



**APPENDIX A  
DEPARTMENT OF BUILDINGS**

**Promulgation of Amendments to Regulations Relating to Public Access to Records**

**CHAPTER 1 MATERIAL AND EQUIPMENT  
APPLICATION PROCEDURES**

**§1-01 Material and Equipment Application Procedures.**

(a) *Jurisdiction.* Pursuant to New York City Administrative Code §27-131, all materials which in their use are regulated by the Building Code must be approved by the Commissioner of the Department of Buildings (the "department").

(b) *Filing of applications.* (1) All applications for acceptance of material or equipment which is subject to the approval of the Commissioner shall be submitted to the department on forms so provided and labeled "Attention: Material and Equipment Acceptance Division" ("MEA").

(2) A complete application shall consist of a transmittal letter addressed to the commissioner, and the appropriate application fee together with all test reports and information required in the application and, on matters involving reference standards RS 7-3, 8-1, 13-1, 13-3, 13-6, 13-16, Sections p 102.4(b)(5), p 105.4, p 114.12 and p 115.8 of 16, 17, 18-1, 19-1 and paint spray booths, an affidavit attesting that a complete application has been served on the Fire Commissioner of the City of New York, Bureau of Fire Prevention, Technology Management Unit, in the same manner service is made on the department. An application, accompanied by the required fee, will be assigned a filing number. Any application which is not submitted with all information and test reports within sixty (60) calendar days of initial filing will be administratively closed. The application fee shall be non-refundable.

(c) *Applications filed with MEA and thereafter abandoned.* Applications for acceptance, which have been disapproved in whole or in part, and upon which no further action has been taken by the applicant within one year after the notice of disapproval is given shall be processed as follows:

- (1) The application shall be deemed abandoned.
- (2) The applicant shall be notified, by certified by mail at the address last furnished, that the application has been deemed abandoned and that he or she has the opportunity to remove reports and other information from the application, exclusive of the application forms, within 21 days of the date of the said notification.
- (3) Upon completion of such 21 day period, applications and remaining reports and other supplementary information may be removed from the files and destroyed.
- (4) Except for matters requiring consultation with the fire department, the Director of MEA may vary the procedure as may be necessary to avoid hardship, when same is warranted due to unusual and exceptional conditions beyond the control of the applicant.

(d) *Fees.* The fees for an application for the approval of material and equipment or an application for the amendment of prior approval of material or equipment shall be pursuant to Administrative Code §26-214 (11).

(e) *MEA review.* MEA shall review all applications for acceptance of material or equipment for which there is a code prescribed test method or a recognized test method acceptable to the commissioner and shall approve or deny such application on behalf of the commissioner. No material or equipment application which is required to be forwarded to the fire department pursuant to §1-01(b)(2) shall be approved unless comments have been received from the fire department or fifteen (15) business days have elapsed from the time of filing of the complete application with the department, whichever is sooner.

(f) *Advisory committee review.* The commissioner shall appoint an advisory committee consisting of members of the department, the fire department, a registered architect, a professional engineer and representatives of the building and construction industry. The advisory committee shall be chaired by the Deputy Commissioner for

Technical Affairs.

(1) *Absence of a code prescribed test method or an acceptable recognized test method.* In the event there is neither a code prescribed test method nor an acceptable recognized test method for material or equipment whose approval is under the jurisdiction of the department, an application for such material or equipment approval shall be referred to the advisory committee. The advisory committee shall prepare for the commissioner a detailed report and recommendation which sets forth the basis for approval or denial of the material or equipment application. In addition, on applications involving RS 5, where there is neither a code prescribed test method nor an acceptable recognized test method, the department shall be responsive to fire safety concerns and shall forward such applications to the fire department as appropriate.

(2) *Conflicting or ambiguous test results.* In the event MEA determines that submitted test reports are conflicting or ambiguous, MEA may refer the application to the advisory committee. The advisory committee shall prepare a detailed report and recommendation to the commissioner which sets forth the basis for approval or denial of the material or equipment application for which MEA found conflicting or ambiguous test results. Where necessary, the advisory committee may request the submission of additional information.

(3) *Consultation with the fire department.* The commissioner shall not take any final action in approving material or equipment applications which are required to be submitted to the fire department, pursuant to §1-01(b)(2), unless comments have been received from the fire department or fifteen (15) business days have elapsed from the date of the advisory committee's recommendation to the commissioner, whichever is sooner.

(g) *Appeals.* (1) Any denial by MEA may be referred to the advisory committee for its recommendation, upon applicant's written request within thirty (30) calendar days of the denial. The advisory committee shall issue a detailed report and recommendation to the commissioner who shall issue a final determination.

(2) A denial by MEA shall not be deemed a final determination of the Department until thirty (30) calendar days have lapsed.

(3) The final determination shall state the basis for the determination, with specific reference to test methods and test results.

(4) An applicant may challenge a final determination of the commissioner by initiating an article 78 proceeding in State Supreme Court.

(h) *Amendments.* All amendments to material or equipment applications previously approved by the MEA or the Board of Standards and Appeals, including amendments relating to a manufacturer's name or to the material, or equipment design, shall be processed in the same manner as any new application.

## CHAPTER 2 BOILER INSPECTIONS

### §2-01 Low Pressure Boiler Inspections by Qualified Boiler Inspectors and Welding Repairs by Certified Welders.

(a) *Definitions.*

**Authorized insurance company.** A company approved by the New York State Department of Labor.

**Qualified boiler inspector.**

(1) An inspector who has been issued a Certificate of Competence by the New York State Department of Labor and who is employed by an Authorized Insurance Company

(2) A licensed New York City High Pressure Boiler Operating Engineer

(3) A licensed New York City Class A and B Oil Burning Equipment Installer

(4) A licensed New York City Master Plumber

(5) A Journeyman Plumber acting under the direct and continuing supervision of a New York City Master Plumber

**Certified welder.**

(1) An organization in possession of a valid National Board or New York State Repair Certificate of Authorization

(2) An organization in possession of a valid American Society of Mechanical Engineers ("ASME") Certificate of Authorization

(b) *Boiler identification and records.*

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

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

(3) The Department of Buildings boiler numbers are to be used in all correspondence between qualified boiler

inspectors and the Department. Boiler numbers can be obtained in any one of the borough offices via the public access terminals.

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

(c) *Inspection and filing requirements.*

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

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

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

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

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

(e) *Low pressure boiler welding repairs.*

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

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

(f) *Failure to comply.*

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

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

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

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

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

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

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

(1) Invoices for completed inspections;

- (2) Canceled checks to qualified boiler inspectors for completed inspection;
- (3) Route sheets of inspectors employed by authorized insurance companies indicating dates and addresses of inspections;
- (4) Receipts of payment for completed inspections; and
- (5) Executed contracts with authorized insurance companies and other qualified boiler inspectors indicating dates of inspection.

## CHAPTER 3 VACANT AND UNGUARDED BUILDINGS

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

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

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

(1) All exterior openings including door openings, which are in the cellar, basement and first story, or which are less than ten (10) feet from grade, shall be sealed with concrete block or stucco on plywood as provided below. All exterior openings which are on the course of a fire escape or are above the first story and less than six (6) feet measured horizontally from an opening in an adjoining building shall be sealed with concrete block or stucco on plywood as provided below. One door opening, readily visible from the street, may, at the discretion of the owner, be sealed with a padlocked metal roll-up door, one (1) hour fire rating metal door or an exterior door of one (1) and three-quarter (3/4) inch solid wood covered with twenty six (26) U.S. gage [*sic*] galvanized metal with edging turned over and nailed with flat head galvanized nails. The door of solid wood shall be hung in such a manner that no screws are exposed on the outside of the door on either the hinges or the hasps. Hinges shall not have removable hinge pins. Two hasps and locks shall be provided, located so as to divide the height of the door in equal sections.

(2) *Concrete Block Seal.*

- (i) Concrete block shall conform to the provisions of Reference Standard RS-10 of the New York City Building Code.
- (ii) All door and window frames shall be removed before concrete blocks are installed. Brickwork which new concrete blocks will abut, shall be cleaned and thoroughly wetted before blocks are installed.
- (iii) Doors and windows, not exceeding three (3) feet in width, shall be sealed with concrete block at least four (4) inches in thickness. Openings exceeding three (3) feet in width shall be sealed with concrete blocks at least eight (8) inches in thickness.
- (iv) Concrete blocks shall be laid in masonry cement mortar with a mix of not more than three (3) parts of sand for each part of masonry cement by volume. Joints in masonry shall be broken and exterior faces shall be struck. Blocks shall not extend beyond the brick line. Masonry cement shall conform to the provisions of Reference Standards RS-10 of the Building Code.

(3) *Stucco on Plywood Seal.*

- (i) If the window frame is in a condition whereby plywood can be secured to it, five-eighths (5/8) inch CDX grade plywood shall be nailed into such frame openings with eight d (8d) common nails every twelve (12) inches. Galvanized wire lath [*sic*] shall then be nailed to plywood using one (1) inch roof nails every twelve (12) inches. Wire lath [*sic*] shall be covered by an one (1) inch coat of portland cement with a float finish. Cement shall not extend beyond the opening's brickline.
- (ii) If a window or door frame is in a condition whereby such plywood cannot be secured to it, the frame shall be removed. The opening shall then be framed-out with new grade one (1) wood or metal two (2) x four (4) inch top and bottom plates with wood or metal studs every sixteen (16) inches on center.
- (iii) Openings exceeding three (3) feet shall be framed-out with new grade one (1) two (2) x four (4) inch top and bottom plates with wood or metal studs every sixteen (16) inches on center.

(b) *Buildings with exterior walls constructed of material other than masonry.* All exterior openings including door openings, which are in the cellar, basement and first story, on the course of a fire escape, are less than six (6) feet measured horizontally from an opening in an adjoining building or which are less than ten (10) feet from grade, shall be sealed with stucco on plywood as provided in this section or with five-eighths (5/8) inch CDX grade plywood which may be nailed directly to the window frame if such frame is in a condition that will enable such plywood to be attached, fastened directly to the exterior wall, or secured with bolts and battens in accordance with Detail "A" (annexed below). If such frame is not in a condition to enable such plywood to be attached, the opening shall be framed-out with new grade one (1) wood or metal two (2) x four (4) inch top and bottom plates

with wood or metal studs every sixteen (16) inches on center. One door opening, readily visible from the street, may, at the discretion of the owner, be sealed with a padlocked metal roll-up door, one (1) hour fire rating metal door or an exterior door of one (1) and three-quarter (3/4) inch solid wood covered with twenty six (26) U.S. gage [sic] galvanized metal with edging turned over and nailed with flat head galvanized nails. The door of solid wood shall be hung in such a manner that no screws are exposed on the outside of the door on either the hinges or the hasps. Hinges shall not have removable hinge pins. Two hasps and locks shall be provided, located so as to divide the height of the door in equal sections.

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

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

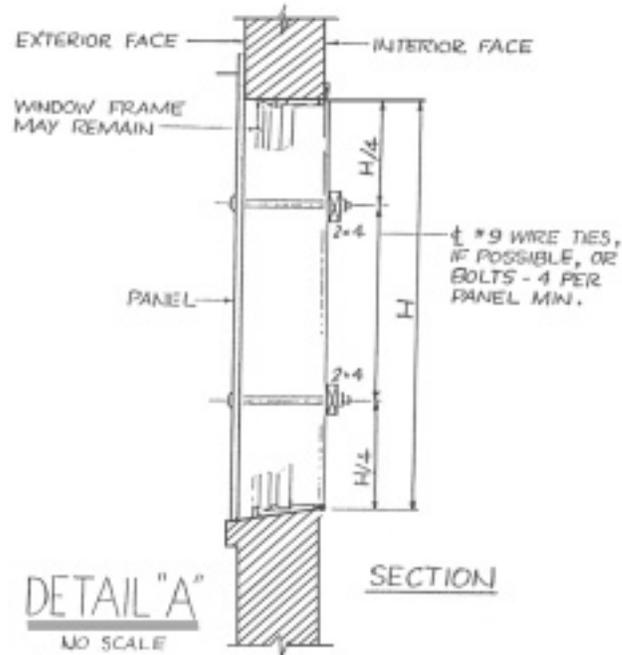
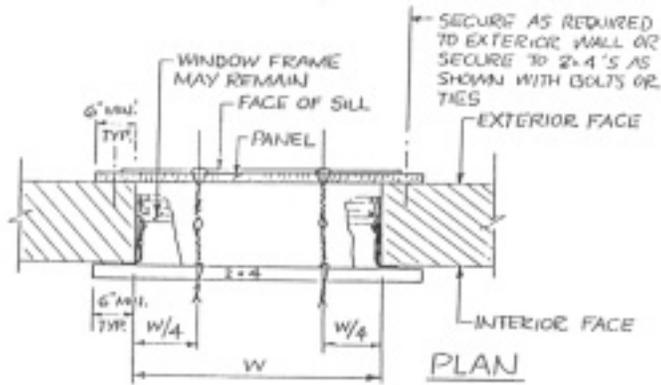
(2) Roof skylights shall be secured by constructing a frame which encloses all sides of the skylight. The frame shall be constructed using new grade one (1) two (2) x four (4) inch single bottom plate and double top plate with wood or metal studs every sixteen (16) inches on center. Bottom plates shall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

(3) Public hall roof bulkheads shall be sealed as follows: Windows of bulkheads shall be removed and sealed with concrete blocks or stucco on plywood as provided in this section. Doors of bulkheads may be secured shut if the frame and door are in a condition whereby the door may be adequately secured. If not in such condition, the door and frame shall be removed and the opening shall be sealed with concrete blocks or stucco on plywood as provided in this section. Openings at top of roof bulkheads shall be sealed by removing the assembly, framing out the opening with new grade one (1) two (2) x eight (8) inch joists on edge, sixteen (16) inches on center and then covered with five-eighth (5/8) inch CDX grade plywood. Such plywood shall then be covered with ninety (90) pound roofing felt secured by one (1) inch roofing nails every twelve (12) inches or roofing cement to provide a watertight durable cover.

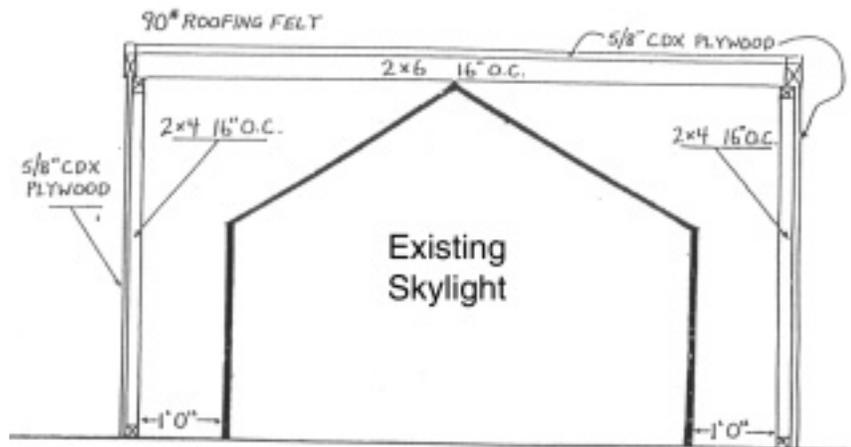
(d) *Notification to Utilities.* Notification shall be made to the steam, electric and gas utility companies which provide service to the buildings to request discontinuance of service to the buildings. In addition, water service to the building shall be discontinued and certification to that effect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

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

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



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



Detail "B"  
Enclosure For Roof Skylights

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

#### *(a) Submission of Request.*

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

#### *(b) Verification of Ownership Interest.*

(1) The General Counsel's Office reviews the form to verify an ownership or leasehold interest in the premises. The person seeking to obtain access must provide the General Counsel's Office with some identification including a photograph (e.g. driver's license, passport) and whatever document establishes the person's ownership or leasehold interest in the premises.

Examples of such documents include the following:

- (i) a copy of a recorded deed;
- (ii) a signed lease, along with the owner's name(s), address(es) and telephone number(s);
- (iii) a mortgage agreement;
- (iv) a State certified Certificate of Incorporation;
- (v) signed partnership documents; and
- (vi) any other document deemed acceptable by the Commissioner.

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

#### *(c) Obtaining the Key.*

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

- (i) a copy of Form OP-14 signed by the General Counsel's Office;
- (ii) a copy of the computer index sheet listing the application and violations for the premises;
- (iii) a copy of the vacate order;
- (iv) a copy of all relevant outstanding violations;
- (v) a copy of any relevant work permit issued by the Department of Buildings;
- (vi) a copy of all relevant plans approved by the Department; and
- (vii) any other document deemed necessary by the Commissioner.

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

- (i) have a photograph taken of the person seeking to obtain access, initial the photograph and attach it to the form;
- (ii) obtain a copy of the identification including a photograph (e.g. drivers license, passport) and attach it to the form;
- (iii) indicate on the form reasons for granting access;
- (iv) specify on the form the date by which the keys must be returned;
- (v) sign the form; and
- (vi) give a copy of both sides of the completed form to the person receiving the key.

#### *(d) Returning the key.*

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

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

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

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

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

submitting a written request to the office of the General Counsel.

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

**3-04 Obtaining Access to Keys of Premises Sealed Pursuant to §26-127.2 of the Administrative Code.** (a) *Submission of Request.* Persons wishing to have access to the keys to a premises sealed by the Department of Buildings pursuant to §26-127.2 of the Administrative Code must appear in person at the Executive Offices of the New York City Department of Buildings. At this time they must submit the form, "Request for Access to Premises Sealed for Zoning Violations," with section "A - Ownership Interest" and "B - Statement of Intent" both completed and notarized. Copies of the form are available from the Administrative Enforcement Unit ("AEU") at the Executive Offices of the Department of Buildings.

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

- (i) a copy of a recorded deed;
- (ii) a signed lease, along with the owner's name(s), address(es) and telephone number(s);
- (iii) a mortgage agreement;
- (iv) a State certified Certificate of Incorporation;
- (v) signed partnership documents; and
- (vi) any other document deemed accepted by the Commissioner.

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

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

- (i) Form entitled "Request for Access to Premises Sealed for Zoning Violations," with section A signed by AEU;
- (ii) the sealing order;
- (iii) any other document deemed necessary by the commissioner.

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

- (i) have a photograph taken of the person seeking to obtain access, initial the photograph and attach it to the form;
- (ii) obtain a copy of the identification including a photograph (i.e. driver's license, passport) and attach it to the form;
- (iii) indicate on the form reasons for granting access;
- (iv) specify on the form the date by which the keys must be returned;
- (v) sign the form; and
- (vi) give a copy of both sides of the completed form to the person receiving the key.

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

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

(3) In order to obtain an extension of time for keeping the key, the original person seeking access must appear in

person at the AEU with the key and a notarized letter stating the reason for this request and, if accepted, will note the new return date on the original form and initial the change. The notarized letter will be attached to the original form.

## CHAPTER 4 CERTIFICATES OF OCCUPANCY, LIVE LOADS AND OCCUPANCY LOADS

### §4-01 Posting Requirements.

- (a) A copy of the Certificate of Occupancy indicating the live loads and occupant loads shall be posted within every building for which a Certificate of Occupancy has been issued, except in one and two-family dwellings, and such posted Certificate of Occupancy shall be deemed in full compliance with §27-225 of the Administrative Code. In a commercial or industrial structure for which no Certificate of Occupancy was issued, a sign shall be posted and maintained in a conspicuous place on each floor stating the live loads.
- (b) The copy of the Certificate of Occupancy shall be posted in the main entrance hall or lobby leading to the elevator of each building when there are elevators and to the main entrance hall to the stairs when there are no elevators and shall be posted near the main entrance door when there is no entrance hall to stairs or elevators.
- (c) The Certificate of Occupancy shall be posted in a frame having a size sufficient to accommodate properly the Certificate of Occupancy.
- (d) The frame shall be faced with glass or other transparent facing which will permit the Certificate of Occupancy to be read without difficulty.
- (e) Frames shall be constructed of corrosion resistant metal or durable [*sic*] impact and flame resistant plastic.
- (f) Frames shall be constructed in such manner as to prevent removal of the facing or the Certificate of Occupancy, without the use of special tools.
- (g) Certificates shall be placed in such location as to be readily available to interested persons, and the bottom of the frame shall be located between 54 to 66 inches above the floor.
- (h) Sufficient lighting shall be provided to make the Certificate of Occupancy legible at all times when the building is occupied.
- (i) In place of posting the Certificate of Occupancy in a location specified under §4-01(b), it may be located as specified in this rule but only in those buildings where there is a resident caretaker or superintendent on the premises or where there is a building manager on the premises and where such caretakers, superintendents or managers or their assistants are present in the building at all times when the building is occupied. In such buildings, the Certificate of Occupancy may be posted within the entrance hall of the apartment or office of the caretaker or superintendent or inside the entrance to an office of a building manager. The Certificate of Occupancy shall be posted in such locations in the manner specified by the foregoing rules.
- (j) A diagrammatic plan approved by the Department of Buildings, as required by §27-564 of the Administrative Code, shall be posted in accordance with the requirements for a Certificate of Occupancy indicated in these rules showing:
  - (1) the weight of any piece of machinery or equipment weighing more than 1,000 pounds and its identifying description and location.
  - (2) the maximum design wheel load and the total maximum weight of any vehicle that may be brought into the building.
  - (3) the equivalent uniform partition loads, or in lieu of this, a statement to the effect that the design was predicated on actual partition loads.

A diagrammatic key plan shall not be required where the above information is clearly noted on the posted Certificate of Occupancy.

Section 4-01(j) shall not apply to any structure or portion thereof erected and altered in compliance with any code in effect prior to December 6, 1968. Notice of the permitted floor loads in such buildings shall be posted as required by the former code.

## CHAPTER 5 CONCRETE

### §5-01 Conveyance by Pumping Methods.

- (a) *Specified Compressive Strength.*  
The specified compressive strength  $f'_c$ , of concrete conveyed by pumping methods shall not exceed 5,000 pounds per square inch.
- (b) *Mix Proportioning.*
  - (1) All controlled concrete to be pumped shall:
  - (i) Comply with all provisions of §27-605: Mixes

(ii) [sic] Normal and Heavyweight Concrete to [sic] be proportioned in accordance with ACI 211.1-74, utilizing Table 1. Volume of Coarse Aggregate per Unit of Volume of Concrete<sup>1</sup>

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

1. Values established at Median-Point (reduced 5%). See footnote Table 5.3.6 ACI 211.1-74.

2. The type and gradation [sic] of the course aggregate, delivery system and job conditions may require these values to be varied. However in no event shall the variations exceed the maximum allowance noted in ACI 211.1-74 Table 5.3.6.

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

**Table 2. Volume of Coarse Lightweight Aggregate per Cubic Yard of Concrete<sup>1</sup>**

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

Notes:

<sup>1</sup> Volumes are based upon lightweight aggregate at a total moisture content of 8 percent in loose conditions as described in ASTM C29.

<sup>2</sup> These values may be increased based upon the type, gradation [sic] and moisture content of the aggregates, delivery system and job conditions.

(2) (i) The type, gradation [sic] and moisture content of the aggregate delivery system and job conditions may affect the slump necessary at the mixer for the proper conveying of the concrete. For these reasons in addition to the recommended mix established from the preliminary trial mix data obtained in accordance with §27-605(a)(2), two alternate mixes also shall be recommended. These alternate mixes shall be based upon the water cement ratio curve in the preliminary test data to produce concrete having slumps greater than the maximum specified in §27-605(a)(2) in increments of 1-inch for concrete manufactured with gravel or stone aggregate but [sic] not to exceed 8 inches or increments of 2 inches for concrete manufactured with lightweight aggregates but not to exceed 9 inches.

(ii) It shall be permissible to use these mixes interchangeably during the course of the work, providing the slump at [sic] the mixer is equal to or less than that provided for the applicable recommended mix.

(iii) The recommended preliminary trial mix shall indicate the design unit weight in lbs. per cu. ft. of the fresh concrete and the estimated air dry unit weight at 56 days.

(c) *Testing and inspection of controlled concrete.*

(1) Those samples of concrete for test purposes required by RS-10-3, §4.3.1. which are designated to be "taken out of the bucket, hopper or forms" shall be obtained by passing a receptacle completely through the discharge stream of the delivery line or by completely diverting the discharge into a container. Transport the sample concrete to the place where fresh concrete tests of slump, air content, temperature and unit weight are to be performed and where specimens for strength tests are to be molded in accordance with RS-10-51 and RS 10-52 as directed by the Architect or Engineer designated for controlled concrete inspection. Each of the foregoing three (3) test cylinders per one hundred and fifty (150) cubic yards required under §4.3.1 of RS 10-3 shall be taken from a different delivery vehicle.

(2) Where the concrete is discharged directly into the forms by pumping methods the slump taken at the end of the delivery line shall be used to determine conformance with the slump specified for the work.

(3) The results of tests of samples taken at the end of the pump delivery line shall be shown on the same report with corresponding tests of samples taken from the same batch at the mixer.

(4) (i) Included in the duties of the on-site inspector as provided by §27-607 shall be:

(A) That water is added only to the mixer or under the following circumstances to the hopper of the pump: When a portion of the concrete is discharged from the mixer into the pump hopper at a slump below that specified in the preliminary trial mix and too low for pumpability, water may be added to this concrete in the pump hopper

to bring it to the specified slump provided all pumping action is stopped. Before pumping is resumed the concrete in the hopper must be thoroughly re-mixed for a minimum period of 2 minutes after all of the water has been added. If the concrete cannot be properly re-mixed it shall be removed from the hopper and discarded. The balance of the batch in the mixer shall be adjusted to the specified slump before further discharge.

(B) Examination of the conveying line for leakage of cementitious material.

(C) Verify that no aluminum pipe is used.

(ii) Included in the duties of the batch plant inspector as provided for in §27-605(a).

(5) A.B., shall be:

(i) To make adjustments for variations in fineness modulus of the fine aggregate as per ASTM C 33, Section 3.4. When the difference of fineness modulus of the fine aggregate is more than 0.2 for each 0.2:

(A) Below the Design Fineness Modulus deduct 50 lbs. from the dry batch weight of the fine aggregates and add 50 lbs. for normal weight (20 lbs. lightweight) to the dry batch weight of the coarse aggregates.

(B) Above the Design Fineness Modulus add 50 lbs. to the dry batch weight of the fine aggregate and deduct 50 lbs. for normal weight (20 lbs. lightweight) from the dry batch weight of the coarse aggregates.

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

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

(d) *Job Practices.*

(1) Slump shall be maintained as uniformly as possible from batch to batch in conformance with the specified slump.

(2) Delivery systems shall be in good condition. No dented or worn thin section shall be used.

(3) All connections shall have clean grooves, be equipped with gaskets and securely coupled except at the end of the system where sections are being reconnected gaskets may be omitted.

(4) All vertical risers shall be straight and firmly secured. Pipe bends shall also be restrained against movement caused by the pumping action.

(5) Clean out procedures shall assure that there is no uncontrolled ejection of concrete or clean out devices at the end of the delivery line. If pressure water is used for cleanout, care shall be taken that the water is not deposited into the form.

(6) Care shall be taken that portland cement and sand slurry used to prime the delivery line shall not be deposited in the form without the approval of the architect or engineer designated for Controlled Inspection. All other types of printing liquids shall not be permitted to be placed in the form.

(7) Pumping aids, coloring agents, and all other admixtures shall be permitted only when included in the preliminary trial mix design.

(8) Flexible hose, used in the system shall be handled so as to permit the full flow of the concrete without restriction, reduction of cross sectional area of kinking.

(9) Free hanging, coupling connected sections of flexible delivery line shall have additional restraint between each section across each joint.

(10) Personnel shall avoid standing close to the outlet end of the concrete pump.

(e) *Quality Control.*

(1) The engineer who designed the structure shall specify on his plans, or an amendment thereto, that concrete may be conveyed by pumping.

(2) The placement of concrete by pumping shall be suspended on any project where required test reports are not submitted to the Borough Superintendent within six weeks from the date of placement and sampling.

#### **§5-02 Licensing of Concrete Testing Laboratories.**

(a) *General.* (1) Each laboratory shall have in responsible charge a Director who shall be professionally qualified and who shall personally supervise all technical functions of the laboratory relating to testing of concrete and concrete materials.

Sections 27-605 and 27-607 of the Administrative Code require that a licensed Professional Engineer or a Registered Architect supervise the testing of materials and the inspection of concrete construction.

(2) All technicians shall be qualified to perform all tests they may be required to conduct under the supervision of the Director.

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

*Note:* §502(b)(6) shall also be complied with.

- (4) The laboratory shall furnish to the Department of Buildings a list of all the equipment used to perform tests on concrete and concrete materials.
- (5) The laboratory shall request and have an inspection made of its procedure and equipment by the "Cement and Concrete Reference Laboratory" whenever the "Cement and Concrete Reference Laboratory" is inspecting laboratories in this area on its cyclical tour of inspection. These inspections shall be made at the cost and expense of the laboratory seeking a license. A copy of the inspection report shall be promptly submitted to the Department of Buildings.
- (6) The laboratory shall correct within 10 days any condition ordered by the Department of Buildings which in its judgement may adversely affect the results of any test.
- (7) A license shall be issued to each applicant upon proof of compliance with these rules and upon payment of a fee of one hundred dollars (\$100).
- (8) The annual renewal fee shall be fifty dollars (\$50).
- (9) A violation of any of these rules or the falsifying or misrepresentation of any fact in any required report shall constitute cause for revocation or suspension of the license by the Commissioner, after a hearing upon prior notice of at least ten calendar days. However, notwithstanding the foregoing, when the public safety may be imminently jeopardized or when false report has been made, the Commissioner shall have the power, pending a hearing and determination of charges, to forthwith suspend the license for a period not exceeding five working days. The presence of batch tickets at a plant filled in on any day other than the day the specific batch is to be delivered to the construction site, whether signed or unsigned, shall constitute a false report.
- (10) All reports submitted by the laboratory shall bear its name and its license number.
- (11) Renewal of licenses or certificates of qualification, heretofore issued, and issuance of new licenses shall be conditioned upon and subject to the provisions of §§26-131 through 26-139 and 26-200 through 26-204 of the Administrative Code.
- (12) The laboratory shall display a copy of its license on its premises.
- (13) The Director shall furnish all of his employees an identification card with a photograph of the employee affixed thereto.
- (14) The Director shall maintain a daily record of the activities of all of his employees, indicating the time of departure to and return from batch plant or construction site inspections, the construction project to which the employee is assigned, and the batch plant visited. This record shall be maintained for 2 years and shall be made available to the department personnel.

(b) *Personnel.*

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

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

(d) *Tests.*

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

- |        |   |
|--------|---|
| C29-78 | Test for Unit Weight and Voids in Aggregate.                            |
| C31-85 | Methods of Making and Curing Concrete Test Specimens in the Field.      |
| C39-84 | Test Method for Compressive Strength of Cylindrical Concrete Specimens. |
| C40-84 | Test Method for Organic Impurities in Fine Aggregates for Concrete.     |

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

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

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

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

- (f) *Equipment.* The laboratory shall provide and maintain in proper working condition the following equipment as a minimum requirement:
- (1) Necessary for concrete mix designs:
    - (i) Concrete mixer
      - (A) 1 1/2 cubic foot capacity
      - (B) 3 1/2 cubic foot total drum volume
    - (ii) Slump cone 8-inches in diameter at the base and 4-inches at the top of a height of 12-inches and conforming to A.S.T.M. C143.
    - (iii) A tamping rod consisting of a round, straight steel rod 5/8-inch in diameter.
    - (iv) Cylindrical metal measures of 1/2 cubic foot and a cubic foot capacity conforming to the requirements of A.S.T.M. C138.
    - (v) A sturdy, flat plate about 15-inches square for striking off the concrete in the measure.
    - (vi) Appropriate air meter.
    - (vii) Necessary scoops, wood floats, trowels.
    - (viii) A balance or scale sensitive to 0.1 pound, having a capacity of not less than 100 pounds.
  - (1) Necessary equipment for preparation of concrete test cylinders:
    - (i) for compression tests:
      - (A) Capping plates for cement or plaster caps. Plate glass at least 1/4-inch thick, or machined metal plates at least 1/2-inch thick or polished stone plates of suitable materials, such as granite or diabase and at least 3-inches thick. A capping plate shall be at least 1-inch greater in diameter than the specimen.
      - (B) Capping plates for use with mixtures of sulphur and granular materials, or similar materials and dimensions, recessed to retain the molten mixture.
      - (C) The surface of any capping plate shall not depart from a plane by more than .002-inch in the diameter of the specimen.
      - (D) Straight edge and feeler gauges to check planeness of capping plates and caps.
      - (E) Calipers and rule for checking size of cylinders.
      - (F) Controlled temperature melting pot if sulphur mixtures are to be used. Mixing pans, scoops, spoons, trowels, spatulas, etc., if cement or plaster caps, are to be used.
      - (G) Appropriate grinding equipment may be substituted for the capping equipment.
    - (ii) Materials Required:
      - (A) For cement or plaster caps, any of the following:
        - Type I Portland Cement
        - High Alumina Cement (Lumnite)
        - Type III Portland Cement
        - High strength gypsum plasters such as: Hydrostone and Hydrocal White
        - (Note: Plaster of Paris is not satisfactory).
      - (B) For sulphur caps either of the following:
        - Laboratory prepared mixtures of sulphur and granular materials
        - Proprietary mixtures such as: Vitroband, Leadite, Cylcap, etc.
        - (Note: See A.S.T.M. C1982 for limitations of various type caps).
  - (3) Necessary for analysis of fine and coarse aggregates:
    - (i) Square or round mesh sieves, Pan Nos. 200, 100, 50, 30, 16, 8, 4, 1/4-inch, 3/8-inch, 1/2-inch, 3/4-inch, 1-inch, 1 1/2-inches, 2-inches, 3-inches, 3 1/2-inches, No. 12.
    - (ii) Sieve shaking equipment.
    - (iii) Scales:
      - (A) Gram scale sensitive to at least 0.1 gram.
      - (B) Gram scale with at least 5,000 gram capacity and sensitive to 1 gram.
      - (C) Pound scale sensitive to 1/4-ounce.
      - (D) Steel brush to brush sieves.
      - (E) Oven-heat continuously between 221 degrees and 230 degrees F.
      - (F) Containers for holding solutions.
      - (G) Perforated containers for immersing aggregates in solutions - wire baskets.
      - (H) Calibrated Volumetric (milliliters) graduate, 500 milliliters capacity.
      - (I) Conical metal mold 1 1/2-inches diameter at top, 3 1/2-inches diameter at bottom, 2 7/8-inches high.
      - (J) Tamping rod - 12-ounces, having a flat circular tamping face 1-inch in diameter.
      - (K) Tamping rod - 5/8-inch diameter, 24-inches length.
      - (L) Cubic foot cylindrical measure either 1/2 cubic foot, 1/4 cubic foot, 1/3 cubic foot, 1/10 cubic foot or 1 cubic foot.
      - (M) 500 milliliters flask.
      - (N) Thermometer - heats over 100 degrees C.
  - (4) Necessary for field testing and inspection:
    - (i) Thermometer, 0 degrees-200 degrees F.

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

### **§5-03 Approval of Prequalified Concrete Mixes.**

- (a) *Source of concrete.*  
Concrete proportioned according to prequalified mixes shall be produced only from batch plants, approved by the Commissioner pursuant to rules and regulations of the department.
- (b) *Mix designs not previously accepted.*  
Each concrete producer or group of producers seeking approval of mix designs that have not been previously accepted by the Department shall file an application with the M.E.A. Division, Department of Buildings at the address provided in the City's website, <http://www.nyc.gov>. and shall furnish the following:
  - (1) A compilation of the proposed mix designs listing the batch weights, types of aggregates and other ingredients together with a numbering system that will provide identification of each mix for testing and recording purposes. Each compilation shall contain a title sheet upon which a master list of all the mixes shall be

designated. Opposite each mix a space shall be provided for the signature of the examiner and the date of the approval of that particular mix.

When a mix has been approved for use as a "PREQUALIFIED MIX", the examiner shall affix his signature and the date in the space provided, and then he shall affix the approval stamp of the Commissioner of Buildings.

(2) For each mix utilizing a different combination of aggregates, admixtures, cement type, water-cement ratio, etc., a report of preliminary trials made by a testing laboratory licensed under §26-200 together with an attestation by the Architect or Engineer who supervised the making of the preliminary tests.

The laboratory report shall include the following information:

(i) *Fine and coarse aggregate.*

Type (natural or manufactured sand, gravel, stone, etc.).

Weight per. cu. ft. dry rodded.

Specific gravity.

Percentage of voids.

Percentage of absorption.

Fineness modulus (see ASTM Definitions C125).

Gradation and comparison to ASTM C-33; also size of coarse aggregate.

(ii) Cement-type.

(iii) Batch weights.

(iv) Admixtures-type and amount.

(v) Test results of each particular mix design being submitted for approval. Separate tests shall be made for each compressive strength.

(vi) Attestation of the Architect or Engineer engaged by the producer or producers to supervise the tests.

(vii) Board of Standards and Appeals Cal. No. for items requiring Board approval, such as lightweight aggregate admixtures, etc.

(viii) Such other information required by §§27-605(a) (1), (2) and(3).

(3) Each concrete producer or group of producers that submits for approval the information required hereabove, shall be assigned an application number which is to be known as the "PREQUALIFIED MIX REFERENCE NUMBER". This REFERENCE NUMBER shall be valid only for the calendar year for which it is issued. All applications shall be submitted before November 1 of each year for review and for prequalification for the calendar year next following.

When the concrete proposed for use is to be produced using the mix designs from a summary compilation that has been approved, the architect or engineer who has been retained to make or supervise the Controlled Inspection shall verify that the mixes have been approved as "PREQUALIFIED MIXES" and shall file a statement for each project setting forth the PREQUALIFIED MIX REFERENCE NUMBER from which the concrete mix proportions are to be selected.

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

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

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

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

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

#### **§5-04 Approval of Concrete Production Facilities.**

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

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

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

forms furnished by the department.

- (d) The concrete producer shall engage a Licensed Professional Engineer, not in his regular employ, to inspect the batching facilities. This inspection shall be made at the cost and expense of the concrete producer seeking plant approval. A copy of the verification of the inspection shall be submitted with the application for plant approval on forms furnished by the department.
- (e) The applicant shall follow inspection procedures and complete the check list on forms furnished by the department which shall accompany the application for plant approval.
- (f) The concrete producer shall promptly correct any objection made by the department which in its judgement it deems may adversely affect the quality of the concrete being placed. Should the department find any objection because of the producer's failure to meet the necessary standards for plant approval, corrections shall be made within 30 working days after the receipt, by the producer, of a written notice from the department.
- (g) Approval of plant facilities shall be fully reviewed every two years upon a renewal submission for approval by the concrete producer provided the plant is not relocated during the two-year period.
- (h) If a concrete plant is relocated from the location as filed on the original application form after initial approval is received, a new submission shall be required.
- (i) During the two-year approval period, if any equipment is changed, added to, modified or moved within the same premises as originally filed, notification will be sent to the Commissioner of Buildings, Materials and Equipment Acceptance Division at the address provided in the City's website, <http://www.nyc.gov>. Accompanying said notification shall be an amendment to the application verified by an affidavit from a professional engineer not in the regular employ of the concrete producer stating that the modification meets all requirements of the check list.
- (j) The concrete producer shall be required to produce concrete in accordance with all applicable provisions of the Building Code and all pertinent reference standards referred to therein.
- (k) The concrete producer shall be required to submit attestations and certifications specified in §§27-605 and 27-606 promptly for the appropriate type of concrete for each construction project. Where automated batching equipment is used, the tapes recording the batched weights shall be available for inspection for a period of two years.
- (l) Concrete produced for the construction of buildings subject to controlled inspection of concrete shall not be batched and delivered to the construction site unless a person designated for batch plant inspection is present at the plant. However, it shall be permissible to deliver the concrete in the absence of the person designated for inspection when there are extenuating circumstances, provided the design architect or engineer and the architect or engineer designated for control inspections are notified promptly by phone with a follow-up letter. The follow-up letter shall indicate the circumstances under which the uninspected concrete was shipped and shall supply all necessary facts such as the times and dates and volume of concrete batched and delivered, the design strength and mix proportions, and the application number, location, and contractor that the concrete is being delivered to. Similarly, the appropriate Borough Superintendent's office is to be promptly notified by phone with a follow-up letter together with copies of the other required notification letters.
- (m) Approval shall be for a period of two years. However, temporary approval of batch plants may be authorized at the discretion of the Commissioner for a period of ninety days, provided an application for approval with necessary information furnished on appropriate forms is filed, and provided the application is otherwise acceptable in other respects. Temporary approvals may be renewed for additional ninety day periods, at the discretion of the Commissioner.
- (n) Concrete producers shall be required to permit complete plant inspections by department personnel periodically.
- (o) A copy of the batch plant approval will be forwarded to the owner of each facility and shall be posted in a conspicuous place at the plant.
- (p) A violation of any of these rules or the falsifying or misrepresentation of any fact in the application or in any report shall constitute cause for revocation or suspension of any approval by the Commissioner, after a hearing upon prior notice of at least ten calendar days. For temporary approvals, the falsifying or misrepresentation of any fact in the application or in any report shall be cause for immediate revocation of such temporary approval by the Commissioner. However, notwithstanding the foregoing, when the public safety may be imminently jeopardized, or when a false report has been made, the Commissioner shall have the power, pending a hearing and determination of charges, to forthwith suspend any approval for a period not exceeding five calendar days.

## CHAPTER 6 CRANES

### §6-01 Erection and Dismantling of Climber/Tower Cranes.

An Erection and Dismantling Plan and Procedure for Climber/Tower Cranes, other than truck and crawler mounted tower cranes; shall be submitted to the Crane and Derrick Division of the Department of Buildings by a

Licensed Professional Engineer or Registered Architect for the erection of any such Climber/Tower Cranes.

The procedure and plan submitted shall include the following:

- (a) Identification of the equipment used; including all machines used in the erection or dismantling.
- (b) A detailed identification of the assemblies and sub-assemblies for the erection and dismantling of the equipment.
- (c) Location of the equipment, sidewalk sheds (or Department of Transportation street closing permits, if applicable), surrounding buildings, protection for their roofs and the pick-up points and loads and radius of swing of all loads. In addition, the safe load from the approved load radius chart shall be submitted for lift radius.
- (d) A weight list of all assemblies and sub-assemblies that are to be lifted. Components are to be clearly marked with their weight painted on the assembly or stamped on metal tags attached to the assembly.
- (e) The center of gravity of all unsymmetrical components shall be located and shown.
- (f) The manufacturer of the Climber/Tower Crane shall certify as to the weight of assemblies and sub-assemblies. Alternately the Professional Engineer or Registered Architect applicant shall certify an erection or dismantling weight list with indication how such weights were determined.
- (g) The approved Erection and Dismantling procedure and sequence with weights of assemblies and sub-assemblies, shall be given to the operator of the crane or derrick and to the rigger prior to commencement of the work.
- (h) All accepted or approved installed safety devices on a crane involved in the erection or dismantling procedure shall be calibrated within the preceding three months. The certification of the calibration shall be submitted to the Crane and Derricks Division. The safety devices of the Climber/Tower Crane shall be checked as a part of the inspection procedure.
- (i) A time schedule including date and time of day that the erection or dismantling is to take place. Erection or dismantling shall not be conducted prior to sunrise, or subsequent to sunset, and shall be limited by §24-224, of the Administrative (Air Pollution) Code.
- (j) No Climber/Tower Crane shall be erected, operated, or disassembled in any roadway, sidewalk, or street unless a permit is first obtained from the Bureau of Highways of the NYCDOT.
- (k) The Licensed Master Rigger or [*sic*] Licensed Climber/Tower Rigger, and the Site Safety Coordinators shall be present at the job site during erection and dismantling. Their names as well as the company performing the work, shall be included in the data submitted.
- (l) Cranes used to erect or dismantle Climber/Tower Cranes or Derricks located either within the lot line or on the street shall be indicated; and continue to be subject to the on-site inspection permit Buildings Notice procedures but such application shall be submitted to the Cranes and Derricks Division.
- (m) A load radius chart approved by the Cranes and [*sic*] Derricks Division of the Buildings Department shall be posted in the cabin of crane.

## CHAPTER 8 DEMOLITION

### §8-01 Commencement of Demolition. (a) *Definition.*

- (1) *Commencement of demolition.* Commencement of demolition shall mean the removal of partitions, ceilings, flooring, windows, piping and fixtures for plumbing and heating or any component parts of a vacant building or structure to be demolished. The removal of interior wood doors shall not be considered commencement of demolition.
- (2) *Heavy duty and light duty sidewalk sheds.* A sidewalk shed is for heavy duty use or light duty use.
  - (i) A heavy duty sidewalk shed is designed to carry a live load of at least 300 pounds per square foot (psf). Live load, including storage of materials, shall not exceed 300 psf unless the sidewalk shed is designed to carry a live load greater than 300 psf, and an application for a permit thereof is filed by a licensed architect or engineer and approved by the Department.
  - (ii) A light duty sidewalk shed is designed to carry a live load of at least 150 pounds per square foot. Storage of materials of any kind is not permitted on light duty sheds.
- (b) No demolition of a building or structure shall commence until a complete application has been filed and a permit has been obtained from the Department of Buildings.
- (c) Prior to filing of an application for a demolition permit, the applicant must submit a pre-demolition report to the Department and obtain a pre-demolition inspection and

sign-off by the Department.

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

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

(2) Where a sidewalk shed is erected, the sign shall also state whether it is a heavy duty sidewalk shed or light duty sidewalk shed. If the shed is for light duty use, the sign shall include the statement that storage is not permitted on the shed.

(3) After a demolition permit is obtained, the sign shall also contain a copy of the approved demolition permit.

(4) The sign shall be posted prior to the commencement of demolition, shall measure 25 square feet and the lettering shall be block lettering with a minimum height of three inches. The sign shall be posted upon the wall or fence or shed and shall be of contrasting color from the background. No sign shall be required when the building to be demolished does not exceed 15 feet in height. The sign must be in place 24 hours prior to commencement of any demolition activity and remain visible at the site until all work is completed.

(5) Other than as set forth above and in 1 RCNY §27-03, there shall be no other information, pictorial representations, or any business or advertising messages posted on the sidewalk shed or bridge or other structure listed in §26-252(a) of the Administrative Code which is erected at the demolition site.

(e) Requirements for demolition permits.

(1) A complete application shall be filed with the Department, along with all the necessary reports and certifications.

(2) The building or structure, or affected part thereof, shall be vacant and unoccupied.

(3) All gas, electric, water, steam or other supply lines shall be disconnected and certifications by the respective utility companies or agency to that effect are to be filed pursuant to Administrative Code §27-168. Where the use of electricity or water is required during demolition, such electric or water lines as are necessary may be maintained provided they are protected as required by the Departments of Building and Environmental Protection; provided further that the consent of the utility company is filed for the maintenance of the electric service and a certification is filed from the Bureau of Water Supply of the Department of Environment Protection that a permit for the use of water in the demolition has been issued.

(4) The building or structure shall be treated effectively for the extermination of rats and a certification shall be filed to that effect by a licensed exterminator or the Health Department.

(5) Where a sidewalk shed is required a permit for its erection shall be obtained and the sidewalk shed erected in accordance with Administrative Code §27-1021.

(6) Where renewal for an application for a sidewalk shed or other protective structure listed in §26-252(a) of the Administrative Code of the City of New York and pursuant to §27-1021 of the Administrative Code is required, such application must be signed by the owner of the affected property.

(7) A permit will not be issued if the applicant demolition contractor has outstanding violations of the Building Code on other demolition jobs where such applicant (i) has failed to respond to notices of violation of an administrative tribunal issued for such violations within the time required by law and has failed to cure such default and/or (ii) has failed to appear on the return date or dates or any

subsequent return date or dates of any summonses issued in a criminal proceeding for such violations and has failed to remedy such non-appearance and/or (iii) has failed to comply with orders to correct such violations and/or (iv) has failed to certify such correction to the department within the time required by law and has failed to remedy such non-compliance.

## CHAPTER 9 RIGGING OPERATIONS

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

(b) *Definitions.*

**Rigging Foreman.** "Rigging Foreman" shall mean an individual, male or female, designated by a licensed master or special rigger in accordance with subdivision i of this section. Such person shall have the qualifications set forth in subdivision h of this section.

**Critical Picks.** "Critical Picks" shall mean rigging operations involving loads that:

- (i) are at or above 95% of approved rated capacity of the crane or rigging equipment,
- (ii) are asymmetrical or have a wind sail area exceeding 500 square feet,
- (iii) may present a problem because of clearance, drift, or other interference,
- (iv) are fragile or of thin shell construction and are not provided with standard rigging ears,
- (v) require multiple cranes or derricks (tandem picks), or
- (vi) require out of the ordinary rigging equipment, methods or setup.

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

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

- (1) the licensee and the rigging foreman at the work site are in frequent and direct contact with each other during the course of the rigging operation,
  - (2) for work involving the use of cranes, derricks, work platforms, suspension scaffolds or other rigging setup where the safe founding or support of such equipment is a cause of concern (i.e. over sidewalks, roadways or yards where vaults or other subsurface structures exist; or where hooks or clamps are used on parapet walls to support hanging scaffolds, etc.) the licensee personally visits the work site to inspect and approve the rigging equipment founding and setup prior to commencement of rigging operations and each time the founding or support changes,
  - (3) the licensee is readily available to provide on site supervision should the [sic] need arise, and
  - (4) the rigging foreman has in his or her possession at the work site the "Certificate of License Record" of the licensee (tear-off) issued by the Department, which shall be presented upon the demand of any enforcement officer.
- (e) *Supervision of critical picks.* The licensee must be continuously on site during critical picks and must personally perform or personally supervise all critical picks. Off site supervision of critical picks is not permitted.
- (f) *Rigging Crew.* Except as otherwise provided in subdivision (g) of this section, all members of the rigging crew must be employees on the payroll of such licensee or where the license is used by the holder thereof for or on a behalf of a partnership, corporation or other business association as provided for in section 26-138(b) of the Administrative Code such members must be employees on the payroll of such

partnership, corporation or business association.

- (g) *Specially Crew.* Except as otherwise provided in this subdivision and except as provided for in section 26-138(b) of the Administration Code, the licensee and/or a rigging foreman designated by a licensee may not perform or supervise rigging work for another person, corporation, partnership or business association. Where rigging work is best handled by or requires crews of a specialty trade (e.g. handling hazardous materials or chemicals such as asbestos, or climbing, erecting or dismantling tower cranes) the licensee and/or a rigging foreman designated by such licensee may perform or supervise work on behalf of a person, partnership, corporation or business association engaged in such specialty trade, subject to the following conditions:
- (1) the Cranes and Derricks Division of the department must approve the licensee's written request for such proposed rigging operation,
  - (2) the licensee must either plan the equipment setup and operation or be an active participant of the planning team,
  - (3) for loads of one thousand two hundred pounds or more and for all critical picks, the licensee must provide continuous on site personal supervision to the rigging crew,
  - (4) for loads below one thousand two hundred pounds which are not critical picks, the licensee need not be on site if a rigging foreman designated by such licensee is continuously on site.[sic] He or she manages the work under the off site supervision of the licensee in accordance with the conditions set forth in items (1), (2), (3), and (4) of subdivision (d) of this section,
  - (5) the licensee and/or his or her designated rigging foreman must have full authority to examine rigging hardware, to approve rigging setups, to mandate changes and to stop the job,
  - (6) the licensee is responsible for all aspects of rigging safety on the job, and
  - (7) the licensee shall confirm that members of the specialty crew are insured to the minimum requirements specified in section 26-178 of the code and are covered by worker's compensation by the specialty crew's employer.
- (h) *Qualifications for designation as a rigging foreman.* (1) An individual designated as a rigging foreman by a licensed special or master rigger shall:
- (i) be an employee on the payroll and covered by the worker's compensation insurance of the licensee or the business association of the licensee,
  - (ii) be at least 18 years of age,
  - (iii) be able to read and write English,
  - (iv) be able to identify critical picks,
  - (v) be familiar with the relevant sections of the Building Code, OSHA safety standards and industry safety practices,
  - (vi) have been trained to react properly to mechanical malfunctions or adverse weather, and
  - (vii) be able to evaluate the fitness of the rigging crew, including, where applicable, the issuance of a certificate of fitness pursuant to section 9-03 of this chapter.
- (2) An individual designated as a rigging foreman by a licensed special rigger shall, in addition to the qualifications set forth in paragraph one of this subdivision, have the following additional qualifications:
- (i) have at least 1 year's practical experience in the hoisting and rigging business, and
  - (ii) be able to explain the risks incident to such business and precautions to be taken in connection therewith.
- (3) an individual designated as a rigging foreman by a licensed master rigger shall, in addition to the qualifications set forth in paragraph one of this subdivision, have the following additional qualifications:
- (i) have at least 5 years practical experience in the hoisting and rigging business, and
  - (ii) be knowledgeable about and be able to explain the risks incident to the following, where applicable to the particular job:

- (A) rigging operations and precautions to be taken in connection therewith,
  - (B) safe loads and computation thereof,
  - (C) types and methods of rigging, and
  - (D) pertinent hardware such as ropes, cables, blocks, poles, derricks, sheerlegs and other tools used in connection with rigging operations.
- (i) *Designation of a Rigging Foreman.* Designation shall consist of the filing of written notification with the Department's Licensing Division of the following information:
    - (1) A list of all rigging foreman employed by the licensee or the business association of the licensee. Each rigging foreman's full name, home address, and home phone number shall be included on the list.
    - (2) The notification shall be signed by the licensee, shall contain his or her license number and shall be on the business letterhead of the licensee or of the business association of the licensee. The notification shall contain a representation by the licensee that all of the rigging foreman designated by him or her have the qualifications specified in subdivision h of this section.
    - (3) The list must be updated within two weeks of any change in the reported information relating to designated individuals or within two weeks of the termination of a designation by the filing of a new notification listing all rigging foreman designated by the licensee. The new notification shall contain the information set forth in items (1) and (2) above. The new list will supersede any earlier filed notification.
  - (j) *Photo Identification Card.* The licensee shall issue a photo identification card (see Exhibit 1) to each rigging foreman designated by him or her with the licensee's signature affixed thereto. Such card shall be carried by the rigging foreman at all times while he or she is engaged in any of the duties requiring such designation and shall be presented upon the demand of any authorized enforcement officer. It shall be the responsibility of the licensee to retrieve the identification card when such designation is terminated. A designation shall be terminated by the licensee if (1) the person leaves the employ of the licensee or business association of the licensee, (2) the licensee finds that the designee is not competently performing his or her duties or, (3) the licensee finds that the designee has acted in an unsafe or irresponsible manner in performing his or her duties.
  - (k) *Responsibility.* The designation of one or more rigging foreman shall not affect the licensee's and/or business association's responsibility or liability for all aspects of rigging safety including but not limited to the actions of rigging foreman, rigging crews and specialty crews, if any.
  - (l) *Failure to comply with rules.* If these rules are not complied with the Department may order that rigging operations stop, commence disciplinary action against the licensee and/or commence proceedings for the impositions of fines or civil penalties.

**§9-02 Supervisory Responsibilities of a Licensed Master or Special Sign Hanger.** (a) *Applicability.* In accordance with section 26-182 of the Administrative Code, all sign hanging work, other than work exempted under section 26-184 of such code, must be performed by or under the supervision of a licensed sign hanger. The rules in this section set forth the specific supervisory responsibilities of a licensed special or master sign hanger.

(b) *Definitions.*

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

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

- (i) are at or above 95% of approved rated capacity of the crane or rigging equipment,
  - (ii) are asymmetrical or have a wind sail area exceeding 1500 square feet,
  - (iii) may present a problem because of clearance, drift, or other interference,
  - (iv) are fragile or of thin shell construction and are not provided with standard rigging ears,
  - (v) require multiple cranes or derricks (tandem picks), or
  - (vi) require out of the ordinary rigging equipment, methods or setup.
- (c) *Planning.* The licensee must personally plan the equipment set-up and operation of all sign hanging operations. This responsibility may not be delegated.
  - (d) *Supervision of sign hanging operations other than critical picks.* Except as otherwise provided in

subdivision e of this section, a licensee need not be personally on site during sign hanging operations provided that a sign hanging foreman designated by the licensee pursuant to subdivision h of this section is continuously on site and he or she performs and/or manages the work under the off-site supervision of the licensee as follows:

- (1) the licensee and the sign hanging foreman at the work site are in frequent and direct contact with each other during the course of the sign hanging operation,
- (2) for work involving the use of cranes, derricks, work platforms, suspension scaffolds or other rigging setup where the safe founding or support of such equipment is a cause of concern (i.e. over sidewalks, roadways or yards where vaults or other subsurface structures exist; or where hooks or clamps are used on parapet walls to support hanging scaffolds, etc.) the licensee personally visits the work site to inspect and approve the rigging equipment founding and setup prior to commencement of rigging operations and each time the founding or support changes, and
- (3) the licensee is readily available to provide on site supervision should the need arise, and
- (4) The sign hanging foreman has in his or her possession at the work site the "Certificate of License Record" of the licensee (tear off) issued by the Department, which shall be presented upon the demand of any authorized enforcement officer.

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

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

(g) *Qualifications for designation as a sign hanging foreman.* (1) An individual designated as a sign hanging foreman by a licensed special or master sign hanger shall:

- (i) be an employee on the payroll of and covered by the worker compensation insurance of the licensee or the business association of the licensee,
  - (ii) be at least 18 years of age,
  - (iii) be able to read and write English,
  - (iv) be able to identify critical picks,
  - (v) be familiar with the relevant sections of the Building Code, OSHA safety standards and industry safety practices,
  - (vi) have been trained to react properly to mechanical malfunctions or adverse weather,
  - (vii) be able to evaluate the fitness of the sign hanging crew, including where applicable, the issuance of a certificate of fitness pursuant section 9-03 of this chapter,
  - (viii) be able to read plans and specifications relating to sign construction and erection, including supporting framework and other supports,
  - (ix) have a knowledge of the problems and practices of sign construction and hanging, and
  - (x) be familiar with the equipment and tools used in sign installations.
- (2) An individual designated as a sign hanging foreman by a licensed special sign hanger shall, in addition to the qualifications set forth in paragraph one of this subdivision, have at least 3 years practical experience in sign hanging work,
- (3) An individual designated as a sign hanging foreman by a licensed master sign hanger shall, in addition to the qualifications set forth paragraph one of this subdivision, have at least 5 years practical experience in sign hanging work,

(h) *Designation of a Sign Hanging Foreman.* Designation shall consist of the filing of written notification with the Department's Licensing Division of the following information:

- (1) A list of all sign hanging foreman employed by the licensee or by the business association of the licensee. Each sign hanging foreman's full name, home address, and home phone number shall be included on the list.
- (2) The notification shall be signed by the licensee, shall contain his or her license number and shall be on

- the business letterhead of the licensee or of the business association of the licensee. The notification shall contain a representation by the licensee that all of the sign hanging foreman designated by him or her have the qualifications specified in subdivision g of this section.
- (3) The list must be updated within two weeks of any change in the reported information relating to designated individuals or within two weeks of the termination of a designation by the filing of a new notification listing all sign hanging foremen designated by such licensee. The new notification shall be filed in the manner and shall contain the information set forth in items (1) and (2) above. The new list will supersede any earlier filed notification.
- (i) *Photo Identification Card.* The licensee shall issue a photo identification card (see Exhibit 1) to each individual designated by him or her as a sign hanging foremen with the licensee's signature affixed thereto. Such card shall be carried by the sign hanging foremen at all times while he or she is engaged in any of the duties requiring such designation and shall be presented upon the demand of any authorized enforcement officer of the city. It shall be the responsibility of the licensee to retrieve the identification card when such designation is terminated. A designation shall be terminated by the licensee if (1) the person leaves the employ of the licensee or business association of the licensee, (2) the licensee finds that the designee is not competently performing his or her duties or, (3) the licensee finds that the designee has acted in an unsafe or irresponsible manner in performing his or her duties.
- (j) *Responsibility.* The designation of one or more sign hanging foremen shall not affect the licensee's and/or business association's responsibility or liability for all aspects [*sic*] of sign hanging safety including but not limited to the actions of sign hanging foremen and sign hanging crews.
- (k) *Failure to comply with rules.* If these rules are not complied with the Department may order that sign hanging operations stop, commence disciplinary action against the licensee and/or commence proceedings for the imposition of fines or civil penalties.

**§9-03 Minimum Requirements for Individuals Working on Suspension Scaffolds** (a) *Applicability.* In accordance with section 26-172 and 26-182 of the Administrative Code and Subchapter 19 of Chapter 1 of Title 27, "Safety of Public and Property During Construction Operations," the rules in this section establish minimum requirements for all individuals working on or operating suspension scaffolds, either performing construction or alteration work pursuant to a permit issued by the Department, or performing rigging or sign hanging work under the supervision of a licensed master or special rigger or a master or special sign hanger.

(b) *Minimum Requirements.* Only the following individuals may work on or operate a suspension scaffold:

- (1) Where work is performed either by or under the supervision of a licensed rigger or sign hanger, the following persons may work on or operate a suspension scaffold:
- (i) a licensed master or special rigger,
  - (ii) a licensed master or special sign hanger,
  - (iii) a rigging or sign hanging foremen as described in §9-01 and §9-02, or
  - (iv) a rigging or sign hanging crew member issued a certificate of fitness by the licensed rigger or sign hanger or his or her designate rigging or sign hanging foreman.
- (2) (i) Where construction or alteration work is performed pursuant to a permit issued by the Department and, in accordance with §26-173 and §26-184 of the Administrative Code, such work is not performed by or under the supervision of a licensed rigger or sign hanger, the following persons may work on or operate a suspension scaffold:
- (A) a person who holds a certificate of completion from a recognized scaffold safety training course as set forth in subdivision (d)(1) and (d)(3) of this section, or
  - (B) an apprentice in a recognized program, as set forth in subdivision (d)(2) of this section, or
  - (C) a person who holds a challenge examination certificate from a recognized administrator of challenge examinations, as set forth in subdivision (d)(4) of this section.
- (ii) In accordance with §27-1045, it shall be the responsibility of the superintendent of construction to ensure that any person working on or operating a suspension scaffold on or the job site has the necessary certificate of completion or challenge examination certificate or is enrolled in a recognized apprenticeship program. The superintendent of construction must maintain written records to such effect.

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

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

- (i) be found capable of performing the scaffold work in a safe and responsible manner by the issuer at the time of issuance, and
- (ii) be able to communicate without difficulty with the supervising licensed rigger, licensed sign hanger, rigging or sign hanging foreman, or superintendent of construction on site, and either
- (iii) possess a certificate of completion from a recognized scaffold safety training course in accordance with subdivision (d)(1) and (d)(3) of this section, or
- (iv) be enrolled in a recognized scaffold apprenticeship program in accordance with subdivision (d)(2) of this section, or
- (v) possess a challenge examination certificate in accordance with subdivision (d)(4) of this section.

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

- (i) a licensed master or special rigger,
- (ii) a licensed master or special sign hanger, or
- (iii) a rigging or sign hanging foreman designated pursuant to sections 9-01 or 9-02 of these rules, as agent of the licensee.

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

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

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

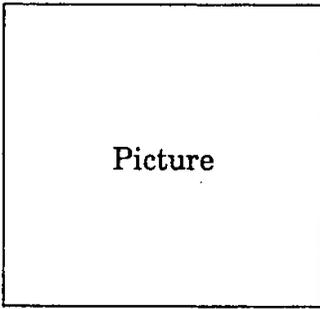
(ii) Certificate of fitness for regular members of the licensee's rigging or sign hanging crew. Notwithstanding the provisions of subdivision (c)(4)(i) of this section, at the option of the issuer, a permanent non job-specific photo identification or certificate of fitness may be issued to regular members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

(d) *Recognized Scaffold Safety Training Courses and Apprenticeship Programs. (1) Recognized Scaffold Safety Training Course.* Any organization (e.g. private, governmental, non-profit, or trade union) or institute may apply to the Department for recognition of its scaffold safety training course. Such application shall be made to the Department's Cranes and Derricks Division and shall include: instructors' qualifications, curriculum, teaching schedule, and materials used. The training course must include a significant field component, including instruction in rigging hardware (e.g. ropes, blocks, motors, scaffolds, controls, etc.), methods (e.g. reeving, suspension, startup procedures, netting, etc.), and applicable laws (NYC Building Codes and Rules, OSHA standards, etc.) The

Department may participate in or observe any training course without prior notification, and reserves the right to rescind recognition. The Department shall inform or approve a recognized course in writing, and shall maintain a list of approved training courses. Any organization or institute that offers the recognized scaffold safety training course must also offer a challenge examination outlined in subdivision(d)(4) of this section, either free or at a nominal cost to all applicants.

- (2) *Recognized Apprenticeship Program.* Any organization (e.g. private, governmental, non-profit, trade union) may apply to the Department for recognition of its scaffold safety training apprenticeship program. The requirements for recognition are the same as for a recognized scaffold safety training course as set forth in subdivision (d)(1) of this section.
- (3) *Certificate of Completion.* The organization providing a recognized scaffold safety training course or apprenticeship program may issue identification cards or certificates of completion to individuals who successfully complete the recognized course or program. The certificate of completion issued must include the name and address of the issuing organization, the date of issuance, and the name of the recipient, and must state “NYC DOB Recognized Scaffold Safety Training Course” or “Apprenticeship Program.” Such certificate must be signed by the course administrator.
- (4) *Challenge Examination and Challenge Examination Certificate.* The challenge examination shall be administered by organizations or institutes that conduct a recognized scaffold safety training course or recognized apprenticeship program. The challenge examination shall consist of written and hands-on tests that enable successful candidates to demonstrate a minimum level of knowledge and skills equivalent to graduates of a recognized scaffold safety training course or apprenticeship program. A person passing the challenge examination shall be issued a challenge examination certificate by the course or examination administrator. This challenge examination certificate shall be the equivalent to the certificate of completion and shall consist of similar data, format and signature as set forth in subdivision (d)(3) of this section. Written and hands-on tests for the challenge examination shall be submitted to and pre-approved in writing by the Department of Buildings, Cranes and Derricks Division. The Cranes and Derricks Division reserves the right to monitor the test to ensure its quality and fairness, and to revoke any approval if guidelines are not adhered to. Organizations or institutes that offer recognized scaffold safety training or apprenticeship programs in English or in any other language must offer an equivalent challenge examination in the appropriate language to any applicant regardless of his or her gender, race, national origin, organization or union membership, religion or creed.
- (e) *Compliance.* Failure to comply with the above rules, including but not limited to any person working on a suspension scaffold unable to produce either a valid certificate of fitness or, where applicable, a certificate of completion or a challenge examination certificate and a photo identification card, may result in the Department’s ordering all work stopped, issuing violations, and commencing disciplinary action against the licensee, and/or commencing proceedings for the imposition of fines or civil penalties.
- (f) *Effective date.* The provisions of this section 9-03 shall take effect on and after May 1, 2001.

**Designation of Rigging or Sign Hanging Foreman**



Picture

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

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

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

\_\_\_\_\_  
 Signature of Licensee  
 \_\_\_\_\_  
 Date

**Exhibit 1**

**Certificate of Fitness**

for operating on a two point suspension scaffold

Name: \_\_\_\_\_  
 [Name of individual]

Work Location: \_\_\_\_\_  
 [Job site location]

Starting date: \_\_\_\_\_  
 [Commencement date]

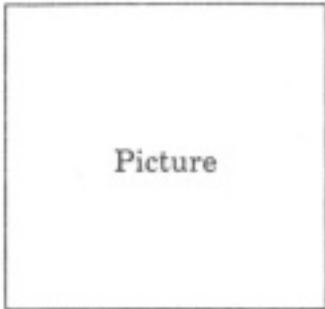
Approx. duration: \_\_\_\_\_

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

\_\_\_\_\_  
 Signature of Licensee  
 \_\_\_\_\_  
 Date

**Exhibit 2**

**Certificate of Fitness**



Picture

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

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

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

\_\_\_\_\_  
 Signature of Licensee  
 \_\_\_\_\_  
 Date

**Exhibit 3**

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

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

- (1) Fraud, deceit, collusion or misrepresentation by the licensee in obtaining or renewing such license.
- (2) Poor moral character that adversely impacts upon the licensee's fitness to perform his or her duties and responsibilities as a licensee.
- (3) Negligence, incompetence, lack of knowledge of the Building Code and applicable rules of the Department or disregard of the Building Code and applicable rules of the Department as demonstrated in the performance of the duties and responsibilities of a licensee.
- (4) Failure to comply with an order of the Commissioner or his or her designee in connection with the business or duties and responsibilities of the licensee.
- (5) Making a false or misleading statement to the Department or other government agency on any form or report filed with the Department or records required to be kept by the department in relation to the business or duties and responsibilities of the licensee.
- (6) Failure to file a form, report or statement or to keep records required by the Department or other government agency in connection with the business or duties and responsibilities of the licensee.
- (7) Failure to comply with any of the provisions of sections 9-01, 9-02 or 9-03 of this chapter.
- (8) Impeding or obstructing an investigation of the Commissioner or his or her designee relating to the business or duties and responsibilities of the licensee.
- (9) Conviction of a criminal offense where the underlying act arises out of the business or duties and responsibilities of the licensee.
- (10) The making, completing or altering of a written instrument of the type issued by the Department with respect to the business or duties and responsibilities of the licensee with the intent to defraud or deceive another person.
- (11) Violation of or failure to comply with the provisions of the Building Code and other applicable laws and rules relating to the business or duties and responsibilities of the licensee.
- (12) Failure to pay a fine or penalty imposed by the Department under this section or in any civil or criminal proceeding in a court or in a proceeding before the environmental control board arising out of the business or duties and responsibilities of the licensee.
- (13) Failing to safeguard the public or property during the performance of the business or duties and responsibilities of the licensee in accordance with applicable safety standards.

- (b) Except as otherwise provided in subdivision (c) of this section, no license shall be suspended or revoked or fine imposed unless prior thereto the licensee has been afforded the opportunity for a hearing on the charges before the Office of Administrative Trials and Hearings (OATH). The hearing shall be governed by the rules of procedure of OATH. A proceeding shall be commenced by the service of charges by the Department's IAD Unit by mail on the licensee.

The Administrative Law Judge at OATH shall issue recommended findings of fact and a recommended decision and shall forward such findings and recommended decision and the record of the proceedings to the Commissioner who shall make a final determination on the charges and penalty as per this section.

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