conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress, inadequate light and ventilation, or that constitute a fire hazard, are otherwise dangerous to human life or the public welfare, or involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or to the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire; or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, or structurally unsafe; or is of such faulty construction or unstable foundation that partial or complete collapse is possible. Unsafe structures shall be taken down and removed or made safe, as the authority having jurisdiction deems necessary and as provided for in this section. A vacant structure that is not secured against unauthorized entry ~~as required by Section 311 of this code~~ shall be deemed unsafe.

~~[NY] 108.4 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, a placard of condemnation shall be posted on the premises, and the structure shall be closed up so as not to be an unattractive nuisance.~~

~~[NY] 108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or any other equipment on the premises or within the structure that is in such disrepair or condition that the equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.~~

[NY] 115.1.2 Reserved.

[NY] ~~108.2~~ 115.1.3 **Structure unfit for human occupancy.** A structure is unfit for human occupancy whenever the structure is unsafe, unlawful, or because of the degree to which the structure is in disrepair or lacks maintenance or the location of the structure constitutes a hazard to the occupants of the structure or to the public.

[NY] ~~108.3~~ 115.1.4 **Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than are permitted under this code, or was erected, altered or occupied contrary to law.

[NY] 115.2 Evacuation. The authority having jurisdiction or the fire chief shall be authorized to order the immediate evacuation of any occupied structure deemed unsafe where such structure has hazardous conditions that pose an imminent danger to structure occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the authority having jurisdiction or the fire department official in charge of the incident.

[NY] 115.3 Record. The fire code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

[NY] 115.4 Notice. If an unsafe condition is found, the fire code official shall serve on the owner of the structure or the owner's authorized agent a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare to the building official acceptance or rejection of the terms of the order.

[NY] ~~108.5~~ 115.4.1 **Notice Posting.** Whenever a structure or equipment has been condemned under the provisions of this section, a notice shall be posted in a conspicuous place in or about the structure affected by such notice. If the notice pertains to equipment, it shall also be placed on the condemned equipment.

[NY] 115.5 Method of service. Such notice shall be deemed properly served where a copy thereof is served in accordance with one of the following methods:

1. A copy is delivered to the owner personally.

2. A copy is sent by certified or registered mail addressed to the owner at the last known address with return receipt requested.
3. A copy is delivered in any other manner as prescribed by local law.

[NY] 115.6 Restoration or abatement. The structure or equipment determined to be unsafe by the authority having jurisdiction. The owner, the owner's authorized agent, operator or occupant of a structure, premises or equipment deemed unsafe by the authority having jurisdiction shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 105.1.5 and the Existing Building Code of New York State.

[NY] ~~108.4.1~~ 115.7 Prohibited occupancy. No person shall occupy a placarded structure.

[NY] ~~108.4.2~~ 115.8 Placard removal. The placard shall not be removed until the defect or defects on which the condemnation and placarding action were based have been eliminated.

[NY] SECTION ~~109~~ 116 EMERGENCY MEASURES

[NY] ~~109.1~~ 116.1 Imminent danger. The occupants shall vacate premises when any of the following exists:

1. Imminent danger of failure or collapse of a building or structure which endangers life;
2. A structure where the entire structure, or part of the structure, has fallen and life is endangered by the occupation of the structure;
3. Actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials; or
4. Operation of defective or dangerous equipment.

[NY] ~~109.1.1~~ 116.2 Notice. There shall be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and its Occupancy Has Been Prohibited by the Fire Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing the structure.

[NY] SECTION ~~112~~ 117 FIRE DEPARTMENT NOTIFICATION

[NY] ~~112.1~~ 117.1 Fire department notification. The fire chief shall notify the building official of any fire or explosion involving any structural damage, fuel-burning appliance, chimney, flue or gas vent.

[NY] SECTION ~~113~~ 118 INSPECTION OF SOLID FUEL-BURNING HEATING APPLIANCES, CHIMNEYS AND FLUES

[NY] ~~113.1~~ 118.1 General. This Section ~~113~~ is made part of the Uniform Code pursuant to Executive Law Section 378 (5-c).

[NY] ~~113.2~~ 118.2 Permit. Prior to the installation of any solid fuel-burning heating appliance, chimney or flue in any dwelling used as a residence, the owner thereof, or his agent, shall first secure a permit from the authority having jurisdiction.

[NY] ~~113.3~~ 118.3 **Installation and inspection.** An appropriate and qualified inspector, as determined by the authority having jurisdiction, shall cause an inspection to be made of the solid fuel burning heating appliance, chimney or flue at a time when such inspection will best determine conformity of such installation with the Uniform Code.

Exception: The authority having jurisdiction may waive such inspection for good cause shown.

[NY] ~~113.4~~ 118.4 **Certificate of ~~approval~~ compliance.** Upon approval of such installation, the ~~building~~ official or other appropriate official of the authority having jurisdiction shall issue a certificate evidencing compliance with the appropriate provisions of the Uniform Code (such certificate being hereinafter referred to as a “certificate of ~~approval~~ compliance”). No owner of any dwelling used as a residence shall operate, or cause to be operated, any solid fuel-burning heating appliance until such installation, including chimney and flue, has been approved and a certificate of ~~approval~~ compliance has been obtained from the authority having jurisdiction.

[NY] ~~113.4.1~~ 118.4.1 **Accidental fire.** In the event of an accidental fire in a solid fuel-burning heating appliance, chimney or flue requiring the services of a fire department, the chief of the responding fire department may issue a temporary thirty-day certificate indicating substantial conformity with the Uniform Code.

The authority having jurisdiction shall cause an inspection to be made by an official inspector, as determined by the Code Enforcement Program of the authority having jurisdiction, and a new certificate to be issued indicating conformity of such solid fuel-burning heating appliance, chimney or flue with the Uniform Code.

[NY] ~~113.4.2~~ 118.4.2 **Liability.** Pursuant to Executive Law Section 378 (5-c)(f), the issuance of a certificate of ~~approval~~ compliance shall not be deemed to give rise to any claim or cause of action for damages against the authority having jurisdiction or any official of the authority having jurisdiction for damages resulting from operation or use of such solid fuel-burning heating appliance, chimney or flue.

[NY] ~~113.5~~ 118.5 **Fee.** The authority having jurisdiction may establish and collect a reasonable fee for such inspection from the owner of such property or such owner’s agent.

[NY] ~~113.6~~ 118.6 **Violations.** Pursuant to Executive Law Section 378(5-c)(h), any violation of ~~this~~ §section ~~113~~ shall be deemed a violation and shall be punishable by a fine not to exceed two hundred fifty dollars.

[NY] ~~113.7~~ 118.7 **Emergency repair.** Where equipment replacements and repairs must be performed in an emergency situation and where a delay occasioned by the requirement of securing a permit could reasonably be expected to cause irreparable damage to the property or serious personal injury to the occupants or other person, the owner or his agent may commence such installation without first obtaining such permit provided application therefore is filed within three business days after such work is commenced.

Existing Building Code of New York State

Chapter 1

~~[NY]~~ CHAPTER 1 SCOPE AND ADMINISTRATION

~~[NY]~~ SECTION 101 ~~TITLE, SCOPE AND PURPOSE~~ GENERAL REQUIREMENTS

[NY] **101.1 Title.** This publication shall be known as the 2024~~0~~ edition of the Existing Building Code of New York State, hereinafter referred to as “this code.” This code is part of the New York State Uniform Fire Prevention and Building Code (the “Uniform Code”).

[NY] **101.1.1 Amendments of New York State code books.** In Chapter 1, the term “New York State code books” shall include the Residential Code of New York State, the Building Code of New York State, the Plumbing Code of New York State, the Mechanical Code of New York State, the Fuel Gas Code of New York State, the Fire Code of New York State, the Property Maintenance Code of New York State, the Existing Building Code of New York State (i.e., this publication), and the Energy Conservation Construction Code of New York State. Provisions in any one or more of the New York State code books may be amended from time to time by provisions in 19 NYCRR Parts 1220 to 1227 or 19 NYCRR Part 1240, as currently in effect and as hereafter amended from time to time. If this publication is now or hereafter so amended, references in this publication to “this code” shall be deemed to be references to this publication as so amended. If any other New York State code book is now or hereafter so amended, references in this code to such other New York State code book shall be deemed to be references to such New York State code book as so amended.

[NY] **101.2 Scope.** The provisions of this code shall apply to the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

Exceptions:

1. The provisions of this code or the Residential Code of New York State shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of the following buildings and structures, provided that such buildings or structures are not more than three stories above grade plane in height, and their accessory structures not more than three stories above grade plane in height:
 - 1.1. Detached one-family dwellings;
 - 1.2. Detached two-family dwellings in which each dwelling unit has a separate means of egress;
 - 1.3. Townhouses;
 - 1.4. Bed and breakfast dwellings;
 - 1.5. Live/work units that ~~(+)~~ are located in townhouses and ~~(2)~~ comply with the requirements of Section ~~419~~ 508.5 of the Building Code of New York State; and
 - 1.6. Owner-occupied lodging houses that ~~(+)~~ have five or fewer guestrooms and ~~(2)~~ are provided with a residential fire sprinkler system complying with Section P2904 of the Residential Code of New York State.
2. Agricultural buildings, including barns, sheds, poultry houses and other buildings and equipment on the premises that are used directly and solely for agricultural purposes, shall not be subject to the construction-related provisions of this code.

[NY] ~~101.6~~ 101.2.1 **Appendices.** Provisions in the following appendices have been adopted and are part of this code:

Appendix A Guidelines for the Seismic Retrofit of Existing Buildings

Appendix D Diaper Changing Stations

Resource A Guidelines on Fire Ratings of Archaic Materials and Assemblies

In addition, the following appendices are included for informational purposes:

Appendix B Supplementary Accessibility Requirements for Existing Buildings and Facilities

Appendix C Guidelines for the Wind Retrofit of Existing Buildings

101.2.2 Application of fire code. Where work regulated by this code is also regulated by the construction requirements for existing buildings in Chapter 11 of the Fire Code of New York State, such work shall comply with applicable requirements in both codes.

[NY] 101.2.3 Facilities regulated by State departments and agencies. Where a building or premises under the custody, licensure, supervision or jurisdiction of a department or agency of the State of New York is regulated as a one- or two-family dwelling or multiple single-family dwelling (townhouse), in accordance with established laws or regulations of that department or agency, said buildings or premises, such as a community residence or hospice residence, and their accessory structures shall comply with the Residential Code of New York State.

[NY] 101.3 Intent Purpose. The intent of this code is to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements ~~to safeguard the public health, safety and welfare~~ provide a reasonable level of safety, health, property protection and general welfare insofar as they are affected by the repair, alteration, change of occupancy, addition and relocation of existing buildings.

[NY] 101.4 Applicability. This code shall apply to the repair, alteration, change of occupancy, addition and relocation of existing buildings, regardless of occupancy, subject to the criteria of Sections 101.4.1 and 101.4.2.

[NY] 101.4.1 Buildings not previously occupied. A building or portion of a building that has not been previously occupied or used for its intended purpose, in accordance with the laws in existence at the time of its completion, shall be permitted to comply with the provisions of the laws in existence at the time of its original permit unless such permit has expired. Subsequent permits shall comply with the Building Code of New York State or Residential Code of New York State, as applicable, for new construction. ~~For the purposes of this section, the “date of adoption of this code” shall be deemed to be 90th day after the date on which the Notice of Adoption of the rule incorporating this code by reference in Part 1227 of the New York Codes, Rules, and Regulations shall have been published in the State Register.~~

[NY] 101.4.2 Buildings previously occupied. The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the Fire Code of New York State, or the Property Maintenance Code of New York State, or as is deemed necessary by the building code official for the general safety and welfare of the occupants and the public. For the purposes of this section, the “effective date of this code” shall be deemed to be 90th day after the date on which the Notice of Adoption of the rule incorporating this code by reference in Part 1227 of the New York Codes, Rules, and Regulations shall have been published in the State Register.

[NY] 101.5 Safeguards during construction. Construction work covered in this code, including any related demolition, shall comply with the requirements of Chapter 15.

101.6 Correction of violations of other codes. Repairs or alterations mandated by any property, housing or fire safety maintenance code, or mandated by any licensing rule or ordinance adopted pursuant to law, shall conform only to the requirements of that code, rule or ordinance, and shall not be required to conform to this code unless the code requiring such repair or alteration so provides.

[NY] ~~105.1~~ 101.7 Purpose Provisions included in Uniform Code. The purpose of ~~Section 105~~ this chapter is to include in the Uniform Code provisions requiring persons and entities who construct, renovate, use and occupy buildings and structures to apply for and obtain building permits, to facilitate construction inspections, to obey stop work orders, to obtain certificates of occupancy, and to obtain

operating permits. The provisions in ~~Section 105~~ [this chapter](#) are considered to be integral parts of the Uniform Code's standards for construction, maintenance, and fire protection equipment and systems.

[NY] ~~105.1.1~~ [101.7.1](#) **Definition.** For the purpose of ~~Section 105~~ [this chapter](#), the term "other applicable law" shall include the authority having jurisdiction's Code Enforcement Program; any local law, ordinance, or regulation establishing the authority having jurisdiction's Code Enforcement Program; and any other applicable statute, regulation, rule, local law, or ordinance.

~~[NY]~~ SECTION 102 APPLICABILITY

~~[NY]~~ **102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

[NY] **102.2 Other laws and regulations.** This code is part of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) promulgated pursuant to Article 18 of the New York State Executive Law. The provisions of this code shall not be deemed to nullify any federal, state or local law, ordinance, administrative code, rule or regulation relating to any matter as to which the Uniform Code does not provide.

However:

1. Pursuant to Section 383(1) of the Executive Law, and except as otherwise provided in paragraphs a, b, and c of Section 383(1) of the Executive Law, the provisions of the Uniform Code supersede any other provision of a general, special or local law, ordinance, administrative code, rule or regulation inconsistent or in conflict with the Uniform Code;
2. Pursuant to Section 379(3) of the Executive Law, no city, town, village, county or other municipality shall have the power to supersede, void, repeal, or make less restrictive any provision of the Uniform Code; and
3. The ability of any city, town, or village, or the County of Nassau, to enact or adopt, and to enforce, a local law or ordinance imposing higher or more restrictive standards for construction within the jurisdiction of such city, town, village, or county that are applicable generally to such city, town, village, or county in the Uniform Code is subject to the provisions and requirements of Section 379 of the Executive Law.

Nothing in [this](#) Section ~~102.2~~ shall be construed as:

1. Affecting the authority of the State Labor Department to enforce a safety or health standard issued under provisions of Sections 27 and 27-a of the Labor Law;
2. Relieving a person from complying with a stricter standard issued pursuant to the Occupational Safety and Health Act of 1970, as amended; or
3. Superseding, limiting, impairing or otherwise affecting any provision of the Uniform Code, as now in effect and as hereafter amended from time to time.

[NY] **102.2.1 Other New York Codes, Rules and Regulations (NYCRR).** Additional New York Codes, Rules and Regulations exist that may affect new and existing buildings, structures, systems and equipment. Such regulations include, but are not limited to:

1. 19 NYCRR Part 300 (Universal Symbol of Access);
2. 19 NYCRR Part 1261 (Recordkeeping – Smoke Detectors in Multiple Dwellings);
3. 19 NYCRR Part 1264 (Identification of Buildings Utilizing Truss Type Construction); and

4. 19 NYCRR Part 1265 (Residential Structures with Truss Type Construction, Pre-Engineered Wood Construction and/or Timber Construction).

[NY] 102.2.2 Change in use or occupancy. No change shall be made in the use or occupancy of any building or structure unless such building or structure is made to comply with the requirements of the Uniform Code and Energy Code.

~~[NY] 102.3 Application of references.~~ References to chapter or section numbers or to provisions not specifically identified by number shall be construed to refer to such chapter, section, or provision of this code.

[NY] 102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall govern.

~~[NY] 102.4.1 Conflicts.~~ Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

~~[NY] 102.4.2 Conflicting Pprovisions in referenced codes and standards.~~ Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

[NY] 102.5 ~~Partial invalidity~~ Severability. In the event that any part or provision of this code is held by a court of competent jurisdiction to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

[NY] 102.6 Existing structures. The legal occupancy of any structure existing on the effective date of this code shall be permitted to continue without change, except as otherwise specifically provided in this code or any other applicable provision of the Uniform Code. For the purposes of this Section, the “effective date of this code” shall be deemed to be 90th day after the date on which the Notice of Adoption of the rule incorporating this code by reference in Part 1227 of the New York Codes, Rules, and Regulations shall have been published in the State Register.

[NY] SECTION 103 ~~ADMINISTRATION AND ENFORCEMENT~~ RESERVED

[NY] SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL AND AUTHORITY HAVING JURISDICTION ~~MATERIALS, EQUIPMENT AND METHODS OF CONSTRUCTION~~

[NY] ~~103.1~~ 104.1 Administration and enforcement. The Uniform Code shall be administered and enforced by the authority having jurisdiction. The identity of the authority having jurisdiction in a given situation is determined in accordance with Article 18 of the Executive Law and the regulations promulgated by the Secretary of State pursuant to Executive Law Section 381(1). In general, the authority having jurisdiction is the local government (city, town or village) in which the building or structure is located. In certain situations, the authority having jurisdiction may be the county in which the building or structure is located. In certain other cases, the State, the Secretary of State (acting through the Department of State) or some other State agency may be the authority having jurisdiction. The authority having jurisdiction responsible for administration and enforcement of the Uniform Code is also responsible for administration and enforcement of the Energy Code.

Administration and enforcement of the Uniform Code and Energy Code shall be in accordance with the following, as applicable:

1. Where a city, town, village or county is the authority having jurisdiction:
 - 1.1. Such city, town, village or county shall provide for administration and enforcement of the Uniform Code and Energy Code by local law, ordinance, other appropriate regulation, or combination thereof.
 - 1.2. The Code Enforcement Program established by such local law, ordinance or other appropriate regulation, or combination thereof, must include, at a minimum, the features described in Part 1203 and must satisfy all other requirements of Part 1203.
 - 1.3. Such city, town, village or county shall administer and enforce the Uniform Code in accordance with the Code Enforcement Program established by such local law, ordinance or other appropriate regulation, or combination thereof.
2. Where the State is the authority having jurisdiction pursuant to 19 NYCRR Section 1201.2(d):
 - 2.1. The Code Enforcement Program shall be as established by Part 1204.
 - 2.2. The State, acting through one or more State agencies, shall administer and enforce the Uniform Code and Energy Code in accordance with Part 1204.
3. Where the Department of State is the authority having jurisdiction:
 - 3.1. The Code Enforcement Program shall be as established by Part 1202.
 - 3.2. The Department of State shall administer and enforce the Uniform Code and Energy Code in accordance with Part 1202.
4. Where any governmental unit or agency not included in paragraphs 1, 2, and 3 above is the authority having jurisdiction:
 - 4.1. Such governmental unit or agency shall provide for administration and enforcement of the Uniform Code and Energy Code by regulation.
 - 4.2. The Code Enforcement Program established by such regulation must include, at a minimum, the features described in Part 1203 and must satisfy all other requirements of Part 1203.
 - 4.3. Such governmental unit or agency shall administer and enforce the Uniform Code and Energy Code in accordance with the Code Enforcement Program established by such regulation.

Every governmental unit or agency thereof charged with administration and enforcement of the Uniform Code shall exercise its powers in due and proper manner so as to extend to the public protection from the hazards of fire and inadequate building construction.

Any person or entity constructing or renovating a building or structure, changing the use or occupancy of a building or structure, or engaging in any other activity that is subject to the provisions of the Code Enforcement Program of the authority having jurisdiction responsible for administration and enforcement of the Uniform Code with respect to such building shall comply with all applicable provisions of such Code Enforcement Program.

In addition, persons and entities who construct, renovate, use and occupy buildings and structures shall comply with all applicable provisions of Section 105 of this code.

[NY] ~~103.2~~ 104.1.1 **Due process.** Nothing in Chapter 1, ~~or elsewhere in this code, or~~ elsewhere in the Uniform Code, or in any regulation promulgated pursuant to Executive Law Section 381(1), shall be construed as authorizing any authority having jurisdiction to administer and enforce the Uniform Code in a manner that deprives any person or entity of due process of law. ~~In particular, but not by way of~~

~~limitation, nothing in Chapter 1, or elsewhere in this code or elsewhere in the Uniform Code, or in any regulation promulgated pursuant to Executive Law Section 381(1), relating to~~ For example, when posting, placarding and/or condemning ~~ingation of~~ buildings or structures that are unsafe, unfit for human occupancy or unlawful, ~~shall be construed as authorizing any authority having jurisdiction to post, placard or condemn any such building or structure and/or to remove any owner or occupant or cause any owner or occupant to be removed from any such building or structure without providing such~~ notice and opportunity to be heard (and, if applicable, right of appeal) ~~may be required as may be required~~ under the applicable ~~circumstances by applicable~~ Constitutional provisions prior to posting, placarding, and/or condemning such building or structure and/or removing any owner or occupancy or causing any owner or occupant to be removed from any such building or structure.

[NY] ~~103.2.1~~ **104.1.2 Imminent danger** Post-action hearing in cases on imminent danger. In cases of imminent danger, posting, placarding, and condemning a building or structure and removing owners and occupants or causing owners and occupants to be removed without first providing an opportunity to be heard shall be permitted to the extent consistent with applicable Constitutional provisions, provided that the affected persons and entities are afforded the opportunity for a post-action hearing to the extent required by applicable Constitutional provisions.

104.2 Determination of compliance. The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies and procedures in order to clarify the application of this code's provisions. Such interpretations, policies, and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

104.2.1 Listed compliance. Where this code or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer's instructions, and where required to verify compliance, the listing standard and manufacturer's instructions shall be made available to the code official.

104.2.2 Technical assistance. To determine compliance with this code, the code official is authorized to require the owner or owner's authorized agent to provide a technical opinion and report.

[NY] **104.2.2.1 Cost.** A technical opinion and report shall be provided without charge to the authority having jurisdiction.

104.2.2.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

104.2.2.3 Content. The technical opinion and report shall analyze the properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon to identify and propose necessary recommendations.

104.2.2.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the code official shall have the authority to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the code official shall approve the testing procedures. Such tests shall be performed by a party acceptable to the code official.

[NY] ~~104.3~~ **104.2.3 Alternative materials, equipment, appliances, designs, and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of

any materials, equipment, or appliances ~~s not specifically prescribed by this code~~, or to prohibit any designs or methods of construction not specifically prescribed by this code, provided that any such alternative ~~materials, equipment, appliances, designs, or methods of construction (1) are~~ is not specifically prohibited by any provision of this code, ~~by any other provision of the Uniform Code, or by the Energy Code and (2) shall have~~ has been approved, ~~in writing, by the building official. Alternative materials, equipment, appliances, designs, or methods of construction may be approved only when the building official shall have determined, in writing, that such alternative is:~~

- ~~1. Satisfactory and complies with the intent of the provisions and requirements of the Uniform Code; and~~
- ~~2. Not less than the equivalent of that prescribed in the Uniform Code in quality, strength, effectiveness, fire resistance, durability, and safety.~~

Nothing in this Section ~~104.3~~ shall be construed as permitting any building official or any authority having jurisdiction to waive, vary, modify or otherwise alter any provision or requirement ~~of this code or any other provision or requirement~~ of the Uniform Code. Provisions or requirements of the Uniform Code may be varied or modified only pursuant to procedures established in Part 1205 or by such other regulations as may hereafter be promulgated by the Secretary of State pursuant to Section 381(1)(f) of the Executive Law.

104.2.3.1 Approval authority. An alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative is satisfactory and complies with Sections 104.2.3.2 through 104.2.3.7, as applicable.

104.2.3.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

104.2.3.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all the following, as applicable:

1. Quality
2. Strength
3. Effectiveness
4. Durability
5. Safety, other than fire safety
6. Fire safety

104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Such tests shall be performed by a party acceptable to the code official.

104.2.3.5.1 Fire tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

104.2.3.6 Reports. Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

104.2.3.6.1 Evaluation reports. Evaluation reports shall be issued by an approved agency and use of the evaluation report shall require approval by the code official for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the code official's recognition of the approved agency. Criteria used for the evaluation shall be identified within the report, and where required, provided to the code official.

104.2.3.6.2 Other reports. Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

104.2.3.7 Peer review. The code official is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is approved by the code official.

[NY] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, a variance may be applied for in accordance with 19 NYCRR Part 1205.

[NY] 104.2.4.1 Reserved.

104.3 Applications and permits. The code official shall receive applications, review construction documents and issue permits, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.3.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the code official shall determine where the proposed work constitutes substantial improvement or repair of substantial damage. Where the code official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the code official shall require the building to meet the requirements of Section 1612 of the Building Code of New York State, or Section R306 of the Residential Code of New York State, as applicable.

104.3.2 Preliminary meeting. When requested by the permit applicant or the code official, the code official shall meet with the permit applicant prior to the application for a construction permit to discuss plans for the proposed work or change of occupancy in order to establish the specific applicability of the provisions of this code.

Exception: Repairs and Level 1 alterations.

104.3.3 Building evaluation. The code official is authorized to require an existing building to be investigated and evaluated by a registered design professional based on the circumstances agreed on at the preliminary meeting. The design professional shall notify the code official if any potential noncompliance with the provisions of this code is identified.

[NY] 104.4 Reserved.

[NY] 104.4.1 Reserved.

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders. The code official shall issue necessary notices or orders to ensure compliance with this code. Notices of violations shall be in accordance with Section 113.

[NY] 104.7 Official records. The code official shall keep official records as required by the applicable records retention and disposition schedules established by the authority having jurisdiction or pursuant to the Arts and Cultural Affairs Law.

[NY] 104.7.1 Reserved.

[NY] 104.7.2 Reserved.

[NY] 104.7.3 Reserved.

[NY] 104.7.4 Reserved.

[NY] 104.7.5 Reserved.

[NY] 104.8 Reserved.

[NY] 104.8.1 Reserved

~~**[NY] 104.1**~~ **104.9 Approved materials and equipment.** Materials, equipment, and devices approved by the ~~building code~~ official shall be constructed and installed in accordance with such approval. Materials, equipment and devices tested by an approved testing laboratory shall be permitted to be constructed and installed in accordance with such approval.

~~**[NY] 104.1.1**~~ **104.9.1 Used materials and equipment reuse.** ~~Used materials, equipment, and devices shall not be reused unless they meet the requirements of this code for new materials~~ such elements are in good working condition and approved.

~~**[NY] 104.4**~~ **104.10 Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of the Uniform Code shall be executed and installed in a workmanlike manner and in accordance with the Uniform Code and the manufacturer's installation instructions.

~~**[NY] SECTION 105 BUILDING PERMITS, CONSTRUCTION INSPECTIONS, STOP WORK ORDERS, CERTIFICATES OF OCCUPANCY, AND OPERATING PERMITS**~~

~~**[NY] 105.2**~~ **105.1 Building permits Required.** Any owner or owner's authorized agent who intends to repair, add to, alter, relocate, demolish or change the occupancy of a building or to repair, install, add, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the code official and obtain the required permit. No person or entity shall commence, perform, or continue any work that must conform with the Uniform Code and/or Energy Code unless:

1. Such person or entity has applied to the authority having jurisdiction for a ~~building~~ permit,
2. The authority having jurisdiction has issued a ~~building~~ permit authorizing such work,
3. Such ~~building~~ permit has not been revoked or suspended, and
4. Such ~~building~~ permit has not expired.

105.1.1 Reserved.

105.1.2 Reserved.

~~**[NY] 105.2.1**~~ **105.2 Work exempt from building permit requirement.** A ~~building~~ permit shall not be required for work in any category that is excluded from the ~~building~~ permit requirement by the authority having jurisdiction's Code Enforcement Program, provided that Part 1203 allows an authority having

jurisdiction to exclude such category of work from the **building** permit requirement. Exemptions from **building** permit requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of any provision of the Uniform Code, any provision of the Energy Code, or any provision of any other applicable law.

[NY] 105.2.1 Reserved.

[NY] 105.2.2 Reserved.

[NY] 105.2.3 Reserved.

[NY] ~~105.2.2~~ **105.3 Applications for building permits.** A person or entity applying for a building permit shall submit an application to the authority having jurisdiction. An application for a **building** permit shall include:

1. Identify and describe the work in accordance with Chapter 3 to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 106.3.
5. Be accompanied by Cconstruction documents and other information ~~that satisfy the requirements of as required in Section 106.2; 106.3.~~
- ~~6. Any and all other submittal documents required by Section 106;~~
7. State the valuation of the proposed work.
8. Be signed by the applicant or the applicant's authorized agent.
- ~~9. Any and all other information and documentation that may be required by the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203 Compliant Code Enforcement Program; and~~
10. Give such ~~Such~~ other information and documentation as the authority having jurisdiction may determine to be necessary to allow the authority having jurisdiction to determine whether the proposed work conforms with the Uniform Code, the Energy Code, and other applicable laws.

[NY] 105.3.1 Reserved.

[NY] 105.3.2 Reserved.

[NY] ~~105.2.3~~ **105.3.3 Approval of construction documents.** When the authority having jurisdiction issues a **building** permit, the authority having jurisdiction shall approve the construction documents in writing. Work shall be installed in accordance with the approved construction documents and the terms and conditions, if any, of the **building** permit.

[NY] ~~105.2.4~~ **105.4 Validity of building permit.** The issuance or granting of a **building** permit shall not be construed to be a permit for, or an approval of, any violation of any provisions of the Uniform Code, the Energy Code, or any other applicable law. A **building** permit purporting to give authority to violate or cancel any provision of this code, or any other provision of the Uniform Code, the Energy Code or any other applicable law shall not be valid. The issuance of a **building** permit based on construction documents and other data shall not prevent the **building code** official from requiring the correction of errors in the construction documents and other data. The code official is authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

105.5 Reserved.

[NY] ~~105.2.5~~ **105.6** **Suspension or revocation of building permit.** The ~~authority having jurisdiction code official~~ is authorized to suspend or revoke a ~~building~~ permit ~~issued under the provisions of this code~~ wherever the ~~building~~ permit is issued in error; ~~or~~ on the basis of incorrect, inaccurate or incomplete information; ~~or~~ in violation of any ~~provision of this code, any other~~ provision of the Uniform Code, the Energy Code, or any other applicable law; ~~or there has been a false statement or misrepresentation as to the material facts in the application or construction documents on which the permit or approval was based including, but not limited to, any one of the following:~~

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the name for which it was issued.
6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation or this code.

Any such suspension or revocation shall be in writing, signed by ~~the building official or by his or her designated agent~~ an authorized agent of the authority having jurisdiction.

[NY] ~~105.2.6~~ **105.7** **Placement of building permit and approved construction documents.** The ~~building permit, or copy thereof, and at least one set of approved construction documents~~ shall be kept on the site of the work until the completion of the project. ~~The approved construction documents shall be open to inspection by any authorized representative of the authority having jurisdiction.~~

~~[NY]~~ **SECTION 106 SUBMITTAL CONSTRUCTION DOCUMENTS**

[NY] **106.1 General.** Submittal documents consisting of construction documents, statements of special inspections, structural observation programs, investigation and evaluation reports, geotechnical reports, and other data shall be submitted in two or more sets, or in a digital format where allowed by the authority having jurisdiction, with each permit application for a building permit. Construction documents shall be prepared by a *registered design professional* where required by Article 145 or Article 147 of the New York State Education Law, by the Code Enforcement Program of the *authority having jurisdiction,* or by any other applicable statute, regulation, local law, or ordinance.

[NY] **106.2 Construction documents.** Construction documents shall be in accordance with Sections 106.2.1 through 106.2.8 ~~106.2.9~~.

[NY] **106.2.1 Information on construction documents.** Construction documents shall be dimensioned and drawn on suitable material. Electronic media documents are permitted to be submitted where approved by the code official. ~~(1) shall define the scope of the proposed work; (2) Construction documents~~ shall be of sufficient clarity to indicate the location, nature and extent of the ~~proposed~~ work proposed; ~~(3) shall show in detail that the proposed work will conform to the provisions of the Uniform Code, the Energy Code, and other applicable codes, laws, ordinances, and regulations; (4) shall include all information required by any provision of this code (including but not limited to the information described in Sections 106.2.2 through 106.2.8) and all information required by any other applicable provision of the Uniform Code, and all information required by any applicable provision of the Energy Code; and (5) shall include any and all additional information and documentation that may be required by the stricter of the~~

Code Enforcement Program of the authority having jurisdiction or Part 1203—Compliant Code Enforcement Program.

[NY] 106.2.1.1 Manufacturer's installation instructions. Manufacturer's installation instructions, as required by any applicable provision of the Uniform Code or by any applicable provision of the Energy Code, shall be available on the job site at the time of inspection.

[NY] 106.2.2 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate ~~conformance to Chapter 9 of the Building Code of New York State, and any other applicable provision of the Uniform Code,~~ compliance with this code and the construction documents ~~and Such shop drawings~~ shall be approved prior to the start of system installation. Shop drawings shall contain information as required by the installation standards referenced in Chapter 9 of the Building Code of New York State or in any other applicable provision of the Uniform Code.

[NY] 106.2.3 Means of egress. The construction documents for Alterations—Level 2, Alterations—Level 3, additions and changes of occupancy shall show in sufficient detail the location, construction, size and character of all portions of the means of egress, ~~including the path of the exit discharge to the public way,~~ in compliance with the provisions of the Uniform Code. ~~In other than occupancies in Groups R-2, R-3, and I-1,~~ The construction documents shall designate the number of occupants to be accommodated on in every work area of every floor and in all affected rooms and spaces.

[NY] 106.2.4 Exterior wall envelope. Construction documents for ~~all buildings~~ work affecting the exterior wall envelope shall describe the exterior wall envelope in sufficient detail to determine compliance with the Uniform Code and the Energy Code. The construction documents shall provide details of the exterior wall envelope as required, including windows, doors, flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive ~~membrane~~ barriers, and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the wind and weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.

[NY] 106.2.5 Exterior balconies and elevated walking surfaces. Where the scope of work involves balconies or other elevated walking surfaces ~~are exposed to water from direct or blowing rain, snow or irrigation~~ have weather-exposed surfaces, and the structural framing is protected by an impervious moisture barrier, the construction documents shall include details for all elements of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

[NY] 106.2.6 Site plan. The construction documents submitted with the application for ~~building~~ permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades, and proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations. The site plan shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building code official is authorized to waive or modify the requirement for a site plan where the application for ~~building~~ permit is for an alteration, or repair, or change of occupancy or where otherwise warranted.

[NY] 106.2.6.1 Design flood elevations. Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1 of the Building Code of New York State.

[NY] **106.2.6.2 Flood hazard documentation.** If located in a flood hazard area, documentation of the elevation of the lowest floor as required in Section 1612.4 of the Building Code of New York State shall be submitted to the [building code](#) official prior to the final inspection.

[NY] **106.2.7 Structural information.** The construction documents shall provide the information specified in Section 1603 of the Building Code of New York State.

[NY] **106.2.8 Relocatable buildings.** Construction documents for relocatable buildings shall comply with Section 3112 of the Building Code of New York State.

106.3 Examination of documents. The code official shall examine or cause to be examined the submittal documents and shall ascertain by such examinations whether the construction or occupancy indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

106.3.1 Approval of construction documents. Where the code official issues a permit, the construction documents shall be approved in writing or by stamp as “Reviewed for Code Compliance.” One set of construction documents so reviewed shall be retained by the code official. The other set shall be returned to the applicant, shall be kept at the site of work, and shall be open to inspection by the code official or a duly authorized representative. The approved construction documents shall be open to inspection by any authorized representative of the authority having jurisdiction.

[NY] **106.3.2 Reserved.**

[NY] **106.3.3 Reserved.**

[NY] **106.3.4 Reserved.**

[NY] **106.4 Reserved.**

106.5 Retention of construction documents. One set of approved construction documents shall be retained by the code official for a period of not less than the period required for retention of public records.

[NY] ~~106.2.9~~ **106.6 Design professional in responsible charge.** Construction documents shall be prepared by a registered design professional where required by Article 145 or Article 147 of the New York State Education Law, by the stricter of Code Enforcement Program of the authority having jurisdiction or Part 1203—Compliant Code Enforcement Program, or by any other applicable statute, regulation, or local law or ordinance. If the circumstances require, the owner or the owner’s authorized agent shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The code official shall be notified in writing by the owner or the owner’s authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Where structural observation is required, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

SECTION 107 TEMPORARY USES, EQUIPMENT AND SYSTEMS

[NY] **107.1 Conformance.** Temporary structures shall conform to Chapter 31 of the Building Code of New York State and Chapter 31 of the Fire Code of New York State.

107.2 Conformance. Temporary uses shall conform to the requirements of this code as necessary to ensure health, safety and general welfare.

107.3 Temporary service utilities. The code official is authorized to give permission to temporarily supply service utilities in accordance with Section 111.

107.4 Termination of approval. The code official is authorized to terminate such permit for a temporary use and to order the same to be discontinued.

[NY] SECTION 108 RESERVED

SECTION 109 INSPECTIONS

~~**[NY] 105.3 Construction inspections.** Any person or entity performing work for which a building permit has been issued shall keep work accessible and exposed until the work has been inspected and accepted by the authority having jurisdiction, or its authorized agent, at each element of the construction process that is applicable to the work and specified in the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program.~~

109.1 General. Construction or work for which a permit is required shall be subject to inspection by the code official, and such construction or work shall remain visible and able to be accessed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain visible and able to be accessed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

109.2 Preliminary inspection. Before issuing a permit, the code official is authorized to examine or cause to be examined buildings and sites for which an application has been filed.

109.3 Required inspections. The code official, on notification, shall make the inspections set forth in Sections 109.3.1 through 109.3.11.

109.3.1 Footing or foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready-mixed in accordance with ASTM C94, the concrete need not be on the job.

109.3.2 Concrete slab or under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including the subfloor.

109.3.3 Lowest floor elevation. For additions and substantial improvements to existing buildings in flood hazard areas, on placement of the lowest floor, including basement, and prior to further vertical construction, the elevation documentation required in the Building Code of New York State, or the Residential Code of New York State, as applicable, shall be submitted to the code official.

109.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

109.3.5 Lath or gypsum panel product inspection. Lath and gypsum panel inspections shall be made after lathing and gypsum panel products, interior and exterior, are in place but before any plastering is applied or before gypsum panel product joints and fasteners are taped and finished.

Exception: Gypsum panels that are not part of a fire-resistance-rated assembly or a shear assembly.

109.3.6 Weather-exposed balcony and walking surface waterproofing. Where the scope of work involves balconies or other elevated walking surfaces that have weather-exposed surfaces and the structural framing is protected by an impervious moisture barrier, all elements of the impervious moisture barrier system shall not be concealed until inspected and approved.

Exception: Where special inspections are provided in accordance with Section 1705.1.1, Item 3, of the Building Code of New York State.

109.3.7 Fire- and smoke-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

109.3.8 Other inspections. In addition to the inspections specified in Sections 109.2 through 109.3.7, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

109.3.9 Special inspections. Special inspections shall be required in accordance with the International Building Code of New York State.

109.3.10 Flood hazard documentation. Where a building is located in a flood hazard area, documentation of the elevation of the lowest floor or the elevation of dry floodproofing, if applicable, as required in the Building Code of New York State or the Residential Code of New York State, as applicable, shall be submitted to the code official prior to the final inspection.

109.3.11 Final inspection. The final inspection shall be made after work required by the permit is completed.

109.4 Inspection agencies. The code official is authorized to accept reports of approved inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

[NY] 105.3.4 109.5 Inspection requests. It shall be the duty of the holder of the **building** permit or their duly authorized agent to notify the **building code** official when work is ready for inspection. It shall be the duty of the **building** permit holder to provide access to and means for any inspections of such work that are required by this code.

[NY] 109.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the authority having jurisdiction. The authority having jurisdiction, on notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the authority having jurisdiction.

SECTION 110 CERTIFICATE OF OCCUPANCY

[NY] 105.5.2 110.1.1 Change in use or occupancy. A structure shall not be used or occupied in whole or in part, and a change of occupancy of a structure or portion thereof shall not be made until the code official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

Without regard to whether a certificate of occupancy shall have been issued, no person or entity shall convert the use or occupancy of a building or structure, or any portion thereof, from one use or occupancy to another without first obtaining a **building** permit to perform the work, if any, required for such conversion; performing such work, if any; and obtaining a certificate of occupancy from the authority having jurisdiction.

110.2 Certificate issued. After the code official inspects the structure and does not find violations of the provisions of this code or other laws that are enforced by the department, the code official shall issue a certificate of occupancy that contains the following:

1. The permit number, if any.
2. The date of issuance of the building permit, if any.
3. The name, address of the structure and tax map number of the property
4. A description of that portion of the structure for which the certificate is issued.
5. The use and occupancy classification of the structure in accordance with the provisions of the Building Code of New York State.
6. The type of construction as defined in the Building Code of New York State.
7. The occupant load of the assembly areas in the structure, if any.
8. Any special stipulations and conditions of the permit.
9. The date of issuance and signature of the official issuing the certificate of occupancy or certificate of compliance.

[NY] ~~105.5~~ **110.2.1 Certificates of occupancy.** Where the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program requires a certificate of occupancy for permission to use or occupy a building or structure, or any portion thereof, no person or entity shall use or occupy such building or structure, or such portion thereof, unless:

1. The authority having jurisdiction has issued such certificate of occupancy.
2. Such certificate of occupancy has not been revoked or suspended.
3. In the case of a temporary certificate of occupancy, such temporary certificate of occupancy has not expired.

[NY] ~~105.5.1~~ **110.2.2 Authorized uses and occupancies.** Where a *certificate of occupancy* has been issued for a building or structure, or any portion thereof, no person or entity shall use or occupy such building or structure, or such portion thereof, for any use or occupancy other than that authorized by such *certificate of occupancy*.

110.3 Temporary occupancy. The code official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that; such portion or portions shall be occupied safely, any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and all required means of egress from the structure have been provided. The code official shall set a time period during which the temporary certificate of occupancy is valid. The temporary certificate of occupancy shall specify the portion or portions of the building or structure that may be occupied pursuant to the temporary certificate of occupancy, and any special terms or conditions of such occupancy that the authority having jurisdiction may deem to be appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure.

110.4 Reserved.

[NY] ~~105.6~~ **110.5 Operating permits.** Where the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program requires an operating permit to conduct an activity or to use a category of building, no person or entity shall conduct such activity or use such category of building without obtaining an operating permit from the authority having jurisdiction. The procedures for applying for, issuing, revoking, and suspending operating permits shall be as set forth in the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program.

[NY] SECTION ~~107~~ 111 SERVICE UTILITIES

[NY] 111.1 Connection of service utilities. A person shall not make connections from a utility, source of energy, fuel, power, water system or sewer system to any building or system that is regulated by the Uniform Code and/or for which a permit is required, until approved by the code official.

[NY] ~~107.1~~ 111.1.1 Connection of service utilities. A person shall not make ~~C~~connections from a utility, source of energy, fuel, ~~or power, water system or sewer system~~ to any building or system which is regulated by Uniform Code and/or for which a permit is required, until approved by the code official. Connections shall be made in accordance with the requirements of the Uniform Code; the regulations of the public utility providing such utility, source of energy, fuel or power; and the regulations of any governmental unit or agency having jurisdiction over such utility, source of energy, fuel or power.

[NY] ~~107.1.1~~ 111.2 Temporary connection. The code official shall have the authority to authorize the temporary connection of the building or system to ~~Where approved by the building official, temporary connections from a~~ the utility, source of energy, fuel, or power, water system or sewer system for the purpose of testing systems or for use under a temporary approval. ~~to a building or system may be made. Temporary connections shall be made in accordance with Section 107.1.~~

111.3 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 111.1 or 111.2. The code official shall notify the serving utility and, wherever possible, the owner or the owner's authorized agent and the occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner, the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

[NY] ~~107.2~~ Notice of disconnection of service utilities. ~~The owner or the owner's authorized agent shall notify the building official of the disconnection of any utility service to the building, structure, or system regulated by this code.~~

[NY] SECTION 112 VARIANCES AND APPEALS.

[NY] ~~103.3~~ 112.1 Application for variance or appeal **General.** An application for a variance or modification of any provision or requirement of Uniform Code shall be in accordance with the provisions of Part 1205. An appeal of any order or determination, or the failure within a reasonable time to make an order or determination, of an administrative official charged to enforce or purporting to enforce the Uniform Code may be made in accordance with the provisions of Part 1205.

[NY] ~~104.2~~ 112.2 Waivers, variances, and modifications **Limitations on authority.** Nothing in this code shall be construed as permitting any building official or any authority having jurisdiction to waive, vary, modify, or otherwise alter any provision or requirement of this code or any other provision or requirement of the Uniform Code. Provisions or requirements of the Uniform Code may be varied or

modified only in accordance with procedures established by Part 1205 or by such other regulations as may hereafter be promulgated by the Secretary of State pursuant to Section 381(1)(f) of the Executive Law.

[NY] 112.3 Reserved.

[NY] 112.4 Reserved.

SECTION 113 VIOLATIONS

113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to repair, alter, extend, add, move, remove, demolish or change the occupancy of any building or equipment regulated by this code or cause same to be done in conflict with or in violation of any of the provisions of this code.

[NY] 113.2 Reserved.

[NY] 113.3 Reserved.

[NY] ~~105.7~~ 113.4 Violations penalties. Any violation of any provision set forth in this code Sections ~~105.2 through 105.6~~ shall be a violation of the Uniform Code, and any person or entity violating any such provision shall be subject to the penalties prescribed in Executive Law Section 382(2). In addition, to the extent that any act or omission that violates any provision set forth in this code Sections ~~105.2 through 105.6~~ is also a violation of any other applicable law, any person or entity guilty of such act or omission shall also be subject to the penalties prescribed in or otherwise applicable to a violation of such other applicable law.

SECTION 114 STOP WORK ORDER

[NY] ~~105.4~~ 114.1 Stop work orders Authority. The authority having jurisdiction is authorized to issue a stop work order to halt work that is being performed without a required ~~building~~ permit; work that is being performed after a required ~~building~~ permit has been revoked or suspended or has expired; work that is being conducted in a dangerous or unsafe manner; or work that is contrary to provisions of the Uniform Code, the Energy Code, the approved construction documents, or the terms and conditions (if any) of the ~~building~~ permit..

114.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

[NY] 114.3 Reserved.

114.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction.

SECTION 115 UNSAFE STRUCTURES AND EQUIPMENT

115.1 Unsafe conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe

structures shall be taken down and removed or made safe as the code official deems necessary and as provided for in this code. A vacant structure that is not secured against unauthorized entry shall be deemed unsafe.

115.2 Record. The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

115.3 Notice. If an unsafe condition is found, the code official shall serve on the owner of the structure or the owner's authorized agent a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe building to be demolished within a stipulated time.

115.4 Method of service. Such notice shall be deemed properly served where a copy thereof is served in accordance with one of the following methods:

1. A copy is delivered to the owner or the owner's authorized agent personally.
2. A copy is sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested.
3. A copy is delivered in any other manner as prescribed by local law.

If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner on the owner's authorized agent shall constitute service of notice on the owner.

115.5 Restoration or abatement. The structure or equipment determined to be unsafe by the code official is permitted to be restored to a safe condition. The owner, the owner's authorized agent, operator or occupant of a structure, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action. To the extent that repairs, alterations or additions are made, or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of this code.

[NY] SECTION 116 RESERVED

[NY] SECTION 117 RESERVED

[NY] SECTION ~~108~~ 118 INSPECTION OF SOLID FUEL-BURNING HEATING APPLIANCES, CHIMNEYS AND FLUES

[NY] ~~108.1~~ 118.1 General. This ~~S~~section ~~108~~ is made part of the Uniform Code pursuant to Executive Law Section 378(5-c).

[NY] ~~108.2~~ 118.2 Permit. Prior to the installation of any solid fuel-burning heating appliance, chimney or flue in any dwelling used as a residence, the owner thereof, or his agent, shall first secure a permit from the authority having jurisdiction.

[NY] ~~108.3~~ 118.3 Installation and inspection. An appropriate and qualified inspector, as determined by the authority having jurisdiction, shall cause an inspection to be made of the solid fuel-burning heating appliance, chimney or flue at a time when such inspection will best determine conformity of such installation with the Uniform Code.

Exception: The authority having jurisdiction may waive such inspection for good cause shown.

[NY] ~~108.4~~ 118.4 **Certificate of approval compliance.** Upon approval of such installation, the ~~building~~ code official or other appropriate official of the authority having jurisdiction shall issue a certificate evidencing compliance with the appropriate provisions of the Uniform Code (such certificate being hereinafter referred to as a “certificate of ~~approval~~ compliance”). No owner of any dwelling used as a residence shall operate, or cause to be operated, any solid fuel-burning heating appliance until such installation, including chimney and flue, has been approved and a certificate of ~~approval~~ compliance has been obtained from the authority having jurisdiction.

[NY] ~~108.4.1~~ 118.4.1 **Accidental fire.** In the event of an accidental fire in a solid fuel-burning heating appliance, chimney or flue requiring the services of a fire department, the chief of the responding fire department may issue a temporary thirty-day certificate indicating substantial conformity with the Uniform Code.

The authority having jurisdiction shall cause an inspection to be made by an official inspector, as determined by the Code Enforcement Program of the authority having jurisdiction, and a new certificate to be issued indicating conformity of such solid fuel-burning heating appliance, chimney or flue with the Uniform Code.

[NY] ~~108.4.2~~ 118.4.2 **Liability.** Pursuant to Executive Law Section 378(5-c)(f), the issuance of a certificate of ~~approval~~ compliance shall not be deemed to give rise to any claim or cause of action for damages against the authority having jurisdiction or any official of the authority having jurisdiction for damages resulting from operation or use of such solid fuel-burning heating appliance, chimney or flue.

[NY] ~~108.5~~ 118.5 **Fee.** The authority having jurisdiction may establish and collect a reasonable fee for such inspection from the owner of such property or such owner’s agent.

[NY] ~~108.6~~ 118.6 **Violations.** Pursuant to Executive Law Section 378(5-c)(h), any violation of this ~~S~~section ~~108~~ shall be deemed a violation and shall be punishable by a fine not to exceed two hundred fifty dollars.

[NY] ~~108.7~~ 118.7 **Emergency repair.** Where equipment replacements and repairs must be performed in an emergency situation and where a delay occasioned by the requirement of securing a permit could reasonably be expected to cause irreparable damage to the property or serious personal injury to the occupants or other person, the owner or his agent may commence such installation without first obtaining such permit provided application therefor is filed within three business days after such work is commenced.

Plumbing Code of New York State

Chapter 1

~~[NY]~~ CHAPTER 1 SCOPE AND ADMINISTRATION

~~[NY]~~ SECTION 101 ~~TITLE, SCOPE AND PURPOSE~~ GENERAL REQUIREMENTS

[NY] **101.1 Title.** This publication shall be known as the 2020~~04~~ edition of the Plumbing Code of New York State (PCNYS) hereinafter referred to as “this code.” This code is part of the New York State Uniform Fire Prevention and Building Code (the “Uniform Code”).

[NY] **101.1.1 Amendments of New York State code books.** In Chapter 1, the term “New York State code books” shall include the Residential Code of New York State, the Building Code of New York State, the Plumbing Code of New York State (i.e., this publication), the Mechanical Code of New York State, the Fuel Gas Code of New York State, the Fire Code of New York State, the Property Maintenance Code of New York State, the Existing Building Code of New York State, and the Energy Conservation Construction Code of New York State. Provisions in any one or more of the New York State code books may be amended from time to time by provisions in 19 NYCRR Parts 1220 to 1227 or 19 NYCRR Part 1240, as currently in effect and as hereafter amended from time to time. If this publication is now or hereafter so amended, references in this publication to “this code” shall be deemed to be references to this publication as so amended. If any other New York State code book is now or hereafter so amended, references in this code to such other New York State code book shall be deemed to be references to such New York State code book as so amended.

[NY] **101.2 Scope.** The provisions of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. This code shall regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems and sanitary and condensate vacuum collection systems. The installation of fuel gas distribution piping and equipment, fuel-gas-fired water heaters and water heater venting systems shall be regulated by the Fuel Gas Code of New York State. Provisions in the appendices shall not apply unless specifically adopted.

Exceptions:

1. The provisions of this code or the Residential Code of New York State shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of the following buildings and structures, provided that such building or structure is not more than three stories above grade plane in height, and their accessory structures not more than three stories above grade plane in height:
 - 1.1. Detached one-family dwellings.
 - 1.2. Detached two-family dwellings in which each dwelling unit has a separate means of egress.
 - 1.3. Townhouses.
 - 1.4. Bed and breakfast dwellings.
 - 1.5. Live/work units that ~~(+)~~ are located in townhouses, and ~~(2)~~ comply with the requirements of Section ~~419~~ 508.5 of the Building Code of New York State.
 - 1.6. Owner-occupied lodging houses that ~~(+)~~ have five or fewer guestrooms and ~~(2)~~ are provided with a residential fire sprinkler system complying with Section P2904 of the Residential Code of New York State.
2. Agricultural buildings, including barns, sheds, poultry houses and other buildings and equipment on the premises that are used directly and solely for agricultural purposes, shall not be subject to the construction-related provisions of this code.

3. Plumbing systems in existing buildings that are undergoing repairs, alterations, changes in occupancy or construction of additions shall be permitted to comply with the Existing Building Code of New York State.

[NY] ~~101.2.2~~ 101.2.1 Appendices.

The following appendices have been adopted and are made part of this code:

Appendix C	Structural Safety
Appendix D	Degree Day and Design Temperatures

In addition, the following appendices are included for informational purposes:

Appendix B	Rates of Rainfall for Various Cities
Appendix E	Sizing of Water Piping System

[NY] ~~101.2.1~~ 101.2.2 Facilities regulated by State Departments and Agencies. Where a building or premises under the custody, licensure, supervision or jurisdiction of a department or agency of the State of New York is regulated as a one- or two-family dwelling or multiple single-family dwelling (townhouse), in accordance with established laws or regulations of that department or agency, said buildings or premises, such as a community residence or hospice residence, and their accessory structures shall comply with the Residential Code of New York State.

[NY] ~~101.3~~ 101.3 Purpose. The purpose of this code is to ~~provide~~ establish minimum requirements to provide a reasonable level of safety, safeguard life and limb, health, property ~~and public~~ protection and general welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of plumbing equipment and systems.

[NY] ~~102.11~~ 101.4 Partial invalidity Severability. If any section, subsection, sentence, clause or phrase of this code is, for any reason, held by a court of competent jurisdiction to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

[NY] ~~105.1~~ 101.5 Purpose Provisions included in Uniform Code. The purpose of ~~Section 105~~ this chapter is to include in the Uniform Code provisions requiring persons and entities who construct, renovate, use and occupy buildings and structures to apply for and obtain building permits, to facilitate construction inspections, to obey stop work orders, to obtain certificates of occupancy, and to obtain operating permits. The provisions in ~~Section 105~~ this chapter are considered to be integral parts of the Uniform Code's standards for construction, maintenance, and fire protection equipment and systems.

[NY] ~~105.1.1~~ 101.5.1 Definition. For the purpose of ~~Section 105~~ this chapter, the term "other applicable law" shall include the authority having jurisdiction's Code Enforcement Program; any local law, ordinance, or regulation establishing the authority having jurisdiction's Code Enforcement Program; and any other applicable statute, regulation, rule, local law, or ordinance.

~~[NY]~~ SECTION 102 APPLICABILITY

[NY] ~~102.1~~ 102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall ~~be applicable~~ govern. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

[NY] ~~102.2~~ 102.1.1 Other laws and regulations. This code is part of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) promulgated pursuant to Article 18 of the New York State Executive Law. The provisions of this code shall not be deemed to nullify any federal, state or local

law, ordinance, administrative code, rule or regulation relating to any matter as to which the Uniform Code does not provide.

However:

1. Pursuant to Section 383(1) of the Executive Law, and except as otherwise provided in paragraphs a, b, and c of Section 383(1) of the Executive Law, the provisions of the Uniform Code supersede any other provision of a general, special or local law, ordinance, administrative code, rule or regulation inconsistent or in conflict with the Uniform Code;
2. Pursuant to Section 379(3) of the Executive Law, no city, town, village, county or other municipality shall have the power to supersede, void, repeal, or make less restrictive any provision of the Uniform Code; and
3. The ability of any city, town, or village, or the County of Nassau, to enact or adopt, and to enforce, a local law or ordinance imposing higher or more restrictive standards for construction within the jurisdiction of such city, town, village, or county that are applicable generally to such city, town, village, or county in the Uniform Code is subject to the provisions and requirements of Section 379 of the Executive Law.
4. Nothing in this Section 102.2 shall be construed as any of the following:
5. Affecting the authority of the State Labor Department to enforce a safety or health standard issued under provisions of Sections 27 and 27-a of the Labor Law;
6. Relieving a person from complying with a stricter standard issued pursuant to the Occupational Safety and Health Act of 1970, as amended; or
7. Superseding, limiting, impairing or otherwise affecting any provision of the Uniform Code, as now in effect and as hereafter amended from time to time.

[NY] ~~102.2.1~~ 102.1.2 Other New York Codes, Rules and Regulations (NYCRR). Additional New York Codes, Rules and Regulations exist that may affect new and existing buildings, structures, systems and equipment. Such regulations include, but are not limited to, the following:

1. 19 NYCRR Part 300 (Universal Symbol of Access),
2. 19 NYCRR Part 1261 (Recordkeeping – Smoke Detectors in Multiple Dwellings),
3. 19 NYCRR Part 1264 (Identification of Buildings Utilizing Truss Type Construction), and
4. 19 NYCRR Part 1265 (Residential Structures with Truss Type Construction, Pre-Engineered Wood Construction and/or Timber Construction).

[NY] ~~102.3~~ 102.2 Existing installations. Plumbing systems lawfully in existence at the time of the adoption of this code shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design, and hazard to life, health or property is not created by such plumbing system.

[NY] ~~102.3.1~~ 102.2.1 Existing buildings. Additions, alterations, renovations or repairs related to building or structural issues shall be regulated by the Existing Building Code of New York State.

[NY] ~~102.4~~ 102.3 Maintenance. Plumbing systems, materials and appurtenances, both existing and new, and parts thereof, shall be maintained in proper operating condition in accordance with the original design in a safe and sanitary condition. Devices or safeguards required by this code shall be maintained in compliance with the edition of the code under which they were installed.

The owner or the owner's authorized agent shall be responsible for maintenance of plumbing systems. To determine compliance with this provision, the **building code** official shall have the authority to require any plumbing system to be reinspected.

~~[NY] 102.5~~ **102.4 Additions, alterations or repairs.** Additions, alterations, renovations or repairs to any plumbing system shall conform to that required for a new plumbing system without requiring the existing plumbing system to comply with all the requirements of this code. Additions, alterations or repairs shall not cause an existing system to become unsafe, ~~insanitary~~ unsanitary or overloaded.

Minor additions, alterations, renovations and repairs to existing plumbing systems shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is approved.

~~[NY] 102.6 Change in occupancy.~~ No change shall be made in the use or occupancy of any building or structure unless such building or structure is made to comply with the requirements of the Uniform Code and Energy Code.

[NY] ~~102.2.2~~ **102.5 Change in use or occupancy.** ~~A~~ No change of occupancy shall ~~not~~ be made in the use ~~or occupancy of any building or structure~~ unless the use or occupancy ~~such building or structure~~ is made to comply with ~~(1)~~ the applicable requirements of this code, ~~(2)~~ the requirements of the Existing Building Code of New York State, ~~(3)~~ other applicable provisions of the Uniform Code and ~~(4)~~ the applicable provisions of the Energy Code.

[NY] 102.6 Reserved.

~~[NY] 102.7 Moved buildings.~~ Except as determined by Section ~~102.3~~ **102.2**, plumbing systems that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

~~[NY] 102.8 Referenced codes and standards.~~ The codes and standards referenced in this code shall be those that are listed in Chapter 15 and such codes and standards shall be considered ~~to be as~~ part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2.

~~[NY] 102.8.1 Conflicts.~~ Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

~~[NY] 102.8.2 Provisions in referenced codes and standards.~~ Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

~~[NY] 102.9 Requirements not covered by code.~~ Any requirements necessary for the strength, stability or proper operation of an existing or proposed plumbing system, or for the public safety, health and general welfare, not specifically covered by this code shall be determined by the building code official.

102.10 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

~~[NY] 102.10~~ **102.11 Application of references.** Reference to chapter section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

PART 2 — ADMINISTRATION AND ENFORCEMENT

~~[NY] SECTION 103 ADMINISTRATION AND ENFORCEMENT~~ RESERVED

[NY] SECTION 104 MATERIALS, EQUIPMENT AND METHODS OF CONSTRUCTION DUTIES AND POWERS OF THE CODE OFFICIAL AND AUTHORITY HAVING JURISDICTION

[NY] ~~103.1~~ 104.1 Administration and enforcement. The Uniform Code shall be administered and enforced by the authority having jurisdiction. The identity of the authority having jurisdiction in a given situation is determined in accordance with Article 18 of the Executive Law and the regulations promulgated by the Secretary of State pursuant to Executive Law Section 381(1). In general, the authority having jurisdiction is the local government (city, town or village) in which the building or structure is located. In certain situations, the authority having jurisdiction may be the county in which the building or structure is located. In certain other cases, the State, the Secretary of State (acting through the Department of State) or some other State agency may be the authority having jurisdiction. The authority having jurisdiction responsible for administration and enforcement of the Uniform Code is also responsible for administration and enforcement of the Energy Code.

Administration and enforcement of the Uniform Code and Energy Code shall be in accordance with the following, as applicable:

1. Where a city, town, village or county is the authority having jurisdiction:
 - 1.1. Such city, town, village or county shall provide for administration and enforcement of the Uniform Code and Energy Code by local law, ordinance, other appropriate regulation, or combination thereof.
 - 1.2. The Code Enforcement Program established by such local law, ordinance or other appropriate regulation, or combination thereof, must include, at a minimum, the features described in Part 1203 and must satisfy all other requirements of Part 1203.
 - 1.3. Such city, town, village or county shall administer and enforce the Uniform Code in accordance with the Code Enforcement Program established by such local law, ordinance or other appropriate regulation, or combination thereof.
2. Where the State is the authority having jurisdiction pursuant to 19 NYCRR Section 1201.2(d):
 - 2.1. The Code Enforcement Program shall be as established by Part 1204.
 - 2.2. The State, acting through one or more State agencies, shall administer and enforce the Uniform Code and Energy Code in accordance with Part 1204.
3. Where the Department of State is the authority having jurisdiction:
 - 3.1. The Code Enforcement Program shall be as established by Part 1202.
 - 3.2. The Department of State shall administer and enforce the Uniform Code and Energy Code in accordance with Part 1202.
 - 3.3. Where any governmental unit or agency not included in Items 1, 2, and 3 above is the authority having jurisdiction:
 - 3.4. Such governmental unit or agency shall provide for administration and enforcement of the Uniform Code and Energy Code by regulation.
 - 3.5. The Code Enforcement Program established by such regulation must include, at a minimum, the features described in Part 1203 and must satisfy all other requirements of Part 1203.
 - 3.6. Such governmental unit or agency shall administer and enforce the Uniform Code and Energy Code in accordance with the Code Enforcement Program established by such regulation.

Every governmental unit or agency thereof charged with administration and enforcement of the Uniform Code shall exercise its powers in due and proper manner so as to extend to the public protection from the hazards of fire and inadequate building construction.

Any person or entity constructing or renovating a building or structure, changing the use or occupancy of a building or structure, or engaging in any other activity that is subject to the provisions of the Code

Enforcement Program of the authority having jurisdiction responsible for administration and enforcement of the Uniform Code with respect to such building shall comply with all applicable provisions of such Code Enforcement Program.

In addition, persons and entities who construct, renovate, use and occupy buildings and structures shall comply with all applicable provisions of Section 105 of this code.

[NY] ~~103.2~~ 104.1.1 **Due process.** Nothing in Chapter 1, ~~or elsewhere in this code, or~~ elsewhere in the Uniform Code, or in any regulation promulgated pursuant to Executive Law Section 381(1), shall be construed as authorizing any authority having jurisdiction to administer and enforce the Uniform Code in a manner that deprives any person or entity of due process of law. ~~In particular, but not by way of limitation, nothing in Chapter 1, or elsewhere in this code or elsewhere in the Uniform Code, or in any regulation promulgated pursuant to Executive Law Section 381(1), relating to~~ For example, when posting, placarding and/or condemning buildings or structures that are unsafe, unfit for human occupancy or unlawful, ~~shall be construed as authorizing any authority having jurisdiction to post, placard or condemn any such building or structure and/or to remove any owner or occupant or cause any owner or occupant to be removed from any such building or structure without providing such notice and opportunity to be heard (and, if applicable, right of appeal)~~ may be required as may be required under the applicable ~~circumstances by applicable~~ Constitutional provisions prior to posting, placarding, and/or condemning such building or structure and/or removing any owner or occupancy or causing any owner or occupant to be removed from any such building or structure.

[NY] ~~103.2.1~~ 104.1.2 **Imminent danger** Post-action hearing in cases on imminent danger. In cases of imminent danger, posting, placarding, and condemning a building or structure and removing owners and occupants or causing owners and occupants to be removed without first providing an opportunity to be heard shall be permitted to the extent consistent with applicable Constitutional provisions, provided that the affected persons and entities are afforded the opportunity for a post-action hearing to the extent required by applicable Constitutional provisions.

104.2 Determination of compliance. The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specially provided for in this code.
3. Nothing in this section shall be construed as permitting any code official or any authority having jurisdiction to waive, vary, modify or otherwise alter any provision or requirement of this code or any other provision or requirement of the Uniform Code. Provisions or requirements of the Uniform Code may be varied or modified only pursuant to procedures established in Part 1205 or by such other regulations as may hereafter be promulgated by the Secretary of State pursuant to Section 381(1)(f) of the Executive Law.

104.2.1 Listed compliance. Where this code or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer's instructions, and where required to verify compliance, the listing standard and manufacturer's instructions shall be made available to the code official.

104.2.2 Technical assistance. To determine compliance with this code, the code official is authorized to require the owner or owner's authorized agent to provide a technical opinion and report.

[NY] 104.2.2.1 Costs. A technical opinion and report shall be provided without charge to the authority having jurisdiction.

104.2.2.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

104.2.2.3 Content. The technical opinion and report shall analyze the properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon to identify and propose necessary recommendations.

104.2.2.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the code official shall have the authority to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the code official shall approve the testing procedures. Such tests shall be performed by a party acceptable to the code official.

[NY] ~~104.3~~ 104.2.3 Alternative materials, equipment, appliances, designs, and methods of construction. The provisions of this code are not intended to prevent the installation of any materials, equipment, or appliances not specifically prescribed by this code, or to prohibit any designs or methods of construction not specifically prescribed by this code, provided that such alternative materials, equipment, appliances, designs, or methods of construction ~~(4)~~ are not specifically prohibited by any provision of this code, by any other provision of the Uniform Code, or by the Energy Code and ~~(2) shall have~~ has been approved, ~~in writing, by the building official. Alternative materials, equipment, appliances, designs, or methods of construction may be approved only when the building official shall have determined, in writing, that such alternative is:~~

- ~~1.—Satisfactory and complies with the intent of the provisions and requirements of the Uniform Code.~~
- ~~2.—Not less than the equivalent of that prescribed in the Uniform Code in quality, strength, effectiveness, fire resistance, durability, and safety.~~

Nothing in this Section 104.3 shall be construed as permitting any building official or any authority having jurisdiction to waive, vary, modify or otherwise alter any provision or requirement of this code or any other provision or requirement of the Uniform Code. Provisions or requirements of the Uniform Code may be varied or modified only pursuant to procedures established in Part 1205 or by such other regulations as may hereafter be promulgated by the Secretary of State pursuant to Section 381(1)(f) of the Executive Law.

104.2.3.1 Approval authority. An alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative is satisfactory and complies with Sections 104.2.3 through 104.2.3.7, as applicable.

104.2.3.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

104.2.3.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality.
2. Strength.
3. Effectiveness.
4. Durability.
5. Safety, other than fire safety.
6. Fire safety.

104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

104.2.3.5.1 Fire tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

104.2.3.6 Research reports. Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

104.2.3.6.1 Evaluation reports. Evaluation reports shall be issued by an approved agency, and use of the evaluation report shall require approval by the code official for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the code official's recognition of the approved agency. Criteria used for the evaluation shall be identified within the report and, where required, provided to the code official.

104.2.3.6.2 Other reports. Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

104.2.3.7 Peer review. The code official is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is approved by the code official.

[NY] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, a variance may be applied for in accordance with 19 NYCRR Part 1205.

[NY] 104.2.4.1 Reserved.

104.3 Applications and permits. The code official shall receive applications, review construction documents and issue permits, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.3.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the code official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the code official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the code official shall require the building to meet the requirements of Section 1612 of the Building Code of New York State or Section R306 of the Residential Code of New York State, as applicable.

[NY] 104.4 Reserved.

[NY] 104.4.1 Reserved.

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code. Notices of violations shall be in accordance with Section 114.

[NY] 104.7 Reserved.

[NY] 104.8 Reserved.

[NY] 104.8.1 Reserved.

[NY] ~~104.1~~ **104.9 Approved materials and equipment.** Materials, equipment, and devices approved by the building code official shall be constructed and installed in accordance with such approval. ~~Materials, equipment and devices tested by an approved testing laboratory shall be permitted to be constructed and installed in accordance with such approval.~~

[NY] ~~104.1.1~~ **104.9.1 Used materials and equipment** Material and equipment reuse. ~~Used~~ Materials, equipment, and devices shall not be reused unless they meet the requirements of this code for new materials such elements are in good working condition and approved.

[NY] ~~104.4~~ **104.10 Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of the Uniform Code shall be executed and installed in a workmanlike manner and in accordance with the Uniform Code and the manufacturer's installation instructions.

~~[NY] SECTION 105 BUILDING PERMITS, CONSTRUCTION INSPECTIONS, STOP WORK ORDERS, AND CERTIFICATES OF OCCUPANCY~~

[NY] ~~105.2~~ **105.1 Building permits** Where required. Any owner, owner's authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the code official and obtain the required permit for the work. No person or entity shall commence, perform, or continue any work that must conform with the Uniform Code and/or Energy Code unless:

1. Such person or entity has applied to the authority having jurisdiction for a **building** permit,
2. The authority having jurisdiction has issued a **building** permit authorizing such work,
3. Such building ~~permit~~ has not been revoked or suspended, and
4. Such building ~~permit~~ has not expired.

105.1.1 Reserved.

105.1.2 Reserved.

[NY] ~~105.2.1~~ **105.2 Work exempt from building permit requirement** Exempt work. A **building** permit shall not be required for work in any category that is excluded from the building permit requirement by the authority having jurisdiction's Code Enforcement Program, provided that Part 1203 allows an authority having jurisdiction to exclude such category of work from the building permit requirement. Exemptions from **building**-permit requirements shall not be deemed to grant authorization

for any work to be done in any manner in violation of any provision the Uniform Code, any provision of the Energy Code, or any provision of any other applicable law.

[NY] ~~105.2.2~~ **105.3 Applications for building permits.** ~~A person or entity applying for a building permit shall submit an application to the authority having jurisdiction.~~ Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. An application for a **building** permit shall:

1. Be signed by the owner or owner's authorized agent.
2. Include ~~C~~construction and any other documents that satisfy the requirements of Section 106-2.
- ~~3. Any and all other submittal documents required by Section 106.~~
4. Indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.
5. Include ~~A~~any and all other information and documentation that may be required by ~~the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program.~~
6. Include ~~S~~such other information and documentation as the authority having jurisdiction may determine to be necessary to allow the authority having jurisdiction to determine whether the proposed work conforms with the Uniform Code, the Energy Code, and other applicable laws.

105.3.1 Preliminary inspection. Before a permit is issued, the code official shall be authorized to inspect and evaluate the systems, equipment, buildings, devices, premises and spaces or areas to be used.

[NY] **105.3.2 Reserved.**

105.4 By whom application is made. Application for a permit shall be made by the person or agent to install all or part of any plumbing system. The applicant shall meet all qualifications established by statute, or by rules promulgated by this code, or by ordinance or by resolution. The full name and address of the applicant shall be stated in the application.

105.5 Permit issuance. The application, construction documents and other data filed by an applicant for permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and that the fees specified in Section 108.1 have been paid, a permit shall be issued to the applicant.

[NY] ~~105.2.3~~ **105.5.1 Approval of Approved construction documents.** When the ~~authority having jurisdiction~~ code official issues a **building** permit where construction documents are required, the ~~authority having jurisdiction shall approve the~~ construction documents shall be endorsed in writing and stamped "APPROVED." Such approved construction documents shall not be changed, modified or altered without authorization from the code official. Work shall be ~~installed~~ done in accordance with the approved construction documents and the terms and conditions, if any, of the **building** permit.

The code official shall have the authority to issue a permit for the construction of a part of a plumbing system before the entire construction documents for the whole system have been submitted or approved, provided that adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holders of such permit shall proceed at their own risk without assurance that the permit for the entire plumbing system will be granted.

[NY] ~~105.2.4~~ **105.5.2 Validity of building permit.** The issuance ~~or granting~~ of a **building** permit or approval of construction documents shall not be construed to be a permit for, or an approval of, any violation of any provision of the Uniform Code, the Energy Code, or of any other applicable law. A **building** permit ~~purporting~~ presuming to give authority to violate or cancel any provision of the Uniform

Code, the Energy Code, or any other applicable law shall not be valid. The issuance of a ~~building~~ permit based on construction documents and other data shall not prevent the ~~building code~~ official from ~~thereafter~~ requiring the correction of errors in ~~the said~~ construction documents and other data ~~or from preventing building operations being carried on thereunder where in violation of this code or of other ordinances of this jurisdiction.~~

[NY] 105.5.3 Reserved.

[NY] 105.5.4 Reserved.

~~[NY] 105.2.5 105.5.5 Suspension or revocation of building permit.~~ The ~~authority having jurisdiction is authorized~~ code official shall have the authority to suspend or revoke a ~~building~~ permit ~~issued under the provisions of this code~~ wherever the ~~building~~ permit is issued in error; or on the basis of incorrect, inaccurate or incomplete information; or in violation of any ~~provision of the Uniform Code, the Energy Code, or any other applicable law ordinance or regulation or any of the provisions of this code.~~ ~~Any such suspension or revocation shall be in writing, signed an authorized agent of the authority having jurisdiction.~~

[NY] 105.2.5 105.5.5 Suspension or revocation of building permit. The ~~authority having jurisdiction~~ code official is authorized to suspend or revoke a ~~building permit~~ wherever the ~~building permit~~ is issued in error; or on the basis of incorrect, inaccurate or incomplete information; or in violation of any provision of the Uniform Code, the Energy Code, or any other applicable law; or there has been a false statement or misrepresentation as to the material facts in the application or construction documents on which the permit or approval was based including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the name for which it was issued.
6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation or this code.

Any such suspension or revocation shall be in writing, signed by an authorized agent of the *authority having jurisdiction.*

[NY] 105.5.6 Reserved.

~~[NY] 105.2.6 105.5.7 Placement Posting of building permit and approved construction documents.~~ The ~~building permit,~~ or a copy ~~thereof, and at least one set of approved construction documents~~ shall be kept on the site of the work until the completion of the project. ~~The approved construction documents shall be open to inspection by any authorized representative of the authority having jurisdiction.~~

[NY] SECTION 106 SUBMITTAL CONSTRUCTION DOCUMENTS

~~[NY] 106.1 General. Submittal documents consisting of construction documents, statements of special inspections, geotechnical reports, and other data shall be submitted with each application for a building permit.~~

[NY] 106.1 Construction documents. Construction documents, engineering calculations, diagrams and other such data shall be submitted in two or more sets, or in a digital format where allowed by the authority having jurisdiction, with each application for a permit. The code official shall require construction documents, computations and specifications to be prepared and designed by a registered design professional where required by state law. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for pipes, fittings and components and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

Exception: The authority having jurisdiction shall have the authority to waive the submission of construction documents, calculations or other data if the nature of the work applied for is such that the reviewing of construction documents is not necessary to determine compliance with this code.

~~[NY] 106.2 Construction documents. Construction documents shall be in accordance with Sections 106.2.1 through 106.2.9.~~

~~[NY] 106.2.1 Information on construction documents. Construction documents (1) shall define the scope of the proposed work; (2) shall be of sufficient clarity to indicate the location, nature and extent of the proposed work; (3) shall show in detail that the proposed work will conform to the provisions of the Uniform Code, the Energy Code, and other applicable codes, laws, ordinances, and regulations; (4) shall include all information required by any provision of this code (including, but not limited to, the information described in Sections 106.2.2 through 106.2.8), all information required by any other applicable provision of the Uniform Code, and all information required by any applicable provision of the Energy Code; and (5) shall include any and all additional information and documentation that may be required by the stricter of the Code Enforcement Program of the authority having jurisdiction or a Part 1203—Compliant Code Enforcement Program.~~

[NY] ~~106.2.1.1~~ **106.1.1 Manufacturer's installation instructions.** Manufacturer's installation instructions, as required by any applicable provision of the Uniform Code or by any applicable provision of the Energy Code, shall be available on the job site at the time of inspection.

[NY] ~~106.2.2~~ **106.1.2 Fire protection system shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to Chapter 9 of the Building Code of New York State, any other applicable provision of the Uniform Code, and the construction documents. Such shop drawings shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the installation standards referenced in Chapter 9 of the Building Code of New York State or in any other applicable provision of the Uniform Code.

~~[NY] 106.2.3 Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress, including the path of the exit discharge to the public way in compliance with the provisions of the Uniform Code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.~~

~~[NY] 106.2.4 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with the Uniform Code and the Energy Code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints,~~

~~intersections at roof, eaves or parapets, means of drainage, water resistive membrane and details around openings.~~

~~The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.~~

~~[NY] 106.2.5 Exterior balconies and elevated walking surfaces. Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow, or irrigation, and the structural framing is protected by an impervious moisture barrier, the construction documents shall include details for all elements of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.~~

~~[NY] 106.2.6 106.1.3 Site plan. The construction documents submitted with the application for a building permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations. The site plan shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan where the application for a building permit is for an alteration or repair or where otherwise warranted~~ change of occupancy.

~~[NY] 106.2.6.1 Design flood elevations. Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1 of the Building Code of New York State.~~

~~[NY] 106.2.6.2 Flood hazard documentation. If located in a flood hazard area, documentation of the elevation of the lowest floor as required in Section 1612.4 of the Building Code of New York State shall be submitted to the building official prior to the final inspection.~~

~~[NY] 106.2.7 Structural information. The construction documents shall provide the information specified in Section 1603 of the Building Code of New York State.~~

~~[NY] 106.2.8 Relocatable buildings.~~

~~Construction documents for relocatable buildings shall comply with Section 3112 of the Building Code of New York State.~~

~~[NY] 106.2.9 106.1.4 Design professional. Construction documents shall be prepared by a registered design professional when required by Article 145 or Article 147 of the New York State Education Law, by the stricter of Code Enforcement Program of the authority having jurisdiction or a Part 1203—Compliant Code Enforcement Program, or by any other applicable statute, regulation, or local law or ordinance.~~

106.2 Retention of construction documents. One set of approved construction documents shall be retained by the code official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws. One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress. The approved construction documents shall be open to inspection by any authorized representative of the authority having jurisdiction.

[NY] SECTION 107 NOTICE OF APPROVAL, CERTIFICATES OF OCCUPANCY, AND OPERATING PERMITS

[NY] 107.1 Certificate issued. After the *building official* inspects the *building or structure* and does not find violations of the provisions of this code or other laws that are enforced by the authority having jurisdiction, the *building official* shall issue a certificate of occupancy that contains the following:

1. The *permit* number, if any.
2. The date of issuance of the building permit, if any.
3. The name, address of the structure, and tax map number of the property.
4. A description of that portion of the *structure* for which the certificate is issued.
5. The use and occupancy classification of the *structure*, in accordance with the provisions of Chapter 3.
6. The type of construction as defined in Chapter 6.
7. The occupant load of the assembly areas in the *structure*, if any.
8. Any special stipulations and conditions of the *permit*.
9. The date of issuance and signature of the official issuing the certificate of occupancy or certificate of compliance.

107.1.1 Revocation. The code official is authorized to, in writing, suspend or revoke a notice of approval issued under the provisions of this code wherever the notice is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure, premise or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

[NY] 105.5 107.2 Certificates Change of occupancy. Where the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program requires a certificate of occupancy for permission to use or occupy a building or structure, or any portion thereof, no person or entity shall use or occupy such building or structure, or such portion thereof, and a change of occupancy of a building or structure or portion thereof shall not be made, unless:

1. The authority having jurisdiction has issued such certificate of occupancy.
2. Such certificate of occupancy has not been revoked or suspended.
3. In the case of a temporary certificate of occupancy, such temporary certificate of occupancy has not expired.

[NY] 105.5.1 107.2.1 Authorized uses and occupancies. Where a certificate of occupancy has been issued for a building or structure, or any portion thereof, no person or entity shall use or occupy such building or structure, or such portion thereof, for any use or occupancy other than that authorized by such certificate of occupancy.

[NY] 105.5.2 107.2.2 Change in use or occupancy. Without regard to whether a certificate of occupancy shall have been issued, no person or entity shall convert the use or occupancy of a building or structure, or any portion thereof, from one use or occupancy to another without first obtaining a building permit to perform the work, if any, required for such conversion; performing such work, if any; and obtaining a certificate of occupancy from the authority having jurisdiction.

[NY] 105.6 107.3 Operating permits. Where the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program requires an operating permit to conduct an activity or to use a category of building, no person or entity shall conduct such activity or use such category of building without obtaining an operating permit from the authority having jurisdiction. The procedures for applying for, issuing, revoking, and suspending operating permits shall be

as set forth in the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program.

[NY] SECTION 108 RESERVED

[NY] SECTION ~~107~~ 109 SERVICE UTILITIES

[NY] ~~107.1~~ 109.1 **Connection of service utilities.** A person shall not make ~~C~~connections from a utility, a source of energy, fuel or power, or a water system or sewer system to any *building* or system ~~which~~ that is regulated by ~~Uniform Code~~ this code for which a permit is required, until approved by the building official. Connections shall be made in accordance with the requirements of the Uniform Code; the regulations of the public utility providing such utility service, source of energy, fuel or power, or water or sewer system; and the regulations of any governmental unit or agency having jurisdiction over such utility, source of energy, fuel, ~~or~~ power, water, or sewer system.

~~[NY] 107.1.1~~ 109.2 **Temporary connection.** ~~Where approved by the building~~ The code official, ~~shall have the authority to authorize temporary connections of the building or system to the~~ ~~from a~~ utility, source of energy, fuel, ~~or~~ power, water system or sewer system for the purpose of testing plumbing systems or for use under a temporary approval. ~~to a building or system may be made. Temporary connections shall be made in accordance with Section 107.1.~~

109.3 **Authority to disconnect service utilities.** The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 109.1 or 109.2.

The code official shall notify the serving utility, and wherever possible the owner or the owner's authorized agent and occupant of the building, structure or service system, of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner, the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

~~[NY] 107.2~~ **Notice of disconnection of service utilities.** ~~The owner or the owner's authorized agent shall notify the building official of the disconnection of any utility service to the building, structure, or system regulated by the Uniform Code.~~

SECTION 110 TEMPORARY USES, EQUIPMENT AND SYSTEMS

[NY] 110.1 **Conformance.** Temporary structures shall conform to Chapter 31 of the Building Code of New York State and Chapter 31 of the Fire Code of New York State.

110.2 **Conformance.** Temporary uses, equipment and systems shall conform to requirements of this code as necessary to ensure health, safety and general welfare.

110.3 **Temporary service utilities.** The code official is authorized to give permission to temporarily supply service utilities in accordance with Section 109.

110.4 **Termination of approval.** The code official is authorized to terminate such permit for temporary uses, equipment or systems and to order the same to be discontinued.

SECTION 111 INSPECTIONS AND TESTING

~~[NY] 105.3 Construction inspections. Any person or entity performing work for which a building permit has been issued shall keep work accessible and exposed until the work has been inspected and accepted by the authority having jurisdiction, or its authorized agent, at each element of the construction process that is applicable to the work and specified in the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program.~~

111.1 General. The code official is authorized to conduct such inspections as are deemed necessary to determine compliance with the provisions of this code. Construction or work for which a permit is required shall be subject to inspection by the code official, and such construction or work shall remain visible and able to be accessed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain visible and able to be accessed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expenses entailed in the removal or replacement of any material required to allow inspection.

111.2 Required inspections and testing. The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or an agent of any violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

1. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before any backfill is put in place.
2. Rough-in inspection shall be made after the roof, framing, fireblocking, firestopping, draftstopping and bracing is in place and all sanitary, storm and water distribution piping is roughed-in, and prior to the installation of wall or ceiling membranes.
3. Final inspection shall be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

111.2.1 Other inspections. In addition to the inspections specified in Section 111.2, the code official shall be authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced.

~~[NY] 105.3.1~~ 111.2.2 Inspection requests. It shall be the duty of the holder of the **building** permit or their duly authorized agent to notify the **building code** official when work is ready for inspection. It shall be the duty of the **building** permit holder to provide access to and means for inspections of such work that are required by this code.

111.2.3 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the code official.

111.2.4 Approved agencies. The code official is authorized to accept reports of approved inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

111.2.5 Evaluation and follow-up inspection services. Prior to the approval of a closed, prefabricated plumbing system and the issuance of a plumbing permit, the code official shall require the submittal of an evaluation report on each prefabricated plumbing system indicating the complete details of the plumbing system, including a description of the system and its components, the basis on which the plumbing system

is being evaluated, test results and similar information, and other data as necessary for the code official to determine conformance to this code.

111.2.5.1 Evaluation service. The code official shall designate the evaluation service of an approved agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to this code.

111.2.5.2 Follow-up inspection. Except where ready access is provided to all plumbing systems, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the frequency of in-plant inspections necessary to ensure conformance to the approved evaluation report or shall designate an independent, approved inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the follow-up inspection manual and a report of inspections on request, and the plumbing system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.

111.2.5.3 Test and inspection records. Required test and inspection records shall be available to the code official at all times during the fabrication of the plumbing system and the erection of the building, or such records as the code official designates shall be filed.

111.3 Special inspections. Special inspections of alternative engineered design plumbing systems shall be conducted in accordance with Sections 111.3.1 and 111.3.2.

111.3.1 Periodic inspection. The registered design professional or designated inspector shall periodically inspect and observe the alternative engineered design to determine that the installation is in accordance with the approved construction documents. Discrepancies shall be brought to the immediate attention of the plumbing contractor for correction. Records shall be kept of all inspections.

111.3.2 Written report. The registered design professional shall submit a final report in writing to the code official upon completion of the installation, certifying that the alternative engineered design conforms to the approved construction documents. A notice of approval for the plumbing system shall not be issued until a written certification has been submitted.

111.4 Testing. Plumbing work and systems shall be tested as required in Section 312 and in accordance with Sections 111.4.1 through 111.4.3. Tests shall be made by the permit holder and observed by the code official.

111.4.1 New, altered, extended or repaired systems. New plumbing systems and parts of existing systems that have been altered, extended or repaired shall be tested as prescribed herein to disclose leaks and defects, except that testing is not required in the following cases:

1. In any case that does not include addition to, replacement, alteration or relocation of any water supply, drainage or vent piping.
2. In any case where plumbing equipment is set up temporarily for exhibition purposes.

111.4.2 Equipment, material and labor for tests. Equipment, material and labor required for testing a plumbing system or part thereof shall be furnished by the permit holder.

111.4.3 Reinspection and testing. Where any work or installation does not pass any initial test or inspection, the necessary corrections shall be made to comply with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.

[NY] SECTION 112 VARIANCES AND APPEALS

[NY] ~~103.3~~ 112.1 Application for variance or appeal **General.** An application for a variance or modification of any provision or requirement of Uniform Code shall be in accordance with the provisions of Part 1205. An appeal of any order or determination, or the failure within a reasonable time to make an

order or determination, of an administrative official charged to enforce or purporting to enforce the Uniform Code may be made in accordance with the provisions of Part 1205.

[NY] ~~104.2~~ 112.2 ~~Waivers, variances, and modifications~~ Limitations on authority. Nothing in this code shall be construed as permitting any building official or any authority having jurisdiction to waive, vary, modify, or otherwise alter any provision or requirement of this code or any other provision or requirement of the Uniform Code. Provisions or requirements of the Uniform Code may be varied or modified only in accordance with procedures established by Part 1205 or by such other regulations as may hereafter be promulgated by the Secretary of State pursuant to Section 381(1)(f) of the Executive Law.

[NY] 112.3 Reserved.

[NY] 112.4 Reserved.

[NY] SECTION 113 RESERVED

SECTION 114 VIOLATIONS

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize any plumbing system, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

[NY] 114.2 Reserved.

[NY] 114.3 Reserved.

[NY] ~~105.7~~ 114.4 ~~Violations penalties.~~ ~~Any violation of any provision set forth in Sections 105.2 through 105.6 shall be a violation of the Uniform Code, and any person or entity violating any such provision~~ Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code shall be subject to the penalties prescribed in Executive Law Section 382(2). In addition, to the extent that any act or omission that violates any such provision ~~set forth in Sections 105.2 through 105.6~~ is also a violation of any other applicable law, any person or entity guilty of such act or omission shall also be subject to the penalties prescribed in or otherwise applicable to a violation of such other applicable law.

114.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the plumbing on or about any premises.

114.6 Unsafe plumbing. Any plumbing regulated by this code that is unsafe or that constitutes a fire or health hazard, insanitary condition, or is otherwise dangerous to human life is hereby declared unsafe. Any use of plumbing regulated by this code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Any such unsafe equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

[NY] 114.6.1 Authority to condemn equipment. Where the code official determines that any plumbing, or portion thereof, regulated by this code has become hazardous to life, health or property or has become unsanitary, the code official shall order in writing that such plumbing either be removed or restored to a

safe or sanitary condition. A time limit for compliance with such order shall be specified in the written notice. A person shall not use or maintain defective plumbing after receiving such notice.

114.6.2 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service in accordance with Section 109.3.

114.6.3 Connection after order to disconnect. A person shall not make connections from any energy, fuel, power supply or water distribution system or supply energy, fuel or water to any equipment regulated by this code that has been disconnected or ordered to be disconnected by the code official or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such equipment. Where any plumbing is maintained in violation of this code, and in violation of any notice issued pursuant to the provisions of this section, the code official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

SECTION 115 STOP WORK ORDER

[NY] ~~105.4~~ **115.1 Stop work orders-Authority.** ~~The authority having jurisdiction code official~~ is authorized to issue a stop work order to halt work that is being performed without a required building permit; work that is being performed after a required building permit has been revoked or suspended or has expired; work that is being conducted in a dangerous or unsafe manner; or work that is contrary to provisions of the Uniform Code, the Energy Code, the approved construction documents, or the terms and conditions (if any) of the ~~building~~ permit. No person or entity shall commence, perform or continue any work if the authority having jurisdiction has issued a stop work order with respect to such work.

115.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

115.3 Emergencies. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

115.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction.

Mechanical Code of New York State

Chapter 1

~~[NY]~~ CHAPTER 1 SCOPE AND ADMINISTRATION

~~[NY]~~ SECTION 101 ~~TITLE, SCOPE AND PURPOSE~~ GENERAL REQUIREMENTS

[NY] **101.1 Title.** This publication shall be known as the 2020~~4~~ edition of the Mechanical Code of New York State (MCNYS) hereinafter referred to as “this code.” This code is part of the New York State Uniform Fire Prevention and Building Code (the “Uniform Code”).

[NY] **101.1.1 Amendments of New York State code books.** In Chapter 1, the term “New York State code books” shall include the Residential Code of New York State, the Building Code of New York State, the Plumbing Code of New York State, the Mechanical Code of New York State (i.e., this publication), the Fuel Gas Code of New York State, the Fire Code of New York State, the Property Maintenance Code of New York State, the Existing Building Code of New York State, and the Energy Conservation Construction Code of New York State. Provisions in any one or more of the New York State code books may be amended from time to time by provisions in 19 NYCRR Parts 1220 to 1227 or 19 NYCRR Part 1240, as currently in effect and as hereafter amended from time to time. If this publication is now or hereafter so amended, references in this publication to “this code” shall be deemed to be references to this publication as so amended. If any other New York State code book is now or hereafter so amended, references in this code to such other New York State code book shall be deemed to be references to such New York State code book as so amended.

[NY] **101.2 Scope.** This code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the Fuel Gas Code of New York State.

Exceptions:

1. The provisions of this code or the Residential Code of New York State shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of the following buildings and structures, provided that such building or structure is not more than three stories above grade plane in height, and their accessory structures not more than three stories above grade plane in height:
 - 1.1. Detached one-family dwellings;
 - 1.2. Detached two-family dwellings in which each dwelling unit has a separate means of egress;
 - 1.3. Townhouses;
 - 1.4. Bed and breakfast dwellings;
 - 1.5. Live/work units that ~~(+)~~ are located in townhouses and ~~(2)~~ comply with the requirements of Section ~~419~~ 508.5 of the Building Code of New York State; and
 - 1.6. Owner-occupied lodging houses that ~~(+)~~ have five or fewer guestrooms and ~~(2)~~ are provided with a residential fire sprinkler system complying with Section P2904 of the Residential Code of New York State.
2. Agricultural buildings, including barns, sheds, poultry houses and other buildings and equipment on the premises that are used directly and solely for agricultural purposes, shall not be subject to the construction-related provisions of this code.
3. Mechanical systems in existing buildings that are undergoing repairs, alterations, changes in occupancy or construction of additions shall be permitted to comply with the provisions of the Existing Building Code of New York State.

[NY] 101.2.1 Facilities regulated by State Departments and Agencies. Where a building or premises under the custody, licensure, supervision or jurisdiction of a department or agency of the State of New York is regulated as a one- or two-family dwelling or multiple single-family dwelling (townhouse), in accordance with established laws or regulations of that department or agency, said buildings or premises, such as a community residence or hospice residence, and their accessory structures shall comply with the Residential Code of New York State.

[NY] 101.2.2 Appendices. Provisions in the following appendix is included for informational purposes:

Appendix A Chimney Connector Pass-Throughs

[NY] 101.3 Purpose. The purpose of this code is to ~~provide~~ establish minimum requirements to ~~safeguard life or limb,~~ provide a reasonable level of safety, health, property protection, and ~~public~~ general welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of mechanical equipment or systems.

[NY] ~~102.11 Partial invalidity~~ 101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held by a court of competent jurisdiction to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

[NY] ~~105.1~~ 101.5 Purpose Provisions included in Uniform Code. The purpose of ~~Section 105 this chapter~~ is to include in the Uniform Code provisions requiring persons and entities who construct, renovate, use and occupy buildings and structures to apply for and obtain building permits, to facilitate construction inspections, to obey stop work orders, to obtain certificates of occupancy, and to obtain operating permits. The provisions in ~~Section 105 this chapter~~ are considered to be integral parts of the Uniform Code's standards for construction, maintenance, and fire protection equipment and systems.

[NY] ~~105.1.1~~ 101.5.1 Definition. For the purpose of ~~Section 105 this chapter~~, the term "other applicable law" shall include the authority having jurisdiction's Code Enforcement Program; any local law, ordinance, or regulation establishing the authority having jurisdiction's Code Enforcement Program; and any other applicable statute, regulation, rule, local law, or ordinance.

~~[NY]~~ SECTION 102 APPLICABILITY

[NY] 102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall ~~be applicable~~ govern. Where, in ~~any~~ a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

[NY] ~~102.2~~ 102.1.1 Other laws and regulations. This code is part of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) promulgated pursuant to Article 18 of the New York State Executive Law. The provisions of this code shall not be deemed to nullify any federal, state or local law, ordinance, administrative code, rule or regulation relating to any matter as to which the Uniform Code does not provide.

However:

1. Pursuant to Section 383(1) of the Executive Law, and except as otherwise provided in paragraphs a, b, and c of Section 383(1) of the Executive Law, the provisions of the Uniform Code supersede any other provision of a general, special or local law, ordinance, administrative code, rule or regulation inconsistent or in conflict with the Uniform Code;
2. Pursuant to Section 379(3) of the Executive Law, no city, town, village, county or other municipality shall have the power to supersede, void, repeal, or make less restrictive any provision of the Uniform Code; and

3. The ability of any city, town, or village, or the County of Nassau, to enact or adopt, and to enforce, a local law or ordinance imposing higher or more restrictive standards for construction within the jurisdiction of such city, town, village, or county that are applicable generally to such city, town, village, or county in the Uniform Code is subject to the provisions and requirements of Section 379 of the Executive Law.

Nothing in [this](#) Section ~~102.2~~ shall be construed as:

1. Affecting the authority of the State Labor Department to enforce a safety or health standard issued under provisions of Sections 27 and 27-a of the Labor Law;
2. Relieving a person from complying with a stricter standard issued pursuant to the Occupational Safety and Health Act of 1970, as amended; or
3. Superseding, limiting, impairing or otherwise affecting any provision of the Uniform Code, as now in effect and as hereafter amended from time to time.

[NY] ~~102.2.1~~ [102.1.1.1](#) **Other New York Codes, Rules and Regulations (NYCRR).** Additional New York Codes, Rules and Regulations exist that may affect new and existing buildings, structures, systems and equipment. Such regulations include, but are not limited to:

1. 19 NYCRR Part 300 (Universal Symbol of Access),
2. 19 NYCRR Part 1261 (Recordkeeping—Smoke Detectors in Multiple Dwellings),
3. 19 NYCRR Part 1264 (Identification of Buildings Utilizing Truss Type Construction), and
4. 19 NYCRR Part 1265 (Residential Structures with Truss Type Construction, Pre-Engineered Wood Construction and/or Timber Construction).

~~[NY] 102.3~~ [102.2](#) **Existing installations.** Except as otherwise provided for in this chapter, a provision in this code shall not require the removal, alteration or abandonment of, nor prevent the continued utilization and maintenance of, a mechanical system lawfully in existence at the time of the adoption of this code.

~~[NY] 102.3.1~~ [102.2.1](#) **Existing buildings.** Additions, alterations, renovations or repairs related to building or structural issues shall be regulated by the Existing Building Code of New York State.

~~[NY] 102.4~~ [102.3](#) **Maintenance.** Mechanical systems, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe and sanitary condition. Devices or safeguards that are required by this code shall be maintained in compliance with the edition of the code under which they were installed. The owner or the owner's authorized agent shall be responsible for maintenance of mechanical systems. To determine compliance with this provision, the [building code](#) official shall have the authority to require a mechanical system to be reinspected.

The inspection for maintenance of HVAC systems shall be performed in accordance with ASHRAE/ACCA/ANSI Standard 180.

~~[NY] 102.5~~ [102.4](#) **Additions, alterations or repairs.** Additions, alterations, renovations or repairs to a mechanical system shall conform to that required for a new mechanical system without requiring the existing mechanical system to comply with all of the requirements of this code. Additions, alterations or repairs shall not cause an existing mechanical system to become unsafe, hazardous or overloaded.

Minor additions, alterations, renovations and repairs to existing mechanical systems shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is approved.

~~[NY] 102.6 Change in occupancy.~~ No change shall be made in the use or occupancy of any building or structure unless such building or structure is made to comply with the requirements of the Uniform Code and Energy Code.

102.5 Change in occupancy. It shall be unlawful to make a change in the occupancy of any structure that will subject the structure to any special provision of this code applicable to the new occupancy without approval. The code official shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new occupancy and that such change of occupancy does not result in any hazard to the public health, safety or welfare.

[NY] 102.6 Reserved.

[NY] 102.7 Moved buildings. Except as determined by Section ~~102.3~~ 102.2, mechanical systems that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

[NY] 102.8 Referenced codes and standards. The codes and standards referenced herein shall be those that are listed in Chapter 15 and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and the manufacturer's installation instructions shall apply.

[NY] 102.8.1 Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

[NY] 102.8.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

[NY] 102.9 Requirements not covered by this code. Requirements necessary for the strength, stability or proper operation of an existing or proposed mechanical system, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the building code official.

102.10 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

[NY] ~~102.10~~ 102.11 Application of references. Reference to chapter section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

PART 2 — ADMINISTRATION AND ENFORCEMENT

[NY] SECTION 103 ~~ADMINISTRATION AND ENFORCEMENT~~ RESERVED

[NY] SECTION 104 ~~MATERIALS, EQUIPMENT AND METHODS OF CONSTRUCTION~~ DUTIES AND POWERS OF THE CODE OFFICIAL AND AUTHORITY HAVING JURISDICTION

[NY] ~~103.1~~ 104.1 Administration and enforcement. The Uniform Code shall be administered and enforced by the authority having jurisdiction. The identity of the authority having jurisdiction in a given situation is determined in accordance with Article 18 of the Executive Law and the regulations promulgated by the Secretary of State pursuant to Executive Law Section 381(1). In general, the authority having jurisdiction is the local government (city, town or village) in which the building or structure is located. In certain situations, the authority having jurisdiction may be the county in which the building or structure is located. In certain other cases, the State, the Secretary of State (acting through the Department of State) or some other State agency may be the authority having jurisdiction. The authority having

jurisdiction responsible for administration and enforcement of the Uniform Code is also responsible for administration and enforcement of the Energy Code.

Administration and enforcement of the Uniform Code and Energy Code shall be in accordance with the following, as applicable:

1. Where a city, town, village or county is the authority having jurisdiction:
 - 1.1. Such city, town, village or county shall provide for administration and enforcement of the Uniform Code and Energy Code by local law, ordinance, other appropriate regulation, or combination thereof.
 - 1.2. The Code Enforcement Program established by such local law, ordinance or other appropriate regulation, or combination thereof, must include, at a minimum, the features described in Part 1203 and must satisfy all other requirements of Part 1203.
 - 1.3. Such city, town, village or county shall administer and enforce the Uniform Code in accordance with the Code Enforcement Program established by such local law, ordinance or other appropriate regulation, or combination thereof.
2. Where the State is the authority having jurisdiction pursuant to 19 NYCRR Section 1201.2(d):
 - 2.1. The Code Enforcement Program shall be as established by Part 1204.
 - 2.2. The State, acting through one or more State agencies, shall administer and enforce the Uniform Code and Energy Code in accordance with Part 1204.
3. Where the Department of State is the authority having jurisdiction:
 - 3.1. The Code Enforcement Program shall be as established by Part 1202.
 - 3.2. The Department of State shall administer and enforce the Uniform Code and Energy Code in accordance with Part 1202.
4. Where any governmental unit or agency not included in Items 1, 2, and 3 is the authority having jurisdiction:
 - 4.1. Such governmental unit or agency shall provide for administration and enforcement of the Uniform Code and Energy Code by regulation.
 - 4.2. The Code Enforcement Program established by such regulation must include, at a minimum, the features described in Part 1203 and must satisfy all other requirements of Part 1203.
 - 4.3. Such governmental unit or agency shall administer and enforce the Uniform Code and Energy Code in accordance with the Code Enforcement Program established by such regulation.

Every governmental unit or agency thereof charged with administration and enforcement of the Uniform Code shall exercise its powers in due and proper manner so as to extend to the public protection from the hazards of fire and inadequate building construction.

Any person or entity constructing or renovating a building or structure, changing the use or occupancy of a building or structure, or engaging in any other activity that is subject to the provisions of the Code Enforcement Program of the authority having jurisdiction responsible for administration and enforcement of the Uniform Code with respect to such building shall comply with all applicable provisions of such Code Enforcement Program.

In addition, persons and entities who construct, renovate, use and occupy buildings and structures shall comply with all applicable provisions of Section 105 of this code.

[NY] ~~103.2~~ 104.1.1 Due process. Nothing in Chapter 1, ~~or elsewhere in this code, or~~ elsewhere in the Uniform Code, or in any regulation promulgated pursuant to Executive Law Section 381(1), shall be

construed as authorizing any authority having jurisdiction to administer and enforce the Uniform Code in a manner that deprives any person or entity of due process of law. ~~In particular, but not by way of limitation, nothing in Chapter 1, or elsewhere in this code or elsewhere in the Uniform Code, or in any regulation promulgated pursuant to Executive Law Section 381(1), relating to~~ For example, when posting, placarding and/or condemning ~~ing~~ buildings or structures that are unsafe, unfit for human occupancy or unlawful, ~~shall be construed as authorizing any authority having jurisdiction to post, placard or condemn any such building or structure and/or to remove any owner or occupant or cause any owner or occupant to be removed from any such building or structure without providing such~~ notice and opportunity to be heard (and, if applicable, right of appeal) ~~may be required as may be required~~ under the applicable ~~circumstances by applicable~~ Constitutional provisions prior to posting, placarding, and/or condemning such building or structure and/or removing any owner or occupancy or causing any owner or occupant to be removed from any such building or structure.

[NY] ~~103.2.1~~ 104.1.2 Imminent danger Post-action hearing in cases on imminent danger. In cases of imminent danger, posting, placarding, and condemning a building or structure and removing owners and occupants or causing owners and occupants to be removed without first providing an opportunity to be heard shall be permitted to the extent consistent with applicable Constitutional provisions, provided that the affected persons and entities are afforded the opportunity for a post-action hearing to the extent required by applicable Constitutional provisions.

[NY] 104.2 Determination of compliance. The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.
3. Nothing in this section shall be construed as permitting any building official or any authority having jurisdiction to waive, vary, modify or otherwise alter any provision or requirement of this code or any other provision or requirement of the Uniform Code. Provisions or requirements of the Uniform Code may be varied or modified only pursuant to procedures established in Part 1205 or by such other regulations as may hereafter be promulgated by the Secretary of State pursuant to Section 381(1)(f) of the Executive Law.

104.2.1 Listed compliance. Where this code or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer's instructions, and where required to verify compliance, the listing standard and manufacturer's instructions shall be made available to the code official.

104.2.2 Technical assistance. To determine compliance with this code, the code official is authorized to require the owner or owner's authorized agent to provide a technical opinion and report.

[NY] 104.2.2.1 Costs. A technical opinion and report shall be provided without charge to the authority having jurisdiction.

104.2.2.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

104.2.2.3 Content. The technical opinion and report shall analyze the properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon to identify and propose necessary recommendations.

104.2.2.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the code official shall have the authority to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the code official shall approve the testing procedures. Such tests shall be performed by a party acceptable to the code official.

[NY] ~~104.3~~ **104.2.3 Alternative materials, equipment, appliances, designs, and methods of construction, and equipment.** The provisions of this code are not intended to prevent the installation of any materials, equipment, or appliances ~~not specifically prescribed by this code~~, or to prohibit any designs or methods of construction not specifically prescribed by this code, provided that ~~any~~ such alternative ~~materials, equipment, appliances, designs, or methods of construction (1) are~~ is not specifically prohibited by any provision of this code, by any other provision of the Uniform Code, or by the Energy Code and ~~(2) shall have~~ has been approved, ~~in writing, by the building official. Alternative materials, equipment, appliances, designs, or methods of construction may be approved only when the building official shall have determined, in writing, that such alternative is:~~

- ~~1. Satisfactory and complies with the intent of the provisions and requirements of the Uniform Code.~~
- ~~2. Not less than the equivalent of that prescribed in the Uniform Code in quality, strength, effectiveness, fire resistance, durability, and safety.~~

Nothing in ~~Section 104.3~~ this section shall be construed as permitting any building official or any authority having-jurisdiction to waive, vary, modify or otherwise alter any provision or requirement of this code or any other provision or requirement of the Uniform Code. Provisions or requirements of the Uniform Code may be varied or modified only pursuant to procedures established in Part 1205 or by such other regulations as may hereafter be promulgated by the Secretary of State pursuant to Section 381(1)(f) of the Executive Law.

104.2.3.1 Approval authority. An alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative is satisfactory and complies with Sections 104.2.3 through 104.2.3.7, as applicable.

104.2.3.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

104.2.3.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality.
2. Strength.
3. Effectiveness.
4. Durability.
5. Safety, other than fire safety.
6. Fire safety.

104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

104.2.3.5.1 Fire tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

104.2.3.6 Reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

104.2.3.6.1 Evaluation reports. Evaluation reports shall be issued by an approved agency, and use of the evaluation report shall require approval by the code official for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the code official's recognition of the approved agency. Criteria used for the evaluation shall be identified within the report and, where required, provided to the code official.

104.2.3.6.2 Other reports. Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

104.2.3.7 Peer review. The code official is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is approved by the code official.

[NY] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, a variance may be applied for in accordance with 19 NYCRR Part 1205.

[NY] 104.2.4.1 Reserved.

104.3 Applications and permits. The code official shall receive applications, review construction documents, issue permits, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.3.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the code official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the code official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the code official shall require the building to meet the requirements of Section 1612 of the Building Code of New York State or Section R306 of the Residential Code of New York State, as applicable.

[NY] 104.4 Reserved.

[NY] 104.4.1 Reserved.

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code. Notices of violations shall be in accordance with Section 114.

~~[NY]~~ **104.7 Official records.** The code official shall keep official records as required by the applicable records retention and disposition schedules established by the authority having jurisdiction or pursuant to the Arts and Cultural Affairs Law.

~~[NY]~~ **104.7.1 Reserved.**

~~[NY]~~ **104.7.2 Reserved.**

~~[NY]~~ **104.7.3 Reserved.**

~~[NY]~~ **104.7.4 Reserved.**

~~[NY]~~ **104.7.5 Reserved.**

~~[NY]~~ **104.8 Reserved.**

~~[NY]~~ **104.8.1 Reserved.**

~~[NY]~~ ~~104.1~~ **104.9 Approved materials and equipment.** Materials, equipment, and devices approved by the building code official shall be constructed and installed in accordance with such approval. ~~Materials, equipment and devices tested by an approved testing laboratory shall be permitted to be constructed and installed in accordance with such approval.~~

~~[NY]~~ ~~104.1.1~~ **104.9.1 Used materials and equipment reuse.** ~~Used materials, equipment, and devices shall not be reused unless they meet the requirements of this code for new materials~~ such elements are in good working condition and approved.

~~[NY]~~ ~~104.4~~ **104.10 Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of the Uniform Code shall be executed and installed in a workmanlike manner and in accordance with Uniform Code and the manufacturer's installation instructions.

~~[NY]~~ **SECTION 105 BUILDING PERMITS, CONSTRUCTION INSPECTIONS, STOP WORK ORDERS AND CERTIFICATES OF OCCUPANCY**

~~[NY]~~ ~~105.2~~ **105.1 Building permits** Where required. An owner, owner's authorized agent or contractor who desires to erect, install, enlarge, alter, repair, remove, convert or replace a mechanical system, the installation of which is regulated by this code, or to cause such work to be performed, shall first make application to the code official and obtain the required permit for the work. No person or entity shall commence, perform, or continue any work that must conform with the Uniform Code and/or Energy Code unless:

1. Such person or entity has applied to the authority having jurisdiction for a **building** permit,
2. The authority having jurisdiction has issued a **building** permit authorizing such work,
3. Such **building** permit has not been revoked or suspended, and
4. Such **building** permit has not expired.

105.1.1 Reserved.

105.1.2 Reserved.

~~[NY]~~ ~~105.2.1~~ **105.2 Work exempt from building permit requirement.** A building permit shall not be required for work in any category that is excluded from the building permit requirement by the authority having jurisdiction's Code Enforcement Program, provided that Part 1203 allows an authority having jurisdiction to exclude such category of work from the building permit requirement. Exemptions from building permit requirements shall not be deemed to grant authorization for any work to be done in any

manner in violation of any provision of the Uniform Code, any provision of the Energy Code, or any provision of any other applicable law.

105.3 Application for permit. Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or the owner's authorized agent. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

[NY] ~~105.2.2~~ **105.3 Applications for building permits.** ~~A person or entity applying for a building permit shall submit an application to the authority having jurisdiction.~~ Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. An application for a **building** permit shall:

1. Be signed by the owner or owner's authorized agent.
2. Include ~~C~~construction and any other documents that satisfy the requirements of Section 106.2.
3. ~~Any and all other submittal documents required by Section 106.~~
4. Indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.
5. Include ~~A~~any and all other information and documentation that may be required by ~~the stricter of~~ the authority having jurisdiction's Code Enforcement Program ~~or a Part 1203—Compliant Code Enforcement Program.~~
6. Include ~~S~~such other information and documentation as the authority having jurisdiction may determine to be necessary to allow the authority having jurisdiction to determine whether the proposed work conforms with the Uniform Code, the Energy Code, and other applicable laws.

105.3.1 Preliminary inspection. Before a permit is issued, the code official is authorized to inspect and evaluate the systems, equipment, buildings, devices, premises and spaces or areas to be used.

[NY] **105.3.2 Reserved.**

[NY] **105.4 Permit issuance.** The application, construction documents and other data filed by an applicant for a permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and that the required fees have been paid, a permit shall be issued to the applicant.

[NY] ~~105.2.3~~ **105.4.1 Approval of Approved construction documents.** When the authority having jurisdiction issues a **building** permit where construction documents are required, the ~~authority having jurisdiction shall approve the~~ construction documents shall be endorsed in writing and stamped "APPROVED." Such approved construction documents shall not be changed, modified or altered without authorization from the code official. Work shall be ~~installed~~ done in accordance with the approved construction documents and the terms and conditions, if any, of the **building** permit.

[NY] ~~105.2.4~~ **105.4.2 Validity of building permit.** The issuance ~~or granting~~ of a **building** permit ~~or approval of construction documents~~ shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the Uniform Code, the Energy Code, or of any other applicable law. A **building** permit ~~purporting presuming~~ to give authority to violate or cancel any provision of the Uniform Code, the Energy Code, or any other applicable law shall not be valid. The issuance of a building permit based on construction documents and other data shall not prevent the **building code** official from thereafter requiring the correction of errors in ~~the~~ said construction documents and other

data or from preventing building operations from being carried on thereunder where in violation of this code or of other ordinances of this jurisdiction.

[NY] 105.4.3 Reserved.

[NY] 105.4.4 Reserved.

[NY] ~~105.2.5~~ 105.4.5 **Suspension or revocation of building permit.** The ~~authority having jurisdiction code official~~ is authorized to suspend or revoke a ~~building~~ permit issued under the provisions of this code wherever the ~~building~~ permit is issued in error; or on the basis of incorrect, inaccurate or incomplete information; or in violation of any provision of the Uniform Code, the Energy Code, or any other applicable law. Any such suspension or revocation shall be in writing, signed by an authorized agent of the authority having jurisdiction.

[NY] 105.4.6 Reserved.

~~[NY] 105.2.6~~ 105.4.7 **Placement Posting of building permit and approved construction documents.** The ~~building~~ permit; or a copy thereof; ~~and at least one set of approved construction documents~~ shall be kept on the site of the work until the completion of the project. ~~The approved construction documents shall be open to inspection by any authorized representative of the authority having jurisdiction.~~

~~[NY] SECTION 106 SUBMITTAL~~ CONSTRUCTION DOCUMENTS

~~[NY] 106.1 General.~~ Submittal documents consisting of construction documents, statements of special inspections, geotechnical reports, and other data shall be submitted with each application for a building permit.

~~[NY] 106.2 Construction documents.~~ Construction documents shall be in accordance with Sections 106.2.1 through 106.2.9.

[NY] ~~106.2.1~~ 106.1 **Information on eConstruction documents.** Construction documents, engineering calculations, diagrams and other data shall be submitted in two or more sets, or in a digital format where allowed by the building official, with each application for a permit. The code official shall require construction documents, computations and specifications to be prepared and designed by a registered design professional in accordance with Section 106.1.2. Where special conditions exist, the code official is authorized to require additional construction documents to be prepared by a registered design professional. Construction documents ~~(1)~~ shall be drawn to scale and define the scope of the proposed work; ~~(2)~~ shall be of sufficient clarity to indicate the location, nature and extent of the work proposed ~~work;~~ ~~(3)~~ and shall show in detail that the ~~proposed~~ work will conforms to the provisions of the Uniform Code, the Energy Code, and other applicable codes, laws, ordinances, and regulations; ~~(4) shall include all information required by any provision of this code (including but not limited to the information described in Sections 106.2.2 through 106.2.8), all information required by any other applicable provision of the Uniform Code, and all information required by any applicable provision of the Energy Code; and (5) shall include any and all additional information and documentation that may be required by the stricter of the Code Enforcement Program of the authority having jurisdiction or a Part 1203 — Compliant Code Enforcement Program.~~ Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for mechanical systems, and the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

[NY] ~~106.2.1.1~~ 106.1.1 **Manufacturer's installation instructions.** Manufacturer's installation instructions, as required by any applicable provision of the Uniform Code or by any applicable provision of the Energy Code, shall be available on the job site at the time of inspection.

~~[NY] 106.2.2 Fire protection system shop drawings.~~ Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to Chapter 9 of the Building Code of New York State, any

other applicable provision of the Uniform Code, and the construction documents. Such shop drawings shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the installation standards referenced in Chapter 9 of the Building Code of New York State or in any other applicable provision of the Uniform Code.

[NY] 106.2.3 Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress, including the path of the exit discharge to the public way, in compliance with the provisions of the Uniform Code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

[NY] 106.2.4 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with the Uniform Code and the Energy Code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.

[NY] 106.2.5 Exterior balconies and elevated walking surfaces. Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow, or irrigation, and the structural framing is protected by an impervious moisture barrier, the construction documents shall include details for all elements of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

[NY] 106.2.6 Site plan. The construction documents submitted with the application for a building permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations. The site shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan where the application for a building permit is for an alteration or repair or where otherwise warranted.

[NY] 106.2.6.1 Design flood elevations. Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1 of the Building Code of New York State.

[NY] 106.2.6.2 Flood hazard documentation. If located in a flood hazard area, documentation of the elevation of the lowest floor as required in Section 1612.4 of the Building Code of New York State shall be submitted to the building official prior to the final inspection.

[NY] 106.2.7 Structural information. The construction documents shall provide the information specified in Section 1603 of the Building Code of New York State.

[NY] 106.2.8 Relocatable buildings. Construction documents for relocatable buildings shall comply with Section 3112 of the Building Code of New York State.

[NY] 106.2.9 106.1.2 Design professional. Construction documents shall be prepared by a registered design professional where required by Article 145 or Article 147 of the New York State Education Law, by the stricter of the Code Enforcement Program of the authority having jurisdiction or a Part 1203—

Compliant Code Enforcement Program, or by any other applicable statute, regulation, or local law or ordinance.

[NY] 106.2 Retention of construction documents. One set of approved construction documents shall be retained by the code official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws. One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or job at all times during which the work authorized thereby is in progress. The approved construction documents shall be open to inspection by any authorized representative of the authority having jurisdiction.

[NY] SECTION 107 CERTIFICATES OF COMPLIANCE, CERTIFICATES OF OCCUPANCY, AND OPERATING PERMITS

[NY] 107.1 Certificate of compliance or occupancy. After the prescribed tests and inspections indicate that the work complies in all respects with this code, the code official shall issue a certificate of compliance or a certificate of occupancy, as appropriate.

[NY] 107.2 Revocation. The code official is authorized to, in writing, suspend or revoke a certificate of compliance issued under the provisions of this code wherever the notice is issued in error, on the basis of incorrect information supplied, or where it is determined that the building or structure, premise or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

[NY] 105.5 107.3 Certificates of occupancy. Where the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program requires a certificate of occupancy for permission to use or occupy a building or structure, or any portion thereof, no person or entity shall use or occupy such building or structure, or such portion thereof, unless:

1. The authority having jurisdiction has issued such certificate of occupancy,
2. Such certificate of occupancy has not been revoked or suspended, and
3. In the case of a temporary certificate of occupancy, such temporary certificate of occupancy has not expired.

[NY] 105.5.1 107.4 Authorized uses and occupancies. Where a certificate of occupancy has been issued for a building or structure, or any portion thereof, no person or entity shall use or occupy such building or structure, or such portion thereof, for any use or occupancy other than that authorized by such certificate of occupancy.

[NY] 105.5.2 107.5 Change in use or occupancy. Without regard to whether a certificate of occupancy shall have been issued, no person or entity shall convert the use or occupancy of a building or structure, or any portion thereof, from one use or occupancy to another without first obtaining a **building** permit to perform the work, if any, required for such conversion; performing such work, if any; and obtaining a certificate of occupancy from the authority having jurisdiction.

[NY] 105.6 107.6 Operating permits. Where the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program requires an operating permit to conduct an activity or to use a category of building, no person or entity shall conduct such activity or use such category of building without obtaining an operating permit from the authority having jurisdiction. The procedures for applying for, issuing, revoking, and suspending operating permits shall be as set forth in the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program.

[NY] SECTION 108 RESERVED

[NY] SECTION 107 109 SERVICE UTILITIES

[NY] 107.1 109.1 Connection of service utilities. ~~Connections~~ A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by the Uniform Code shall be made in accordance with the requirements of the Uniform Code; the regulations of the public utility providing such utility, source of energy, fuel or power; and the regulations of any governmental unit or agency having jurisdiction over such utility, source of energy, fuel or power. this code for which a permit is required, until authorized by the code official.

[NY] 107.1.1 109.2 Temporary connection. ~~Where approved by the building official, The code official shall have the authority to authorize temporary connections the building or system to the from a utility, source of energy, fuel, or power, water system or sewer system to a building or system may be made for the purpose of testing systems or for use under a temporary approval. Temporary connections shall be made in accordance with Section 107.1.~~

109.3 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 109.1 or 109.2. The code official shall notify the serving utility, and wherever possible the owner or the owner's authorized agent and occupant of the building, structure or service system, of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner, the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

[NY] 107.2 Notice of disconnection of service utilities. ~~The owner or the owner's authorized agent shall notify the building official of the disconnection of any utility service to the building, structure, or system regulated by the Uniform Code.~~

SECTION 110 TEMPORARY USES, EQUIPMENT AND SYSTEMS

[NY] 110.1 Conformance. Temporary structures shall conform to Chapter 31 of this code and Chapter 31 of the Fire Code of New York State.

110.2 Conformance. Temporary uses, equipment and systems shall conform to the requirements of this code as necessary to ensure health, safety and general welfare.

110.3 Temporary service utilities. The code official is authorized to give permission to temporarily supply service utilities in accordance with Section 109.

110.4 Termination of approval. The code official is authorized to terminate such permit for temporary uses, equipment or systems and to order the same to be discontinued.

SECTION 111 INSPECTIONS AND TESTING

111.1 General. The code official is authorized to conduct such inspections as are deemed necessary to determine compliance with the provisions of this code. Construction or work for which a permit is required shall be subject to inspection by the code official, and such construction or work shall remain visible and able to be accessed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

[NY] 105.3 111.2 Construction inspections Required inspections and testing. Any person or entity performing work for which a building permit has been issued shall keep work accessible and exposed until the work has been inspected and accepted by the authority having jurisdiction, or its authorized agent, at each element of the construction process that is applicable to the work and specified in the ~~stricter of the~~ authority having jurisdiction's Code Enforcement Program ~~or a Part 1203—Compliant Code Enforcement Program~~. The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and other such inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or the permit holder's agent of violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

1. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before backfill is put in place. Where excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the piping or cause corrosive action, clean backfill shall be on the job site.
2. Rough-in inspection shall be made after the roof, framing, fireblocking and bracing are in place and all ducting and other components to be concealed are complete, and prior to the installation of wall or ceiling membranes.
3. Final inspection shall be made upon completion of the mechanical system.

Exception: Ground-source heat pump loop systems tested in accordance with Section 1210.10 shall be permitted to be backfilled prior to inspection.

The requirements of this section shall not be considered to prohibit the operation of any heating equipment or appliances installed to replace existing heating equipment or appliances serving an occupied portion of a structure provided that a request for inspection of such heating equipment or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such equipment or appliances is concealed by any permanent portion of the structure.

111.2.1 Other inspections. In addition to the inspections specified in Section 111.2, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced.

~~[NY] 105.3.1~~ 111.2.2 Inspection requests. It shall be the duty of the holder of the **building** permit or their duly authorized agent to notify the **building code** official when work is ready for inspection. It shall be the duty of the **building** permit holder to provide access to and means for inspections of such work that are required by this code.

[NY] 111.2.3 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the authority having jurisdiction. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the code official.

111.2.4 Approved inspection agencies. The code official is authorized to accept reports of approved agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

[NY] 111.2.5 Reserved.

111.2.5.1 Evaluation service. The code official shall designate the evaluation service of an approved agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to this code.

111.2.5.2 Follow-up inspection. Except where ready access is provided to mechanical systems, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the in-plant inspections as frequently as necessary to ensure conformance to the approved evaluation report or shall designate an independent, approved inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the follow-up inspection manual and a report of inspections on request, and the mechanical system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.

111.2.5.3 Test and inspection records. Required test and inspection records shall be available to the code official at all times during the fabrication of the mechanical system and the erection of the building; or such records as the code official designates shall be filed.

111.3 Testing. Mechanical systems shall be tested as required in this code and in accordance with Sections 111.3.1 through 111.3.3. Tests shall be made by the permit holder and observed by the code official.

111.3.1 New, altered, extended or repaired systems. New mechanical systems and parts of existing systems, which have been altered, extended, renovated or repaired, shall be tested as prescribed herein to disclose leaks and defects.

111.3.2 Apparatus, material and labor for tests. Apparatus, material and labor required for testing a mechanical system or part thereof shall be furnished by the permit holder.

111.3.3 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.

[NY] SECTION 112 VARIANCES AND APPEALS

[NY] ~~103.3~~ **112.2 Application for variance or appeal** **General.** An application for a variance or modification of any provision or requirement of Uniform Code shall be in accordance with the provisions of Part 1205. An appeal of any order or determination, or the failure within a reasonable time to make an order or determination, of an administrative official charged to enforce or purporting to enforce the Uniform Code may be made in accordance with the provisions of Part 1205.

[NY] ~~104.2~~ **112.1 Waivers, variances, and modifications** **Limitations on authority.** Nothing in this code shall be construed as permitting any building official or any authority having jurisdiction to waive, vary, modify, or otherwise alter any provision or requirement of this code or any other provision or requirement of the Uniform Code. Provisions or requirements of the Uniform Code may be varied or modified only in accordance with procedures established by Part 1205 or by such other regulations as may hereafter be promulgated by the Secretary of State pursuant to Section 381(1)(f) of the Executive Law.

[NY] 112.3 Reserved.

[NY] 112.4 Reserved.

[NY] SECTION 113 RESERVED

[NY] 113.1 Reserved.

SECTION 114 VIOLATIONS

[NY] ~~105.7~~ 114.1 Violations Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a mechanical system, or cause same to be done, in conflict with or in violation of any of the provisions of this code. Any ~~violation of any provision set forth in Sections 105.2 through 105.6 shall be a violation of the Uniform Code, and any~~ person or entity violating any ~~such~~ provision of this code shall be subject to the penalties prescribed in Executive Law Section 382(2). In addition, to the extent that any act or omission that violates any provision set forth in ~~Sections 105.2 through 105.6~~ this code is also a violation of any other applicable law, any person or entity guilty of such act or omission shall also be subject to the penalties prescribed in or otherwise applicable to a violation of such other applicable law.

[NY] 114.2 Reserved.

[NY] 114.3 Reserved.

[NY] 114.4 Reserved.

[NY] 114.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the authority having jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the mechanical system on or about any premises.

114.6 Unsafe mechanical systems. A mechanical system that is unsafe, constitutes a fire or health hazard, or is otherwise dangerous to human life, as regulated by this code, is hereby declared as an unsafe mechanical system. Use of a mechanical system regulated by this code constituting a hazard to health, safety or welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Such unsafe equipment and appliances are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

[NY] 114.6.1 Reserved.

[A] 114.6.2 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility services in accordance with Section 109.3.

114.6.3 Connection after order to disconnect. A person shall not make energy source connections to mechanical systems regulated by this code that have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such mechanical systems.

Where a mechanical system is maintained in violation of this code, and in violation of a notice issued pursuant to the provisions of this section, the code official shall institute appropriate action to prevent, restrain, correct or abate the violation.

SECTION 115 STOP WORK ORDER

[NY] ~~105.4~~ 115.1 Stop work orders Authority. Where the ~~The~~ authority having jurisdiction ~~finds any work regulated by this code being performed is authorized to issue a stop work order to halt work that is being performed~~ without a required ~~building~~ permit~~;~~, ~~work that is being performed~~ after a required ~~building~~ permit has been revoked or suspended or has expired~~;~~, work that is being conducted in a dangerous or unsafe manner~~;~~, or ~~work that is~~ contrary to provisions of the Uniform Code, the Energy Code, the approved construction documents, or the terms and conditions (if any) of the ~~building~~ permit~~;~~, the code official is authorized to issue a stop work order. No person or entity shall commence, perform or continue any work if the authority having jurisdiction has issued a stop work order with respect to such work.

115.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

[NY] 115.3 Reserved.

115.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction.

DRAFT

Property Maintenance Code of New York State

Chapter 1

~~[NY]~~ CHAPTER 1 SCOPE AND ADMINISTRATION

~~[NY]~~ SECTION 101 ~~TITLE, SCOPE AND PURPOSE~~ GENERAL REQUIREMENTS

[NY] **101.1 Title.** This publication shall be known as the 2020~~4~~ edition of the Property Maintenance Code of New York State (PMCNYS) hereinafter referred to as “this code.” This code is part of the New York State Uniform Fire Prevention and Building Code (the “Uniform Code”).

[NY] **101.1.1 Amendments of New York State code books.** In Chapter 1, the term “New York State code books” shall include the Residential Code of New York State, the Building Code of New York State, the Plumbing Code of New York State, the Mechanical Code of New York State, the Fuel Gas Code of New York State, the Fire Code of New York State, the Property Maintenance Code of New York State (i.e., this publication), the Existing Building Code of New York State, and the Energy Conservation Construction Code of New York State. Provisions in any one or more of the New York State code books may be amended from time to time by provisions in 19 NYCRR Parts 1220 to 1227 or 19 NYCRR Part 1240, as currently in effect and as hereafter amended from time to time. If this publication is now or hereafter so amended, references in this publication to “this code” shall be deemed to be references to this publication as so amended. If any other New York State code book is now or hereafter so amended, references in this code to such other New York State code book shall be deemed to be references to such New York State code book as so amended.

[NY] **101.2 Scope.** The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner’s authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. The provisions of this code apply to manufactured homes except as provided by Appendix E of the Residential Code of New York State.

[NY] **101.2.1 Appendix.** Provisions in the following appendix is included for informational purposes:

Appendix A	Boarding Standard
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~~[NY] 101.3 Purpose. This code shall be construed to secure its expressed intent, which is to ensure public~~
The purpose of this code is to establish minimum requirements to provide a reasonable level of health, safety, property protection and general welfare insofar as they are affected by the continued *occupancy* and maintenance of *structures* and *premises*. Existing *structures* and *premises* that do not comply with these provisions shall be altered or repaired to provide a reasonable minimum level of health, ~~and~~ safety and general welfare as required herein.

[NY] ~~102.9~~ 101.4 Partial invalidity Severability. ~~In the event that any part or provision~~ If a section, subsection, sentence, clause or phrase of this code is, for any reason, held by a court of competent jurisdiction to ~~be illegal or void unconstitutional, this shall not have the effect of making void or illegal any of the other parts or provisions~~ such decision shall not affect the validity of the remaining portions of this code.

[NY] ~~105.1~~ 101.5 Purpose Provisions included in Uniform Code. The purpose of ~~Section 105 this chapter~~ is to include in the Uniform Code provisions requiring persons and entities who construct, renovate, use and occupy buildings and structures to apply for and obtain building permits, to facilitate construction inspections, to obey stop work orders, to obtain certificates of occupancy, and to obtain operating permits. The provisions in ~~Section 105 this chapter~~ are considered to be integral parts of the Uniform Code’s standards for construction, maintenance, and fire protection equipment and systems.

[NY] ~~105.1.1~~ 101.5.1 **Definition.** For the purpose of ~~Section 105~~ this chapter, the term “other applicable law” shall include the authority having jurisdiction’s Code Enforcement Program; any local law, ordinance, or regulation establishing the authority having jurisdiction’s Code Enforcement Program; and any other applicable statute, regulation, rule, local law, or ordinance.

~~[NY]~~ SECTION 102 APPLICABILITY

~~[NY] 102.1 General. Where, in any case, different sections of this code specify different materials, methods of construction, or other requirements, the most restrictive shall be applicable.~~ Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

~~[NY] 102.2 Maintenance of equipment and systems.~~ Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. An owner, owner’s authorized agent, operator or occupant shall not cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner’s authorized agent shall be responsible for the maintenance of buildings, structures and premises.

[NY] ~~106.2~~ 102.2.1 **Existing nonrequired equipment and systems.** Whenever or wherever any nonrequired device, equipment, system, condition, arrangement, level of protection or any other feature is provided, such device, equipment, system, condition, arrangement, level of protection or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

Exception: Nonrequired devices, equipment and systems are permitted to be removed or disabled as provided herein.

1. Nonrequired devices, equipment and systems are permitted to be removed in entirety;
2. Nonrequired devices, equipment and systems are permitted to be disabled, provided that all visible elements are removed;
3. Electrically charged devices, equipment and systems are permitted to be disabled, provided that they are disconnected from power sources and all visible elements are labeled as not being energized; and
4. Nonrequired fire protection systems are permitted to be disabled, provided that sprinkler heads, exposed valves, fire department connections, initiating and notification devices and similar equipment are removed, and any remaining visible components are labeled as not being in service.

[NY] **102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Building Code of New York State, Existing Building Code of New York State, Energy Conservation Construction Code of New York State, Fire Code of New York State, Fuel Gas Code of New York State, Mechanical Code of New York State, Residential Code of New York State, Plumbing Code of New York State and NFPA 70.

[NY] ~~102.8~~ 102.3.1 **Other laws and regulations.** This code is part of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) promulgated pursuant to Article 18 of the New York

State Executive Law. The provisions of this code shall not be deemed to nullify any federal, state or local law, ordinance, administrative code, rule or regulation relating to any matter as to which the Uniform Code does not provide.

However:

1. Pursuant to Section 383(1) of the Executive Law, and except as otherwise provided in paragraphs a, b, and c of Section 383(1) of the Executive Law, the provisions of the Uniform Code supersede any other provision of a general, special or local law, ordinance, administrative code, rule or regulation inconsistent or in conflict with the Uniform Code;
2. Pursuant to Section 379(3) of the Executive Law, no city, town, village, county or other municipality shall have the power to supersede, void, repeal, or make less restrictive any provision of the Uniform Code; and
3. The ability of any city, town, or village, or the County of Nassau, to enact or adopt, and to enforce, a local law or ordinance imposing higher or more restrictive standards for construction within the jurisdiction of such city, town, village, or county that are applicable generally to such city, town, village, or county in the Uniform Code is subject to the provisions and requirements of Section 379 of the Executive Law.

Nothing in this Section ~~102.2~~ shall be construed as any of the following:

1. Affecting the authority of the State Labor Department to enforce a safety or health standard issued under provisions of Sections 27 and 27-a of the Labor Law;
2. Relieving a person from complying with a stricter standard issued pursuant to the Occupational Safety and Health Act of 1970, as amended; or
3. Superseding, limiting, impairing or otherwise affecting any provision the Uniform Code, as now in effect and as hereafter amended from time to time.

[NY] ~~102.8.1~~ 102.3.2 **Other New York Codes, Rules and Regulations (NYCRR).** Additional New York Codes, Rules and Regulations exist that may affect new and existing buildings, structures, systems and equipment. Such regulations include, but are not limited to:

1. 19 NYCRR Part 300 (Universal Symbol of Access),
2. 19 NYCRR Part 1261 (Recordkeeping – Smoke Detectors in Multiple Dwellings),
3. 19 NYCRR Part 1264 (Identification of Buildings Utilizing Truss Type Construction), and
4. 19 NYCRR Part 1265 (Residential Structures with Truss Type Construction, Pre-Engineered Wood Construction and/or Timber Construction).

[NY] **102.4 Existing remedies.** The provisions in this code shall not be construed to abolish or impair existing remedies of the authority having jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe and insanitary.

[NY] ~~102.10~~ 102.5 **Workmanship.** Repairs, maintenance work, alterations or installations ~~which~~ that are caused directly or indirectly by the enforcement of ~~the Uniform Code~~ this code shall be executed, ~~and~~ installed in a workmanlike manner and installed in accordance with ~~Uniform Code and~~ the manufacturer's installation instructions.

102.6 Structural analysis. Where structural analysis is used to assess a potentially unsafe structural condition, the analysis shall be permitted to use nominal strengths, nominal loads, load effects, required strengths and limit states in accordance with the requirements under which the *structure* was constructed or in accordance with any subsequent requirement.

[NY] 102.7 Reserved.

~~[NY] 102.5~~ **102.8 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections ~~102.6.1~~ 102.8.1 and ~~102.6.2~~ 102.8.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

~~[NY] 102.5.1~~ **102.8.1 Conflicts.** Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

~~[NY] 102.5.2~~ **102.8.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

~~[NY] 102.6~~ **102.9 Requirements not covered by code.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the authority having jurisdiction.

~~[NY] 102.7~~ **102.10 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

~~[NY] SECTION 103 ADMINISTRATION AND ENFORCEMENT~~ RESERVED

SECTION 104 RESERVED

~~[NY] 104.4 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of the Uniform Code shall be executed and installed in a workmanlike manner and in accordance with Uniform Code and the manufacturer's installation instructions.~~

[NY] SECTION 105 DUTIES AND POWERS OF THE CODE OFFICIAL AND AUTHORITY HAVING JURISDICTION

~~[NY] 103.1~~ **105.1 Administration and enforcement.** The Uniform Code shall be administered and enforced by the authority having jurisdiction. The identity of the authority having jurisdiction in a given situation is determined in accordance with Article 18 of the Executive Law and the regulations promulgated by the Secretary of State pursuant to Executive Law Section 381(1). In general, the authority having jurisdiction is the local government (city, town or village) in which the building or structure is located. In certain situations, the authority having jurisdiction may be the county in which the building or structure is located. In certain other cases, the State, the Secretary of State (acting through the Department of State) or some other State agency may be the authority having jurisdiction. The authority having jurisdiction responsible for administration and enforcement of the Uniform Code is also responsible for administration and enforcement of the Energy Code.

Administration and enforcement of the Uniform Code and Energy Code shall be in accordance with the following, as applicable:

1. Where a city, town, village or county is the authority having jurisdiction:

- 1.1. Such city, town, village or county shall provide for administration and enforcement of the Uniform Code and Energy Code by local law, ordinance, other appropriate regulation, or combination thereof.
- 1.2. The Code Enforcement Program established by such local law, ordinance or other appropriate regulation, or combination thereof, must include, at a minimum, the features described in Part 1203 and must satisfy all other requirements of Part 1203.
- 1.3. Such city, town, village or county shall administer and enforce the Uniform Code in accordance with the Code Enforcement Program established by such local law, ordinance or other appropriate regulation, or combination thereof.
2. Where the State is the authority having jurisdiction pursuant to 19 NYCRR Section 1201.2(d):
 - 2.1. The Code Enforcement Program shall be as established by Part 1204.
 - 2.2. The State, acting through one or more State agencies, shall administer and enforce the Uniform Code and Energy Code in accordance with Part 1204.
3. Where the Department of State is the authority having jurisdiction:
 - 3.1. The Code Enforcement Program shall be as established by Part 1202.
 - 3.2. The Department of State shall administer and enforce the Uniform Code and Energy Code in accordance with Part 1202.
4. Where any governmental unit or agency not included in Items 1, 2, and 3 above is the authority having jurisdiction:
 - 4.1. Such governmental unit or agency shall provide for administration and enforcement of the Uniform Code and Energy Code by regulation.
 - 4.2. The Code Enforcement Program established by such regulation must include, at a minimum, the features described Part 1203 and must satisfy all other requirements of Part 1203.
 - 4.3. Such governmental unit or agency shall administer and enforce the Uniform Code and Energy Code in accordance with the Code Enforcement Program established by such regulation.

Every governmental unit or agency thereof charged with administration and enforcement of the Uniform Code shall exercise its powers in due and proper manner so as to extend to the public protection from the hazards of fire and inadequate building construction.

Any person or entity constructing or renovating a building or structure, changing the use or occupancy of a building or structure, or engaging in any other activity that is subject to the provisions of the Code Enforcement Program of the authority having jurisdiction responsible for administration and enforcement of the Uniform Code with respect to such building shall comply with all applicable provisions of such Code Enforcement Program.

In addition, persons and entities who construct, renovate, use and occupy buildings and structures shall comply with all applicable provisions of ~~Section 105~~ [Chapter 1](#) of this code.

[NY] ~~103.2~~ 105.1.1 Due process. Nothing in Chapter 1, ~~or elsewhere in this code,~~ or elsewhere in the Uniform Code, or in any regulation promulgated pursuant to Executive Law Section 381(1), shall be construed as authorizing any authority having jurisdiction to administer and enforce the Uniform Code in a manner that deprives any person or entity of due process of law. ~~In particular, but not by way of limitation, nothing in Chapter 1, or elsewhere in this code or elsewhere in the Uniform Code, or in any regulation promulgated pursuant to Executive Law Section 381(1), relating to~~ [For example, when](#) posting, placarding and/or condemn~~ing~~ [ation of](#) buildings or structures that are unsafe, unfit for human occupancy or unlawful, ~~shall be construed as authorizing any authority having jurisdiction to post, placard~~

~~or condemn any such building or structure and/or to remove any owner or occupant or cause any owner or occupant to be removed from any such building or structure without providing such notice and opportunity to be heard (and, if applicable, right of appeal) may be required as may be required under the applicable ~~circumstances by applicable~~ Constitutional provisions prior to posting, placarding, and/or condemning such building or structure and/or removing any owner or occupancy or causing any owner or occupant to be removed from any such building or structure.~~

105.2 Determination of compliance. The building official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies and procedures in order to clarify the application of this code's provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code or other applicable codes and ordinances.

105.2.1 Technical assistance. To determine compliance with this code, the code official is authorized to require the owner or owner's authorized agent to provide a technical opinion and report.

105.2.1.1 Cost. A technical opinion and report shall be provided without charge to the jurisdiction.

105.2.1.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

105.2.1.3 Content. The technical opinion and report shall analyze the properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon to identify and propose necessary recommendations.

105.2.1.4 Test methods. Where there is insufficient evidence of compliance with the provisions of this code, the code official shall have the authority to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the code official shall approve the testing procedures. Such tests shall be performed by a party acceptable to the code official.

[NY] ~~104.3~~ **105.2.2 Alternative materials, equipment, appliances, designs, and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any materials, equipment, or appliances not specifically prescribed by this code, or to prohibit any designs or methods of construction not specifically prescribed by this code, provided that any such alternative ~~materials, equipment, appliances, designs, or methods of construction (1) are~~ is not specifically prohibited by any provision of this code, ~~by any other provision of the Uniform Code, or by the Energy Code; and (2) shall have~~ has been approved, ~~in writing, by the building official. Alternative materials, equipment, appliances, designs, or methods of construction may be approved only when the building official shall have determined, in writing, that such alternative is:~~

- ~~1. Satisfactory and complies with the intent of the provisions and requirements of the Uniform Code.~~
- ~~2. Not less than the equivalent of that prescribed in the Uniform Code in quality, strength, effectiveness, fire resistance, durability, and safety.~~

~~Nothing in Section 104.3 shall be construed as permitting any building official or any authority having jurisdiction to waive, vary, modify or otherwise alter any provision or requirement of this code or any other provision or requirement of the Uniform Code. Provisions or requirements of the Uniform Code may be varied or modified only pursuant to procedures established Part 1205 or by such other regulations~~

~~as may hereafter be promulgated by the Secretary of State pursuant to Section 381(1)(f) of the Executive Law.~~

105.2.2.1 Approval authority. An alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative is satisfactory and complies with Sections 105.2.2 through 105.2.2.7, as applicable.

105.2.2.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

105.2.2.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

105.2.2.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality.
2. Strength.
3. Effectiveness.
4. Durability.
5. Safety, other than fire safety.
6. Fire safety.

105.2.2.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

105.2.2.5.1 Fire tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

105.2.2.6 Reports. Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 105.2.2.6.1 and 105.2.2.6.2.

105.2.2.6.1 Evaluation reports. Evaluation reports shall be issued by an approved agency and use of the evaluation report shall require approval by the code official for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the code official's recognition of the approved agency. Criteria used for the evaluation shall be identified within the report and, where required, provided to the code official.

105.2.2.6.2 Other reports. Reports not complying with Section 105.2.2.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

105.2.2.7 Peer review. The code official is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is approved by the code official.

~~[NY] 103.3~~ **105.2.3 Application for variance or appeal.** Nothing in Section 105.2.2 shall be construed as permitting any code official or any authority having jurisdiction to waive, vary, modify or otherwise alter any provision or requirement of this code or any other provision or requirement of the Uniform Code. An application for a variance or modification of any provision or requirement of the Uniform Code shall be in accordance with the provisions of 19 NYCRR Part 1205. An appeal of any order or determination, or the failure within a reasonable time to make an order or determination, of an administrative official charged to enforce or purporting to enforce the Uniform Code may be made in accordance with the provisions of 19 NYCRR Part 1205.

~~[NY] 105.3 Reserved.~~

~~[NY] 105.3.1 Reserved.~~

105.4 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

105.5 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code, in accordance with Section 107.

~~[NY] 105.6 Official records.~~ The code official shall keep official records as required by the applicable records retention and disposition schedules established by the authority having jurisdiction or pursuant to the Arts and Cultural Affairs Law.

~~[NY] 105.6.1 Reserved.~~

~~[NY] 105.6.2 Reserved.~~

~~[NY] 105.6.3 Reserved.~~

~~[NY] 105.6.4 Reserved.~~

~~[NY] 105.6.5 Reserved.~~

~~[NY] 105.7 Reserved.~~

~~[NY] 105.7.1 Reserved.~~

~~[NY] 104.1~~ **105.8 Approved materials and equipment.** Materials, equipment, and devices approved by the ~~building~~ code official shall be constructed and installed in accordance with such approval. Materials, equipment and devices tested by an approved testing laboratory shall be permitted to be constructed and installed in accordance with such approval.

~~[NY] 104.1.1~~ **105.8.1 Used materials and equipment** Materials and equipment reuse. ~~Used~~ mMaterials, equipment, and devices shall not be reused unless such elements are in good working condition and approved. ~~they meet the requirements of this code for new materials.~~

~~[NY] SECTION 105 BUILDING PERMITS, CONSTRUCTION INSPECTIONS, STOP WORK ORDERS, CERTIFICATES OF OCCUPANCY, AND OPERATING PERMITS~~

~~[NY] 105.2 Building Permits.~~

~~No person or entity shall commence, perform, or continue any work that must conform with the Uniform Code and/or Energy Code unless:~~

~~Such person or entity has applied to the authority having jurisdiction for a building permit;~~

~~The authority having jurisdiction has issued a building permit authorizing such work;~~

~~Such building permit has not been revoked or suspended; and~~

Such building permit has not expired.

[NY] 105.2.1 Work exempt from building permit requirement. A building permit shall not be required for work in any category that is excluded from the building permit requirement by the authority having jurisdiction's Code Enforcement Program, provided that Part 1203 allows an authority having jurisdiction to exclude such category of work from the building permit requirement. Exemptions from building permit requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of any provision the Uniform Code, any provision of the Energy Code, or any provision of any other applicable law.

[NY] 105.2.2 Applications for building permits. A person or entity applying for a building permit shall submit an application to the authority having jurisdiction. An application for a building permit shall include all of the following:

Construction documents that satisfy the requirements of Section 106.2.

Any and all other submittal documents required by Section 106.

Any and all other information and documentation that may be required by the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program.

Such other information and documentation as the authority having jurisdiction may determine to be necessary to allow the authority having jurisdiction to determine whether the proposed work conforms with the Uniform Code, the Energy Code, and other applicable laws.

[NY] 105.2.3 Approval of construction documents. When the authority having jurisdiction issues a building permit, the authority having jurisdiction shall approve the construction documents in writing. Work shall be installed in accordance with the approved construction documents and the terms and conditions, if any, of the building permit.

[NY] 105.2.4 Validity of building permit. The issuance or granting of a building permit shall not be construed to be a permit for, or an approval of, any violation of any provision of the Uniform Code, the Energy Code or any other applicable law. A building permit purporting to give authority to violate or cancel any provision of the Uniform Code, the Energy Code, or any other applicable law shall not be valid. The issuance of a building permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data.

[NY] 105.2.5 Suspension or revocation of building permit. The authority having jurisdiction is authorized to suspend or revoke a building permit wherever the building permit is issued in error; or on the basis of incorrect, inaccurate or incomplete information; or in violation of any provision of the Uniform Code, the Energy Code, or any other applicable law. Any such suspension or revocation shall be in writing, signed by the building official or by his or her designated agent.

[NY] 105.2.6 Placement of building permit and approved construction documents. The building permit, or copy thereof, and at least one set of approved construction documents shall be kept on the site of the work until the completion of the project. The approved construction documents shall be open to inspection by any authorized representative of the authority having jurisdiction.

[NY] 105.3 Construction Inspections. Any person or entity performing work for which a building permit has been issued shall keep work accessible and exposed until the work has been inspected and accepted by the authority having jurisdiction, or its authorized agent, at each element of the construction process that is applicable to the work and specified in the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program.

[NY] 105.3.1 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of

the building permit holder to provide access to and means for inspections of such work that are required by this code.

~~[NY] 105.4 Stop work orders.~~ The authority having jurisdiction is authorized to issue a stop work order to halt work that is being performed without a required building permit; work that is being performed after a required building permit has been revoked or suspended or has expired; work that is being conducted in a dangerous or unsafe manner; or work that is contrary to provisions of the Uniform Code, the Energy Code, the approved construction documents, or the terms and conditions (if any) of the building permit. No person or entity shall commence, perform or continue any work if the authority having jurisdiction has issued a stop work order with respect to such work.

~~[NY] 105.5 Certificates of Occupancy.~~ Where the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program requires a certificate of occupancy for permission to use or occupy a building or structure, or any portion thereof, no person or entity shall use or occupy such building or structure, or such portion thereof, unless:

~~The authority having jurisdiction has issued such certificate of occupancy;~~

~~Such certificate of occupancy has not been revoked or suspended, and~~

~~In the case of a temporary certificate of occupancy, such temporary certificate of occupancy has not expired.~~

~~[NY] 105.5.1 Authorized uses and occupancies.~~ Where a certificate of occupancy has been issued for a building or structure, or any portion thereof, no person or entity shall use or occupy such building or structure, or such portion thereof, for any use or occupancy other than that authorized by such certificate of occupancy.

~~[NY] 105.5.2 Change in use or occupancy.~~ Without regard to whether a certificate of occupancy shall have been issued, no person or entity shall convert the use or occupancy of a building or structure, or any portion thereof, from one use or occupancy to another without first obtaining a building permit to perform the work, if any, required for such conversion; performing such work, if any; and obtaining a certificate of occupancy from the authority having jurisdiction.

~~[NY] 105.6 Operating Permits.~~ Where the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program requires an operating permit to conduct an activity or to use a category of building, no person or entity shall conduct such activity or use such category of building without obtaining an operating permit from the authority having jurisdiction. The procedures for applying for, issuing, revoking, and suspending operating permits shall be as set forth in the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program.

~~[NY] 105.7 Violations.~~ Any violation of any provision set forth in Sections 105.2 through 105.6 shall be a violation of the Uniform Code, and any person or entity violating any such provision shall be subject to the penalties prescribed in Executive Law Section 382(2). In addition, to the extent that any act or omission that violates any provision set forth in Sections 105.2 through 105.6 is also a violation of any other applicable law, any person or entity guilty of such act or omission shall also be subject to the penalties prescribed in or otherwise applicable to a violation of such other applicable law.

SECTION 106 ~~MAINTENANCE OF EQUIPMENT AND SYSTEMS~~ RESERVED

~~[NY] 106.1 Maintenance.~~ Equipment, systems, devices and safeguards required by this code or a previous code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as

~~otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.~~

107 VIOLATIONS

[NY] ~~105.7~~ 107.1 ~~Violations~~ Unlawful acts. It shall be unlawful for any *person*, firm or corporation to erect, construct, alter, extend, *repair*, move, remove, demolish or occupy any *building, structure or equipment* regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. Any violation of any provision set forth in ~~Sections 105.2 through 105.6~~ this code shall be a violation of the Uniform Code, and any person or entity violating any such provision shall be subject to the penalties prescribed in Executive Law Section 382(2). In addition, to the extent that any act or omission that violates any provision set forth in ~~Sections 105.2 through 105.6~~ this code is also a violation of any other applicable law, any person or entity guilty of such act or omission shall also be subject to the penalties prescribed in or otherwise applicable to a violation of such other applicable law.

[NY] 107.2 Reserved.

[NY] 107.3 Reserved.

[NY] 107.4 Violation penalties. Any violation of any provision set forth in this code shall be a violation of the Uniform Code, and any person or entity violating any such provision shall be subject to the penalties prescribed in Executive Law Section 382(2). In addition, to the extent that any act or omission that violates any provision set forth in this code is also a violation of any other applicable law, any person or entity guilty of such act or omission shall also be subject to the penalties prescribed in or otherwise applicable to a violation of such other applicable law.

[NY] 107.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the authority having jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

SECTION 108 STOP WORK ORDER

108.1 Authority. Where the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in an unsafe manner, the code official is authorized to issue a stop work order.

108.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property, to the owner's authorized agent, or to the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

[NY] 108.3 Reserved.

108.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction.

~~[NY]~~ SECTION 109 SERVICE UTILITIES UNSAFE STRUCTURES AND EQUIPMENT

[NY] ~~107.1~~ 109.1 General Unsafe conditions. If the authority having jurisdiction determines, ~~during the inspection or otherwise,~~ that a premises, building or structure, or any building system or equipment, in whole or in part, constitutes a clear and imminent threat to human life, safety or health, is found unfit for

human occupancy, or is found unlawful, the authority having jurisdiction shall exercise its powers in due and proper manner pursuant to the provisions of this code. ~~so as to extend to the public protection from such the hazards of threat to human life, safety, or health.~~

~~[NY] 107.1.1~~ **109.1.1 Unsafe structures.** An unsafe structure is one that is found to be ~~dangerous~~ hazardous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is ~~dangerous, so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.~~

~~[NY] 107.1.2~~ **109.1.2 Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

~~[NY] 107.1.3~~ **109.1.3 Structure unfit for human occupancy.** A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is ~~u~~nsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

~~[NY] 107.1.4~~ **109.1.4 Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

109.1.5 Hazardous structure or premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any building, structure or portion thereof that is dangerous.
4. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
5. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
6. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
7. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

8. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
9. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

[NY] ~~107.2~~ **109.2 Vacant structures.** Vacant structures shall comply with this code and the Fire Code of New York State.

109.2.1 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.8 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner or owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner's authorized agent or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

~~[NY] 109.1 Notice of disconnection of service utilities. The owner or the owner's authorized agent shall notify the building official of the disconnection of any utility service to the building, structure, or system regulated by the Uniform Code.~~

~~[NY] 107.7~~ **109.3 Record.** The building code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

[NY] 109.4 Notice. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 109.4.1 through 109.4.3 to the owner or the owner's authorized agent, for the violation as specified in this code. Notices for condemnation procedures shall comply with this section.

[NY] 109.4.1 Form. Such notice shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

109.4.2 Method of service. Such notice shall be deemed to be properly served where a copy thereof is served in accordance with one of the following methods:

1. A copy is delivered personally.
2. A copy is sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested.
3. A copy is delivered in any other manner as prescribed by local law.

If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

[NY] ~~107.3~~ 109.4.3 ~~Notice Posting~~. Whenever a structure or equipment has been condemned under the provisions of this code, a notice shall be posted in a conspicuous place in or about the structure affected by such notice. If the notice pertains to equipment, it shall also be placed on the condemned equipment.

109.5 Unauthorized tampering. Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

[NY] 109.6 Reserved.

109.7 Placarding. Upon failure of the *owner*, *owner's* authorized agent or person responsible to comply with the notice provisions within the time given, the code official shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard. Such notice shall be posted in a conspicuous place in or about the *structure* affected by such notice. If the notice pertains to equipment, it shall be placed on the condemned equipment.

[NY] ~~107.5~~ 109.7.1 **Placard removal**. ~~The placard shall not be removed until~~ The code official shall remove the *condemnation* placard whenever the defect or defects upon which the *condemnation* and placarding action were based have been eliminated. Any person who defaces or removes a *condemnation* placard without the approval of the code official shall be subject to the penalties provided by this code

[NY] ~~107.4 Prohibited occupancy~~. ~~No person shall occupy a placarded premises or shall operate placarded equipment.~~

109.8 Prohibited occupancy. Any occupied *structure condemned* and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner* or *owner's* authorized agent who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

[NY] ~~107.6 Abatement methods~~. 109.9 Restoration or abatement. The structure or equipment determined to be unsafe by the code official is permitted to be restored to a safe condition. The *owner*, *owner's* authorized agent, *operator* or *occupant* of a ~~building~~ *structure*, *premises* or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action. To the extent that repairs, alterations, or additions are made or a change of *occupancy* occurs during the restoration of the structure, such repairs, alterations, additions, or change of occupancy shall comply with the requirements of the Existing Building Code of New York State.

[NY] SECTION ~~108~~ 110 EMERGENCY MEASURES

[NY] ~~108.1 Imminent danger~~.

~~The authority having jurisdiction is authorized to order and require the occupants to vacate premises when there exists:~~

- ~~1.— Imminent danger of failure or collapse of a building or structure which endangers life;~~
- ~~2.— A structure in which any part of the structure has fallen and life is endangered by the occupation of the structure;~~
- ~~3.— An actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials; or~~
- ~~4.— Operation of defective or dangerous equipment.~~

~~[NY] 108.2 Notice.~~ The authority having jurisdiction shall require the posting at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and its Occupancy Has Been Prohibited by the Code Enforcement Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

110.1 Imminent danger. When, in the opinion of the code official, there is *imminent danger* of failure or collapse of a building or *structure* that endangers life, or when any *structure* or part of a structure has fallen and life is endangered by the occupation of the *structure*, or when there is actual or potential danger to the building occupants or those in the proximity of any *structure* because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or *dangerous* equipment, the code official is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any *person* to enter such structure except for the purpose of securing the *structure*, making the required repairs, removing the hazardous condition or of demolishing the same.

110.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is *imminent danger* due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such *structure* temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

110.3 Closing streets. When necessary for public safety, the code official shall temporarily close *structures* and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe structures, and prohibit the same from being utilized.

110.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

[NY] 110.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the authority having jurisdiction.

[NY] ~~103.2.1 Imminent danger.~~ 110.6 Post-Action Hearing in cases of Imminent Danger. In cases of imminent danger, posting, placarding, and condemning a building or structure and removing owners and occupants or causing owners and occupants to be removed without first providing an opportunity to be heard shall be permitted to the extent consistent with applicable Constitutional provisions, provided that the affected persons and entities are afforded the opportunity for a post-action hearing to the extent required by applicable Constitutional provisions.

[NY] SECTION 111 RESERVED

[NY] SECTION ~~110~~ 112 INSPECTION OF SOLID FUEL-BURNING HEATING APPLIANCES, CHIMNEYS AND FLUES

[NY] ~~110.1~~ 112.1 General. Section 110 is made part of the Uniform Code pursuant to Executive Law Section 378(5-c).

[NY] ~~110.2~~ 112.2 Permit. Prior to the installation of any solid fuel-burning heating appliance, chimney or flue in any dwelling used as a residence, the owner thereof, or his agent, shall first secure a permit from the authority having jurisdiction.

[NY] ~~110.3~~ 112.3 **Installation and Inspection.** An appropriate and qualified inspector, as determined by the authority having jurisdiction, shall cause an inspection to be made of the solid fuel-burning heating appliance, chimney or flue at a time when such inspection will best determine conformity of such installation with the Uniform Code.

Exception: The authority having jurisdiction may waive such inspection for good cause shown.

[NY] ~~110.4~~ 112.4 **Certificate of ~~approval~~ compliance.** Upon approval of such installation, the ~~building code~~ official or other appropriate official of the authority having jurisdiction shall issue a certificate evidencing compliance with the appropriate provisions of the Uniform Code (such certificate being hereinafter referred to as a “certificate of ~~approval~~ compliance”). No owner of any dwelling used as a residence shall operate, or cause to be operated, any solid fuel-burning heating appliance until such installation, including chimney and flue, has been approved and a certificate of ~~approval~~ compliance has been obtained from the authority having jurisdiction.

[NY] ~~110.4.1~~ 112.4.1 **Accidental fire.** In the event of an accidental fire in a solid fuel-burning heating appliance, chimney or flue requiring the services of a fire department, the chief of the responding fire department may issue a temporary thirty-day certificate indicating substantial conformity with the Uniform Code.

The authority having jurisdiction shall cause an inspection to be made by an official inspector, as determined by the Code Enforcement Program of the authority having jurisdiction, and a new certificate to be issued indicating conformity of such solid fuel-burning heating appliance, chimney or flue with the Uniform Code.

[NY] ~~110.4.2~~ 112.4.2 **Liability.** Pursuant to Executive Law Section 378(5-c)(f), the issuance of a certificate of ~~approval~~ compliance shall not be deemed to give rise to any claim or cause of action for damages against the authority having jurisdiction or any official of the authority having jurisdiction for damages resulting from operation or use of such solid fuel-burning heating appliance, chimney or flue.

[NY] ~~110.5~~ 112.5 **Fee.** The authority having jurisdiction may establish and collect a reasonable fee for such inspection from the owner of such property or such owner’s agent.

[NY] ~~110.6~~ 112.6 **Violations.** Pursuant to Executive Law Section 378(5-c)(h), any violation of this ~~Section 110~~ shall be deemed a violation and shall be punishable by a fine not to exceed two hundred fifty dollars.

[NY] ~~110.7~~ 112.7 **Emergency repair.** Where equipment replacements and repairs must be performed in an emergency situation and where a delay occasioned by the requirement of securing a permit could reasonably be expected to cause irreparable damage to the property or serious personal injury to the occupants or other person, the owner or his agent may commence such installation without first obtaining such permit provided application therefor is filed within three business days after such work is commenced.

Fuel Gas Code of New York State

Chapter 1

PART 1—SCOPE AND APPLICATION

~~[NY]~~ CHAPTER 1 SCOPE AND ADMINISTRATION

~~[NY]~~ SECTION 101 ~~TITLE, SCOPE AND PURPOSE~~ GENERAL REQUIREMENTS

[NY] **101.1 Title.** This publication shall be known as the 2020~~04~~ edition of the Fuel Gas Code of New York State (FGCNYS), hereinafter referred to as “this code.” This code is part of the New York State Uniform Fire Prevention and Building Code (the “Uniform Code”).

[NY] **101.1.1 Amendments of New York State code books.** In this Chapter 1, the term “New York State code books” shall include the Residential Code of New York State, the Building Code of New York State, the Plumbing Code of New York State, the Mechanical Code of New York State, the Fuel Gas Code of New York State (i.e., this publication), the Fire Code of New York State, the Property Maintenance Code of New York State, the Existing Building Code of New York State, and the Energy Conservation Construction Code of New York State. Provisions in any one or more of the New York State code books may be amended from time to time by provisions in 19 NYCRR Parts 1220 to 1227 or 19 NYCRR Part 1240, as currently in effect and as hereafter amended from time to time. If this publication is now or hereafter so amended, references in this publication to “this code” shall be deemed to be references to this publication as so amended. If any other New York State code book is now or hereafter so amended, references in this code to such other New York State code book shall be deemed to be references to such New York State code book as so amended.

[NY] **101.2 Scope.** ~~The provisions of t~~This code shall apply to the design, installation, maintenance, alteration and inspection of fuel gas piping systems and equipment, fuel gas-fired appliances, ~~and~~ fuel gas-fired appliance venting systems, ~~that are permanently installed and specifically addressed herein.~~ gaseous hydrogen systems, and related accessories in accordance with Sections 101.2.2 through 101.2.6. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances, the installation and operation of residential and commercial gas appliances and related accessories, ~~and gaseous hydrogen systems.~~

Exceptions:

1. The provisions of this code or the Residential Code of New York State shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of the following buildings and structures, provided that such buildings or structures are not more than three stories above grade plane in height, and their accessory structures not more than three stories above grade plane in height:
 - 1.1. Detached one-family dwellings.
 - 1.2. Detached two-family dwellings in which each dwelling unit has a separate means of egress.
 - 1.3. Townhouses.
 - 1.4. Bed and breakfast dwellings.
 - 1.5. Live/work units that ~~(4)~~ are located in townhouses and ~~(2)~~ comply with the requirements of Section ~~419~~ 508.5 of the Building Code of New York State.
 - 1.6. Owner-occupied lodging houses that ~~(4)~~ have five or fewer guestrooms and ~~(2)~~ are provided with a residential fire sprinkler system complying with Section P2904 of the Residential Code of New York State.

2. Agricultural buildings, including barns, sheds, poultry houses and other buildings and equipment on the premises that are used directly and solely for agricultural purposes, shall not be subject to the construction-related provisions of this code.
3. Fuel gas piping systems in existing buildings that are undergoing repairs, alteration, or changes in occupancy or construction of additions shall comply with the provisions of the Existing Building Code of New York State.

[NY] ~~101.2.2~~ 101.2.1 **Appendices.** Provisions in the following appendices are included for informational purposes:

Appendix A	Sizing and Capacities of Gas Piping
Appendix B	Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances and Appliances Listed for Use with Type B Vents
Appendix C	Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems
Appendix D	Recommended Procedure for Safety Inspection of an Existing Appliance Installation

101.2.2 Gaseous hydrogen systems. Gaseous hydrogen systems shall be regulated by Chapter 7.

[NY] ~~101.2.4~~ 101.2.3 **Piping systems.** These regulations cover piping systems for natural gas with an operating pressure of 125 pounds per square inch gauge (psig) (862 kPa gauge) or less, and for LP-gas with an operating pressure of 20 psig (140 kPa gauge) or less, except as provided in Section ~~402.6~~ 402.7. Coverage shall extend from the point of delivery to the outlet of the appliance shutoff valves. Piping systems requirements shall include design, materials, components, fabrication, assembly, installation, testing, inspection, operation and maintenance.

[NY] ~~101.2.3~~ 101.2.4 **Gas appliances.** Requirements for gas appliances and related accessories shall include installation, combustion and ventilation air and venting and connections to piping systems.

[NY] **101.2.5 Systems, appliances and equipment outside the scope.** This code shall not apply to the following:

1. Portable LP-gas appliances and equipment of all types that are not connected to a fixed fuel piping system.
2. Installation of farm appliances and equipment such as brooders, dehydrators, dryers and irrigation equipment.
3. Raw material (feedstock) applications, except for piping to special atmosphere generators.
4. Oxygen-fuel gas cutting and welding systems.
5. Industrial gas applications using gases such as acetylene and acetylenic compounds, hydrogen, ammonia, carbon monoxide, oxygen and nitrogen.
6. Petroleum refineries, pipeline compressor or pumping stations, loading terminals, compounding plants, refinery tank farms and natural gas processing plants.
7. Integrated chemical plants or portions of such plants where flammable or combustible liquids or gases are produced by, or used in, chemical reactions.
8. LP-gas installations at utility gas plants.
9. Liquefied natural gas (LNG) installations.
10. Fuel gas piping in power and atomic energy plants.

11. Proprietary items of equipment, apparatus or instruments such as gas-generating sets, compressors and calorimeters.
12. LP-gas equipment for vaporization, gas mixing and gas manufacturing.
13. Temporary LP-gas piping for buildings under construction or renovation that is not to become part of the permanent piping system.
14. Installation of LP-gas systems for railroad switch heating.
15. Installation of hydrogen gas, LP-gas and compressed natural gas (CNG) systems on vehicles.
16. Except as provided in Section 401.1.1, gas piping, meters, gas pressure regulators and other appurtenances used by the serving gas supplier in the distribution of gas, other than undiluted LP-gas.
17. Building design and construction, except as specified herein.
18. Piping systems for mixtures of gas and air within the flammable range with an operating pressure greater than 10 psig (69 kPa gauge).
19. Portable fuel cell appliances that are neither connected to a fixed piping system nor interconnected to a power grid.

[NY] 101.2.6 Other fuels. The requirements for the design, installation, maintenance, alteration and inspection of mechanical systems operating with fuels other than fuel gas shall be regulated by the Mechanical Code of New York State.

[NY] ~~101.2.4~~ 101.2.7 Facilities regulated by State Departments and Agencies. Where a building or premises under the custody, licensure, supervision or jurisdiction of a department or agency of the State of New York is regulated as a one- or two-family dwelling or multiple single-family dwelling (townhouse), in accordance with established laws or regulations of that department or agency, said buildings or premises, such as a community residence or hospice residence, and their accessory structures shall comply with the Residential Code of New York State.

[NY] 101.3 Purpose. The purpose of this code is to provide minimum requirements to ~~safeguard life or limb, health, property, and public welfare~~ provide a reasonable level of safety, health, property protection and general welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of fuel gas equipment or systems.

[NY] ~~102.11~~ 101.4 Partial invalidity Severability. ~~In the event that any part or provision~~ If a section, subsection, sentence, clause or phrase of this code is held by a court of competent jurisdiction to ~~be illegal or void unconstitutional, this shall not have the effect of making void or illegal any of the other parts or provisions~~ such decision shall not affect the validity of the remaining portions of this code.

[NY] ~~105.1~~ 101.5 Purpose Provisions included in Uniform Code. The purpose of ~~Section 105 this chapter~~ is to include in the Uniform Code provisions requiring persons and entities who construct, renovate, use and occupy buildings and structures to apply for and obtain building permits, to facilitate construction inspections, to obey stop work orders, to obtain certificates of occupancy, and to obtain operating permits. The provisions in ~~Section 105 this chapter~~ are considered to be integral parts of the Uniform Code's standards for construction, maintenance, and fire protection equipment and systems.

[NY] ~~105.1.1~~ 101.5.1 Definition. For the purpose of ~~Section 105 this chapter~~, the term "other applicable law" shall include the authority having jurisdiction's Code Enforcement Program; any local law, ordinance, or regulation establishing the authority having jurisdiction's Code Enforcement Program; and any other applicable statute, regulation, rule, local law, or ordinance.

~~[NY]~~ SECTION 102 APPLICABILITY

~~[NY]~~ **102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

~~[NY]~~ ~~102.3~~ **102.2 Existing installations.** Except as otherwise provided for in this chapter, a provision in this code shall not require the removal, alteration or abandonment of, nor prevent the continued utilization and maintenance of, existing installations lawfully in existence at the time of the adoption of this code.

~~[NY]~~ ~~102.3.1~~ **102.2.1 Existing buildings.** Additions, alterations, renovations or repairs related to building or structural issues shall be regulated by the Existing Building Code of New York State.

~~[NY]~~ ~~102.4~~ **102.3 Maintenance.** Installations, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe condition. Devices or safeguards that are required by this code shall be maintained in compliance with the edition of the code under which they were installed. The owner or the owner's authorized agent shall be responsible for maintenance of installations. To determine compliance with this provision, the code official shall have the authority to require an installation to be reinspected.

~~[NY]~~ ~~102.5~~ **102.4 Additions, alterations or repairs.** Additions, alterations, renovations or repairs to installations shall conform to that required for new installations without requiring the existing installation to comply with all of the requirements of this code. Additions, alterations or repairs shall not cause an existing installation to become unsafe, hazardous or overloaded.

Minor additions, alterations, renovations and repairs to existing installations shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is approved.

~~[NY]~~ ~~102.6~~ **102.5 Change in occupancy.** No change shall be made in the use or occupancy of any building or structure unless such building or structure is made to comply with the requirements of the Uniform Code and Energy Code.

~~[NY]~~ **102.6 Reserved.**

~~[NY]~~ **102.7 Moved buildings.** Except as determined by Section ~~102.3~~ **102.2**, installations that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

~~[NY]~~ **102.8 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 8 and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections ~~102.4.1 and 102.4.2~~ **102.8.1 and 102.8.2**.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and the manufacturer's installation instructions shall apply.

~~[NY]~~ **102.8.1 Conflicts.** Where conflicts occur between provisions of this code and referenced ~~codes and~~ standards, the provisions of this code shall apply.

~~[NY]~~ **102.8.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

~~[NY]~~ **102.9 Requirements not covered by code.** Any requirements necessary for the strength, stability or proper operation of an existing or proposed ~~plumbing system installation~~, or for the public safety,

health and general welfare, not specifically covered by this code, shall be determined by the ~~authority having jurisdiction~~ code official.

[NY] 102.10 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

[NY] ~~102.2~~ 102.10 Other laws and regulations. This code is part of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) promulgated pursuant to Article 18 of the New York State Executive Law. The provisions of this code shall not be deemed to nullify any federal, state or local law, ordinance, administrative code, rule or regulation relating to any matter as to which the Uniform Code does not provide.

However:

1. Pursuant to Section 383(1) of the Executive Law, and except as otherwise provided in paragraphs a, b, and c of Section 383(1) of the Executive Law, the provisions of the Uniform Code supersede any other provision of a general, special or local law, ordinance, administrative code, rule or regulation inconsistent or in conflict with the Uniform Code;
2. Pursuant to Section 379(3) of the Executive Law, no city, town, village, county or other municipality shall have the power to supersede, void, repeal, or make less restrictive any provision of the Uniform Code; and
3. The ability of any city, town, or village, or the County of Nassau, to enact or adopt, and to enforce, a local law or ordinance imposing higher or more restrictive standards for construction within the jurisdiction of such city, town, village, or county that are applicable generally to such city, town, village, or county in the Uniform Code is subject to the provisions and requirements of Section 379 of the Executive Law.

Nothing in this Section ~~102.2~~ shall be construed as:

1. Affecting the authority of the State Labor Department to enforce a safety or health standard issued under provisions of Sections 27 and 27-a of the Labor Law;
2. Relieving a person from complying with a stricter standard issued pursuant to the Occupational Safety and Health Act of 1970, as amended; or
3. Superseding, limiting, impairing or otherwise affecting any provision the Uniform Code, as now in effect and as hereafter amended from time to time.

[NY] ~~102.2.1~~ 102.10.1 Other New York Codes, Rules and Regulations (NYCRR). Additional New York Codes, Rules and Regulations exist that may affect new and existing buildings, structures, systems and equipment. Such regulations include, but are not limited to:

1. 19 NYCRR Part 300 (Universal Symbol of Access),
2. 19 NYCRR Part 1261 (Recordkeeping—Smoke Detectors in Multiple Dwellings),
3. 19 NYCRR Part 1264 (Identification of Buildings Utilizing Truss Type Construction), and
4. 19 NYCRR Part 1265 (Residential Structures with Truss Type Construction, Pre-Engineered Wood Construction and/or Timber Construction).

102.11 Application of references. Reference to chapter section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

PART 2—ADMINISTRATION AND ENFORCEMENT

~~[NY] SECTION 103 ADMINISTRATION AND ENFORCEMENT~~ RESERVED

103.1 Reserved.

103.2 Reserved.

103.3 Reserved.

[NY] SECTION 104 ~~MATERIALS, EQUIPMENT AND METHODS OF CONSTRUCTION~~ DUTIES AND POWERS OF THE CODE OFFICIAL AND AUTHORITY HAVING JURISDICTION

[NY] ~~103.1~~ 104.1 **Administration and enforcement.** The Uniform Code shall be administered and enforced by the authority having jurisdiction. The identity of the authority having jurisdiction in a given situation is determined in accordance with Article 18 of the Executive Law and the regulations promulgated by the Secretary of State pursuant to Executive Law Section 381(1). In general, the authority having jurisdiction is the local government (city, town or village) in which the building or structure is located. In certain situations, the authority having jurisdiction may be the county in which the building or structure is located. In certain other cases, the State, the Secretary of State (acting through the Department of State) or some other State agency may be the authority having jurisdiction. The authority having jurisdiction responsible for administration and enforcement of the Uniform Code is also responsible for administration and enforcement of the Energy Code.

Administration and enforcement of the Uniform Code and Energy Code shall be in accordance with the following, as applicable:

1. Where a city, town, village or county is the authority having jurisdiction:
 - 1.1. Such city, town, village or county shall provide for administration and enforcement of the Uniform Code and Energy Code by local law, ordinance, other appropriate regulation, or combination thereof.
 - 1.2. The Code Enforcement Program established by such local law, ordinance or other appropriate regulation, or combination thereof, must include, at a minimum, the features described in Part 1203 and must satisfy all other requirements of Part 1203.
 - 1.3. Such city, town, village or county shall administer and enforce the Uniform Code in accordance with the Code Enforcement Program established by such local law, ordinance or other appropriate regulation, or combination thereof.
2. Where the State is the authority having jurisdiction pursuant to 19 NYCRR Section 1201.2(d):
 - 2.1. The Code Enforcement Program shall be as established by Part 1204.
 - 2.2. The State, acting through one or more State agencies, shall administer and enforce the Uniform Code and Energy Code in accordance with Part 1204.
3. Where the Department of State is the authority having jurisdiction:
 - 3.1. The Code Enforcement Program shall be as established by Part 1202.
 - 3.2. The Department of State shall administer and enforce the Uniform Code and Energy Code in accordance with Part 1202.
4. Where any governmental unit or agency not included in Items 1, 2, and 3 above is the authority having jurisdiction:

- 4.1. Such governmental unit or agency shall provide for administration and enforcement of the Uniform Code and Energy Code by regulation.
- 4.2. The Code Enforcement Program established by such regulation must include, at a minimum, the features described Part 1203 and must satisfy all other requirements of Part 1203.
- 4.3. Such governmental unit or agency shall administer and enforce the Uniform Code and Energy Code in accordance with the Code Enforcement Program established by such regulation.

Every governmental unit or agency thereof charged with administration and enforcement of the Uniform Code shall exercise its powers in due and proper manner so as to extend to the public protection from the hazards of fire and inadequate building construction.

Any person or entity constructing or renovating a building or structure, changing the use or occupancy of a building or structure, or engaging in any other activity that is subject to the provisions of the Code Enforcement Program of the authority having jurisdiction responsible for administration and enforcement of the Uniform Code with respect to such building shall comply with all applicable provisions of such Code Enforcement Program.

In addition, persons and entities who construct, renovate, use and occupy buildings and structures shall comply with all applicable provisions of Section 105 of this code.

[NY] ~~103.2~~ 104.1.1 **Due process.** Nothing in Chapter 1, ~~or elsewhere in this code, or~~ elsewhere in the Uniform Code, or in any regulation promulgated pursuant to Executive Law Section 381(1), shall be construed as authorizing any authority having jurisdiction to administer and enforce the Uniform Code in a manner that deprives any person or entity of due process of law. ~~In particular, but not by way of limitation, nothing in Chapter 1, or elsewhere in this code or elsewhere in the Uniform Code, or in any regulation promulgated pursuant to Executive Law Section 381(1), relating to~~ For example, when posting, placarding and/or condemning ~~ing~~ buildings or structures that are unsafe, unfit for human occupancy or unlawful, ~~shall be construed as authorizing any authority having jurisdiction to post, placard or condemn any such building or structure and/or to remove any owner or occupant or cause any owner or occupant to be removed from any such building or structure without providing such notice and opportunity to be heard (and, if applicable, right of appeal) may be required as may be required under the applicable circumstances by applicable~~ Constitutional provisions prior to posting, placarding, and/or condemning such building or structure and/or removing any owner or occupancy or causing any owner or occupant to be removed from any such building or structure.

[NY] ~~103.2.1~~ 113.6.1.1 **Imminent danger** Post-action hearing in cases on imminent danger. In cases of imminent danger, posting, placarding, and condemning a building or structure and removing owners and occupants or causing owners and occupants to be removed without first providing an opportunity to be heard shall be permitted to the extent consistent with applicable Constitutional provisions, provided that the affected persons and entities are afforded the opportunity for a post-action hearing to the extent required by applicable Constitutional provisions.

104.2 Determination of compliance. The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

104.2.1 Listed compliance. Where this code or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer's instructions, and where required to verify

compliance, the listing standard and manufacturer's instructions shall be made available to the code official.

104.2.2 Technical assistance. To determine compliance with this code, the code official is authorized to require the owner or owner's authorized agent to provide a technical opinion and report.

[NY] 104.2.2.1 Cost. A technical opinion and report shall be provided without charge to the authority having jurisdiction.

104.2.2.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

104.2.2.3 Content. The technical opinion and report shall analyze the properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon to identify and propose necessary recommendations.

104.2.2.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the code official shall have the authority to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the code official shall approve the testing procedures. Such tests shall be performed by a party acceptable to the code official.

[NY] ~~104.3~~ 104.2.3 Alternative materials, equipment, appliances, designs, and methods of construction. The provisions of this code are not intended to prevent the installation of any materials, equipment, or appliances or to prohibit any design or method of construction not specifically prescribed by this code, or to prohibit any designs or methods of construction not specifically prescribed by this code, provided that any such alternative materials, equipment, appliances, designs, or methods of construction (1) are not specifically prohibited by any provision of this code, by any other provision of the Uniform Code, or by the Energy Code and (2) shall have has been approved, in writing, by the building code official. ~~Alternative materials, equipment, appliances, designs, or methods of construction may be approved only when the building official shall have determined, in writing, that such alternative is:~~

- ~~1. Satisfactory and complies with the intent of the provisions and requirements of the Uniform Code, and~~
- ~~2. Not less than the equivalent of that prescribed in the Uniform Code in quality, strength, effectiveness, fire resistance, durability, and safety.~~

Nothing in this section shall be construed as permitting any building official or any authority having jurisdiction to waive, vary, modify or otherwise alter any provision or requirement of this code or any other provision or requirement of the Uniform Code. Provisions or requirements of the Uniform Code may be varied or modified only pursuant to procedures established in Part 1205 or by such other regulations as may hereafter be promulgated by the Secretary of State pursuant to Section 381(1)(f) of the Executive Law.

104.2.3.1 Approval authority. An alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative is satisfactory and complies with Sections 104.2.3 through 104.2.3.7, as applicable.

104.2.3.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

104.2.3.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality.
2. Strength.
3. Effectiveness.
4. Durability.
5. Safety, other than fire safety.
6. Fire safety.

104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

104.2.3.5.1 Fire tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

104.2.3.6 Reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

104.2.3.6.1 Evaluation reports. Evaluation reports shall be issued by an approved agency, and use of the evaluation report shall require approval by the code official for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the code official's recognition of the approved agency. Criteria used for the evaluation shall be identified within the report and, where required, provided to the code official.

104.2.3.6.2 Other reports. Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

104.2.3.7 Peer review. The code official is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is approved by the code official.

[NY] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, a variance may be applied for in accordance with 19 NYCRR Part 1205.

[NY] 104.2.4.1 Reserved.

104.3 Applications and permits. The code official shall receive applications, review construction documents and issue permits, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.3.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the code official shall determine if the proposed work constitutes substantial improvement or repair of substantial

damage. Where the code official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the code official shall require the building to meet the requirements of Section 1612 of the Building Code of New York State or Section R306 of the Residential Code of New York State, as applicable.

[NY] 104.4 Reserved.

[NY] 104.4.1 Reserved.

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code. Notices of violations shall be in accordance with Section 113.

[NY] 104.7 Official records. The code official shall keep official records as required by the applicable records retention and disposition schedules established by the authority having jurisdiction or pursuant to the Arts and Cultural Affairs Law.

[NY] 104.7.1 Reserved.

[NY] 104.7.2 Reserved.

[NY] 104.7.3 Reserved.

[NY] 104.7.4 Reserved.

[NY] 104.7.5 Reserved.

[NY] 104.8 Reserved.

[NY] 104.8.1 Reserved.

[NY] ~~104.1~~ 104.9 Approved materials and equipment. Materials, equipment, and devices approved by the **building code** official shall be constructed and installed in accordance with such approval. Materials, equipment and devices tested by an approved testing laboratory shall be permitted to be constructed and installed in accordance with such approval.

~~[NY] 104.1.1~~ 104.9.1 Used materials and equipment. ~~Used m~~Materials, equipment, and devices shall not be reused unless ~~they meet the requirements of this code for new materials~~ such elements are in good working condition and approved.

[NY] 104.4 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of the Uniform Code shall be executed and installed in a workmanlike manner and in accordance with Uniform Code and the manufacturer's installation instructions.

~~[NY] SECTION 105 BUILDING PERMITS, CONSTRUCTION INSPECTIONS, STOP WORK ORDERS, AND CERTIFICATES OF OCCUPANCY~~

[NY] ~~105.2~~ 105.1 Building permits Where required. An owner, owner's authorized agent or contractor who desires to erect, install, enlarge, alter, repair, remove, convert or replace an installation regulated by this code, or to cause such work to be performed, shall first make application to the code official and obtain the required permit for the work. No person or entity shall commence, perform, or continue any work that must conform with the Uniform Code and/or Energy Code unless:

1. Such person or entity has applied to the authority having jurisdiction for a **building** permit,
2. The authority having jurisdiction has issued a **building** permit authorizing such work,

3. Such ~~building~~ permit has not been revoked or suspended, and
4. Such ~~building~~ permit has not expired.

Exception: Where *appliance* and *equipment* replacements and repairs are required to be performed in an emergency situation, the permit application shall be submitted within the next working business day of the Department of Inspection.

105.1.1 Reserved.

105.1.2 Reserved.

[NY] ~~105.2.1~~ 105.2 ~~Work exempt from building permit requirement~~ Permits not required. A ~~building~~ permit shall not be required for work in any category that is excluded from the ~~building~~ permit requirement by the authority having jurisdiction's Code Enforcement Program, provided that Part 1203 allows an authority having jurisdiction to exclude such category of work from the ~~building~~ permit requirement. Exemptions from ~~building~~ permit requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of any provision of the Uniform Code, any provision of the Energy Code, or any provision of any other applicable law.

[NY] ~~105.2.2~~ 105.3 ~~Applications for building permits. A person or entity applying for a building permit shall submit an application to the authority having jurisdiction. Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location.~~ An application for a ~~building~~ permit shall:

1. Be signed by the owner or owner's authorized agent.
2. Include ~~C~~construction and any other documents that satisfy the requirements of Section 106~~-2~~.
3. ~~Any and all other submittal documents required by Section 106.~~
4. Indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.
5. Include ~~A~~any and all other information and documentation that may be required by ~~the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program.~~
6. Include ~~S~~such other information and documentation as the authority having jurisdiction may determine to be necessary to allow the authority having jurisdiction to determine whether the proposed work conforms with the Uniform Code, the Energy Code, and other applicable laws.

105.3 Application for permit. Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or an owner's authorized agent. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

[NY] 105.3.1 Reserved.

105.4 Preliminary inspection. Before a permit is issued, the code official is authorized to inspect and evaluate the systems, equipment, buildings, devices, premises and spaces or areas to be used.

[NY] 105.5 Permit issuance. The application, construction documents and other data filed by an applicant for a permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, a permit shall be issued to the applicant.

[NY] ~~105.2.3~~ **105.5.1 Approval of Approved construction documents.** When the authority having jurisdiction issues a **building** permit where construction documents are required, ~~the authority having jurisdiction shall approve~~ the construction documents shall be endorsed in writing. Such approved construction documents shall not be changed, modified or altered without authorization from the code official. Work shall be ~~installed~~ done in accordance with the approved construction documents and, if applicable, the terms and conditions, ~~if any,~~ of the **building** permit.

[NY] ~~105.2.4~~ **105.5.2 Validity of building permit.** The issuance ~~or granting~~ of a **building** permit shall not be construed to be a permit for, or an approval of, any violation of any provisions of the Uniform Code, the Energy Code, or any other applicable law. A **building** permit ~~purporting~~ presuming to give authority to violate or cancel any provision of the Uniform Code, the Energy Code, or any other applicable law shall ~~not~~ be invalid. The issuance of a **building** permit based on construction documents and other data shall not prevent the building code official from thereafter requiring the correction of errors in ~~the said~~ construction documents and other data or from preventing building operations from being carried on thereunder where in violation of this code or of other ordinances of the authority having jurisdiction.

[NY] **105.5.3 Reserved.**

[NY] **105.5.4 Reserved.**

[NY] ~~105.2.5~~ **105.5.5 Suspension or revocation of a building permit.** The authority having jurisdiction is authorized to suspend or revoke a **building** permit issued under the provisions of this code wherever the **building** permit is issued in error; ~~or~~ on the basis of incorrect, inaccurate or incomplete information; or in violation of any provision of the Uniform Code, the Energy Code, or any other applicable law or there has been a false statement or misrepresentation as to the material facts in the application or construction documents on which the permit or approval was based including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the name for which it was issued.
6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation or this code.

Any such suspension or revocation shall be in writing, signed by the building code official or by ~~his or her~~ their designated agent.

[NY] **105.5.6 Reserved.**

[NY] ~~105.2.6~~ **105.5.7 Placement Posting of building permit and approved construction documents.** The **building** permit, or a copy ~~thereof, and at least one set of approved construction documents~~ shall be kept on the site of the work until the completion of the project. ~~The approved construction documents shall be open to inspection by any authorized representative of the authority having jurisdiction.~~

[NY] ~~105.5~~ **105.6 Certificates of occupancy.** Where ~~the stricter of~~ the authority having jurisdiction's Code Enforcement Program ~~or a Part 1203—Compliant Code Enforcement Program~~ requires a certificate of occupancy for permission to use or occupy a building or structure, or any portion thereof, no person or entity shall use or occupy such building or structure, or such portion thereof, unless:

1. The authority having jurisdiction has issued such certificate of occupancy.
2. Such certificate of occupancy has not been revoked or suspended.
3. In the case of a temporary certificate of occupancy, such temporary certificate of occupancy has not expired.

[NY] ~~105.5.1~~ 105.6.1 **Authorized uses and occupancies.** Where a certificate of occupancy has been issued for a building or structure, or any portion thereof, no person or entity shall use or occupy such building or structure, or such portion thereof, for any use or occupancy other than that authorized by such certificate of occupancy.

[NY] ~~105.5.2~~ 105.6.2 **Change in use or occupancy.** Without regard to whether a certificate of occupancy shall have been issued, no person or entity shall convert the use or occupancy of a building or structure, or any portion thereof, from one use or occupancy to another without first obtaining a **building** permit to perform the work, if any, required for such conversion; performing such work, if any; and obtaining a certificate of occupancy from the authority having jurisdiction.

[NY] ~~105.6~~ 105.7 **Operating permits.** Where the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program requires an operating permit to conduct an activity or to use a category of building, no person or entity shall conduct such activity or use such category of building without obtaining an operating permit from the authority having jurisdiction. The procedures for applying for, issuing, revoking, and suspending operating permits shall be as set forth in the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program.

~~[NY]~~ SECTION 106 ~~SUBMITTAL~~ CONSTRUCTION DOCUMENTS

[NY] **106.1 General Submittal documents.** Submittal documents consisting of construction documents, statements of special inspections, geotechnical reports, and other data shall be submitted with each application for a **building** permit.

[NY] ~~106.2~~ 106.1.1 **Construction documents.** ~~Construction documents shall be in accordance with Sections 106.2.1 through 106.2.9. Construction documents, engineering calculations, diagrams and other data shall be submitted in two or more sets, or in a digital format where allowed by the code official, with each application for a permit. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for installations and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.~~

~~[NY] **106.2.1 Information on construction documents.** Construction documents (1) shall define the scope of the proposed work; (2) shall be of sufficient clarity to indicate the location, nature and extent of the proposed work; (3) shall show in detail that the proposed work will conform to the provisions of the Uniform Code, the Energy Code, and other applicable codes, laws, ordinances, and regulations; (4) shall include all information required by any provision of this code (including but not limited to the information described in Sections 106.2.2 through 106.2.8), all information required by any other applicable provision of the Uniform Code, and all information required by any applicable provision of the Energy Code; and (5) shall include any and all additional information and documentation that may be required by the stricter of the Code Enforcement Program of the authority having jurisdiction or a Part 1203-Compliant Code Enforcement Program.~~

[NY] ~~106.2.1.1~~ 106.1.1.1 **Manufacturer's installation instructions.** Manufacturer's installation instructions, as required by any applicable provision of the Uniform Code or by any applicable provision of the Energy Code, shall be available on the job site at the time of inspection.

~~[NY] 106.2.2 Fire protection system shop drawings.~~ Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to Chapter 9 of the Building Code of New York State, any other applicable provision of the Uniform Code, and the construction documents. Such shop drawings shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the installation standards referenced in Chapter 9 of the Building Code of New York State or in any other applicable provision of the Uniform Code.

~~[NY] 106.2.3 Means of egress.~~ The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress, including the path of the exit discharge to the public way, in compliance with the provisions of the Uniform Code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

~~[NY] 106.2.4 Exterior wall envelope.~~ Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with the Uniform Code and the Energy Code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.

~~[NY] 106.2.5 Exterior balconies and elevated walking surfaces.~~ Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow, or irrigation, and the structural framing is protected by an impervious moisture barrier, the construction documents shall include details for all elements of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

~~[NY] 106.2.6 Site plan.~~ The construction documents submitted with the application for a building permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations. The site plan shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan where the application for a building permit is for an alteration or repair or where otherwise warranted.

~~[NY] 106.2.6.1 Design flood elevations.~~ Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1 of the Building Code of New York State.

~~[NY] 106.2.6.2 Flood hazard documentation.~~ If located in a flood hazard area, documentation of the elevation of the lowest floor as required in Section 1612.4 of the Building Code of New York State shall be submitted to the building official prior to the final inspection.

~~[NY] 106.2.7 Structural information.~~ The construction documents shall provide the information specified in Section 1603 of the Building Code of New York State.

~~[NY] 106.2.8 Relocatable buildings.~~ Construction documents for relocatable buildings shall comply with Section 3112 of the Building Code of New York State.

[NY] ~~106.2.9~~ 106.1.2 **Design professional.** Construction documents shall be prepared by a registered design professional where required by Article 145 or Article 147 of the New York State Education Law,

by the stricter of the Code Enforcement Program of the authority having jurisdiction or a Part 1203—Compliant Code Enforcement Program, or by any other applicable statute, regulation, or local law or ordinance.

[NY] 106.2 Approval of construction documents. When the *building official* issues a *permit*, the *construction documents* shall be *approved*, in writing or by stamp, as “Reviewed for Code Compliance.” One complete set of *construction documents* so reviewed shall be retained by the *building official*. Another complete set shall be returned to the applicant, shall be kept at the *site* of work and shall be open to inspection by the authorized representatives of the authority having jurisdiction.

[NY] SECTION 107 RESERVED

[NY] SECTION 108 RESERVED

~~[NY]~~ SECTION ~~107~~ 109 SERVICE UTILITIES

~~[NY] 107.1~~ 109.1 **Connection of service utilities.** ~~A person shall not make~~ Cconnections from a utility, a source of energy, fuel or power, or a water system or sewer system to any *building* or system ~~which that~~ is regulated by ~~Uniform Code~~ this code for which a *permit* is required, until approved by the building official. Connections shall be made in accordance with the requirements of the Uniform Code; the regulations of the public utility providing such utility service, source of energy, fuel or power, or water or sewer system; and the regulations of any governmental unit or agency having jurisdiction over such utility, source of energy, fuel, ~~or~~ power, water, or sewer system.

~~[NY] 107.1.1~~ 109.2 **Temporary connection.** ~~Where approved by the building~~ The code official, shall have the authority to authorize the temporary connections ~~from a~~ of the building or system to the utility, source of energy, fuel, ~~or~~ power, water system or sewer system for the purpose of testing the installation or for use under a temporary approval. ~~to a building or system may be made. Temporary connections shall be made in accordance with Section 107.1.~~

109.3 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 111.1 or 111.2. The code official shall notify the serving utility, and wherever possible the owner or the owner’s authorized agent and occupant of the building, structure or service system, of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner, the owner’s authorized agent or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

~~[NY] 107.2 Notice of disconnection of service utilities.~~ The owner or the owner’s authorized agent shall notify the building official of the disconnection of any utility service to the building, structure, or system regulated by the Uniform Code.

SECTION 110 TEMPORARY USES, EQUIPMENT AND SYSTEMS

[NY] 110.1 Conformance. Temporary structures shall conform to Chapter 31 of the Building Code of New York State and Chapter 31 of the Fire Code of New York State.

110.2 Conformance. Temporary uses, equipment and systems shall conform to the requirements of this code as necessary to ensure health, safety and general welfare.

110.3 Temporary service utilities. The code official is authorized to give permission to temporarily supply service utilities in accordance with Section 109.

110.4 Termination of approval. The code official is authorized to terminate such permit for temporary uses, equipment or systems and to order the same to be discontinued.

SECTION 111 INSPECTIONS AND TESTING

~~[NY] 105.3 Construction inspections. Any person or entity performing work for which a building permit has been issued shall keep work accessible and exposed until the work has been inspected and accepted by the authority having jurisdiction, or its authorized agent, at each element of the construction process that is applicable to the work and specified in the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203—Compliant Code Enforcement Program.~~

111.1 General. The code official is authorized to conduct such inspections as are deemed necessary to determine compliance with the provisions of this code. Construction or work for which a permit is required shall be subject to inspection by the code official, and such construction or work shall remain visible and able to be accessed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the authority having jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the authority having jurisdiction shall not be valid.

111.2 Required inspections and testing. The code official, on notification from the permit holder or the permit holder's agent, shall make the following inspections and other such inspections as necessary, and shall either release that portion of the construction or notify the permit holder or the permit holder's agent of violations that are required to be corrected. The holder of the permit shall be responsible for scheduling such inspections.

1. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping is installed and before backfill is put in place. Where excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the piping or cause corrosive action, clean backfill shall be on the job site.
2. Rough-in inspection shall be made after the roof, framing, fireblocking and bracing are in place and components to be concealed are complete, and prior to the installation of wall or ceiling membranes.
3. Final inspection shall be made upon completion of the installation.

The requirements of this section shall not be considered to prohibit the operation of any heating appliance installed to replace an existing heating appliance serving an occupied portion of a structure in the event a request for inspection of such heating appliance has been filed with the department not more than 48 hours after replacement work is completed, and before any portion of such appliance is concealed by any permanent portion of the structure.

111.2.1 Other inspections. In addition to the inspections specified in Section 111.2, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced.

~~[NY] 105.3.1~~ **111.2.2 Inspection requests.** It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building code official when work is ready for inspection. It shall be the duty of the building permit holder to provide access to and means for inspections of such work that are is required by this code.

111.2.3 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the code official.

111.2.4 Approved inspection agencies. The code official is authorized to accept reports of approved agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

111.2.5 Evaluation and follow-up inspection services. Prior to the approval of a prefabricated construction assembly having concealed work and the issuance of a permit, the code official shall require the submittal of an evaluation report on each prefabricated construction assembly, indicating the complete details of the installation, including a description of the system and its components, the basis on which the system is being evaluated, test results and similar information and other data as necessary for the code official to determine conformance to this code.

111.2.5.1 Evaluation service. The code official shall designate the evaluation service of an approved agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to this code.

111.2.5.2 Follow-up inspection. Except where ready access is provided to installations, appliances, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the in-plant inspections as frequently as necessary to ensure conformance to the approved evaluation report or shall designate an independent, approved inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the follow-up inspection manual and a report of inspections upon request, and the installation shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.

111.2.5.3 Test and inspection records. Required test and inspection records shall be available to the code official at all times during the fabrication of the installation and the erection of the building; or such records as the code official designates shall be filed.

111.3 Testing. Installations shall be tested as required in this code and in accordance with Sections 111.3.1 through 111.3.3. Tests shall be made by the permit holder and observed by the code official.

111.3.1 New, altered, extended or repaired installations. New installations and parts of existing installations, which have been altered, extended, renovated or repaired, shall be tested as prescribed herein to disclose leaks and defects.

111.3.2 Apparatus, instruments, material and labor for tests. Apparatus, instruments, material and labor required for testing an installation or part thereof shall be furnished by the permit holder.

111.3.3 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.

[NY] SECTION 112 VARIANCES AND APPEALS

[NY] ~~103.3~~ **112.1 Application for variance or appeal.** An application for a variance or modification of any provision or requirement of Uniform Code shall be in accordance with the provisions of Part 1205. An appeal of any order or determination, or the failure within a reasonable time to make an order or determination, of an administrative official charged to enforce or purporting to enforce the Uniform Code may be made in accordance with the provisions of Part 1205.

~~[NY] 104.2-112.2~~ **Waivers, variances, and modifications-Limitations on authority.** Nothing in this code shall be construed as permitting any building official or any authority having jurisdiction to waive, vary, modify, or otherwise alter any provision or requirement of this code or any other provision or requirement of the Uniform Code. Provisions or requirements of the Uniform Code may be varied or modified only in accordance with procedures established by Part 1205 or by such other regulations as may hereafter be promulgated by the Secretary of State pursuant to Section 381(1)(f) of the Executive Law.

[NY] 112.3 Reserved.

[NY] 112.4 Reserved.

SECTION 113 VIOLATIONS

~~[NY] 105.7~~ **113.1 Violations Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. Any violation of any provision set forth in this code Sections 105.2 through 105.6 shall be a violation of the Uniform Code, and any person or entity violating any such provision shall be subject to the penalties prescribed in Executive Law Section 382(2). In addition, to the extent that any act or omission that violates any provision set forth in Sections 105.2 through 105.6 this code is also a violation of any other applicable law, any person or entity guilty of such act or omission shall also be subject to the penalties prescribed in or otherwise applicable to a violation of such other applicable law.

[NY] 113.2 Reserved.

[NY] 114.4 Violation penalties. Any violation of any provision set forth in this code shall be a violation of the Uniform Code, and any person or entity violating any such provision shall be subject to the penalties prescribed in Executive Law Section 382(2). In addition, to the extent that any act or omission that violates any provision set forth in this code is also a violation of any other applicable law, any person or entity guilty of such act or omission shall also be subject to the penalties prescribed in or otherwise applicable to a violation of such other applicable law.

[NY] 113.5 Reserved.

113.6 Unsafe installations. An installation that is unsafe, constitutes a fire or health hazard, or is otherwise dangerous to human life, as regulated by this code, is hereby declared an unsafe installation. Use of an installation regulated by this code constituting a hazard to health, safety or welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Such unsafe installations are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

113.6.1 Authority to condemn installations. Whenever the code official determines that any installation, or portion thereof, regulated by this code has become hazardous to life, health or property, he or she shall order in writing that such installations either be removed or restored to a safe condition. A time limit for compliance with such order shall be specified in the written notice. A person shall not use or maintain a defective installation after receiving such notice.

Where such installation is to be disconnected, written notice as prescribed in Section 113.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

113.6.2 Authority to disconnect service utilities. The code official shall have the authority to require disconnection of utility service in accordance with Section 109.3.

113.6.3 Connection after order to disconnect. A person shall not make energy source connections to installations regulated by this code that have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such installations.

Where an installation is maintained in violation of this code, and in violation of a notice issued pursuant to the provisions of this section, the code official shall institute appropriate action to prevent, restrain, correct or abate the violation.

SECTION 114 STOP WORK ORDER

[NY] ~~105.4~~ **114.1 Stop work orders.** The authority having jurisdiction is authorized to issue a stop work order to halt work that is being performed without a required **building** permit; work that is being performed after a required **building** permit has been revoked or suspended or has expired; work that is being conducted in a dangerous or unsafe manner; or work that is contrary to provisions of the Uniform Code, the Energy Code, the approved construction documents, or the terms and conditions (if any) of the **building** permit. No person or entity shall commence, perform or continue any work if the authority having jurisdiction has issued a stop work order with respect to such work.

114.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

[NY] **114.3 Reserved.**

114.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction.