



CHAPTER 30 STORAGE OF CERTAIN WASTE MATERIALS

§30-01 Enclosures of Premises Used for Automobile Wrecking, Storage of Scrap Metal, Junk, Scrap Paper or Rags, Storage of Lumber, and Building Material or Contractors' Yards.

- (a) All existing or hereafter established yards or areas used for automobile wrecking, storage of scrap metal, junk, scrap paper or rags, including sorting of same, storage of lumber and other building materials, and open contractors' yards, unless the use is conducted entirely within a building enclosed on all sides, shall be completely enclosed by a solid fence or wall, of suitable uniform material and color at least eight feet high conforming to these Rules, the Administrative Code and the applicable provisions of the Zoning Resolution.
- (b) Fences or walls shall be constructed or painted uniformly with one color.
- (c) No material or racks shall be placed outside of, nor extend above the height of, the enclosing wall or fence.
- (d) Fences and walls shall be maintained in good condition and appearance, and weakened or broken parts shall be repaired or replaced. Where paint has peeled or weathered to disclose the material under the paint or where the paint is dirty or faded, the wall or fence shall be repainted. Paint shall cover completely the material underneath.
- (e) Walls or fences shall not encroach upon the public street nor upon the adjoining property.
- (f) The following establishments are exempt from the requirements of these Rules:
 - (1) Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establishments, open or enclosed, with open storage limited to 5,000 square feet of lot area.
 - (2) Fuel, ice, coal or wood sales, open or enclosed, limited to 5,000 square feet of lot area per establishment.

§30-02 Open Lots Used for Storage or Sale of Motor Vehicles.

(a) *General.* (1) (i) These Rules shall apply to all open premises used for the storage or sale of more than four motor vehicles except as otherwise noted, including public parking lots, motor vehicles sales lots, accessory open parking spaces, etc. hereafter established and to all such existing premises hereafter enlarged or changed in location.

(ii) Before any premises is occupied for the storage or sale of motor vehicles, plans or diagrams and [sic] application shall be filed with the Department of Buildings by an applicant and a Certificate of Occupancy obtained from the Department. Application shall be made on forms furnished by the Department. Such Certificate of Occupancy shall contain inter alia, the maximum number of vehicles to be accommodated and the type of vehicle (private passenger or commercial).

(2) An application for or including an open parking lot shall be accompanied by a plan showing:

- (i) dimensions of the plot and its location in relation to adjoining streets;
- (ii) any structure existing or to be erected on the plot;
- (iii) the relative elevations of the parking area, curbs and adjoining yards or courts;
- (iv) the nature of the walls of adjoining structures, if any, i.e., whether masonry, frame, metal, etc.;
- (v) retaining walls to be built;
- (vi) retaining walls and open spaces, if any, on adjoining premises;
- (vii) existing curb cuts and fences;
- (viii) method of providing drainage of the lot;
- (ix) material used to surface lot;
- (x) etc. The applicant shall also submit such other information as may be requested by the Commissioner.

3. (i) Construction of curb cuts and sidewalks shall comply with the provisions of §27-558 of the Administrative Code. No Certificate of Occupancy shall be issued unless a drop curb permit has been obtained.

(ii) Curb cuts must be a minimum of five feet from the intersection of two street lines.

(iii) For passenger vehicles with a capacity of not more than nine persons, the minimum width of a curb cut shall be 10 feet including splays, and the minimum width of all entrances and driveways leading to parking spaces shall be eight feet. For all other motor vehicles the minimum width of all driveways shall be 10 feet.

(iv) No motor vehicle may be stored or parked in any location where it would obstruct a required window or required exit.

(4) Openings in enclosures shall be restricted to vehicular entrances and exits on the street frontages. The width of a vehicular entrance and exit shall not exceed the length of the curb cut plus eight feet on each side or 46 feet, whichever is smaller.

(5) (i) Open parking lots shall be graded to conform approximately to the elevation of the abutting sidewalks and properties and shall be maintained so that no drainage will flow onto abutting sidewalks and adjoining properties. Grade separation between the parking lot and properties may be established if masonry retaining walls approved by the Commissioner are installed.

(ii) No resurfacing of porous surfaces shall be done which would increase the thickness to more than 1 1/2 inches after compaction. Maintenance repairs to maintain level surface or to insure adequate drainability of porous surfaces shall be preceded by breaking up and removal of existing asphaltic concrete. The Commissioner of Buildings may require suitable tests to be submitted of the materials used.

(iii) The entrance and exit driveways between the curb line and the open parking lot shall be paved in accordance with the provisions of §27-558 of the Administrative Code. The width of the driveway shall be the width of the opening in the enclosure.

(6) A sign which does not comply with all the requirements of the Administrative Code and the Zoning Resolution shall not be erected or maintained. Signs which may be erected shall be made secure, neatly lettered and properly maintained.

(7) (i) An open parking lot shall be occupied and used for the purpose stated on the Certificate of Occupancy; no other use, occupancy or service shall be conducted on the premises.

(ii) Space used for parking shall be entirely within the lot lines of the premises. Vehicles shall not encroach upon the sidewalks. Where a zoning restriction limits parking to a portion of the plot, the limit of the parking area shall be defined by a fence, wall milling or screening erected and maintained to the satisfaction of the Commissioner.

(iii) Every open parking lot shall be maintained in a clean and sanitary condition. The accumulation of rubbish or the storage of any kind of junk or waste is prohibited. Where a wood frame shelter, wood fence or railing are permitted, they shall be painted periodically in a [sic] neat, workmanlike manner and shall be properly maintained.

(b) *Additional rules to be applied where there are 10 or more motor vehicles.*

(1) Curb cuts shall conform to the requirements of §27-480(b), except for additional street frontage over 100 feet, there may be an additional curb cut for each 50 feet of frontage or major fraction thereof.

(2) (i) The premises shall have an enclosure on all interior lot lines and on street lines consisting of a substantial woven wire fence, iron picket fence, or masonry wall. A wood fence or railing may be acceptable at the discretion

of the Commissioner in sparsely settled areas or outlying sections of the city. All enclosures shall be substantial and at least 4 feet high but may be omitted in cases where masonry walls of adjoining buildings abut the parking space. Such fences shall be installed in a permanent manner.

(ii) Bumpers shall be situated not less than one foot from adjacent property lines [*sic*] when vehicles are parked parallel to such adjacent property lines. Bumpers shall be situated not less than four feet from adjacent property lines when parked other than parallel to such adjacent property lines.

(iii) A steel guard rail or other substantial barrier designed in accordance with the provisions of §27-558(b) of the Administrative Code which will prevent any part of a vehicle from extending across a property line, may be accepted in lieu of bumpers.

(3) (i) Open parking lots which are to be operated during any portion of the time from 6 p.m. through 6 a.m. shall be adequately illuminated, and the minimum illumination shall be one-tenth of one watt per square foot of parking area, distributed over the entire area. Lights shall be provided with reflectors arranged so that the illumination is directed downward and away from adjacent buildings. Floodlights may also be used where such floodlights do not project light upon adjacent or nearby property.

(ii) For a public parking lot, an attendant's shelter conforming to the Construction Classification I-E of §27-271 of the Administrative Code, 100 square feet or less in area may be erected three feet from a lot line with no fire rating of the exterior walls required. Within three (3) feet, a fire resistive rating of at least two hours is required for the wall nearest the lot line.

(iii) Where there is an attendant's shelter, a copy of the Certificate of Occupancy shall be posted and maintained under glass in the shelter and a copy of the plan or diagram approved by the Department of Buildings shall be kept on the premises. Certified, reduced size, legible copies may be used for this purpose.

(4) Where strict compliance with any of these rules and regulations will create unnecessary hardship or will serve no useful purpose, the Commissioner may modify any part of these rules and regulations in a specific case if, in his opinion, the public health, safety and general welfare will not be endangered thereby, and such modification is in conformity with the general purpose of these rules and regulations.

(c) *Parking lots for four or fewer motor vehicles.*

Where there is hereafter established, provision for 4 or less motor vehicles, the premises shall comply with the applicable provisions of the Zoning Resolution in addition to sections of the above rules numbered (a)(1)(ii), (a)(2), (a)(3)(i), (a)(3)(ii), (a)(3)(iii), (a)(3)(iv)-(a)(5)(i), (a)(5)(ii)-(6)-(a)(7)(i), (a)(7)(ii), (a)(7)(iii)-(b)(4).

(d) *Existing open parking lots.*

Existing Open Parking Lots shall comply with the condition of their prior approval and with sections of the above rules numbered (a)(3)(i), (a)(3)(iv), -(a)(4)-(a)(5)(i), (a)(5)(ii), (a)(5)(iii)-(a)(7)(ii), (a)(7)(iii)-(b)(1)-(b)(2), (b)(2)(ii), (b)(2)(iii)-(b)(3)(i)-(b)(4).

Note: Before any business is conducted on any premises coming within the scope of these regulations, the person conducting or maintaining the business shall obtain such licenses as may be necessary from the Commissioner of Licenses, Department of Consumer Affairs, as required by §20-321 of the Administrative Code.

In addition to compliance with these rules, open parking lots shall comply with applicable provisions of the Zoning Resolution and such other laws as may apply.

The following rules previously promulgated by the Commissioner of Buildings will be repealed:

- (1) Public Parking Lots, Filed with City Clerk October 13, 1964.
- (2) Use of Vacant Land for Outdoor Motor Vehicle Sales Lot, filed with City Clerk April 22, 1955.
- (3) Parking spaces Accessory to Permissible Uses, filed with City Clerk, January 11, 1955.
- (4) Accessory Garages and Parking Spaces for Dwellings, filed with the City Clerk January 22, 1951.
- (5) Open Parking Lots—Proposed Rules as published in November, 1968.

CHAPTER 31 SUSPENSION, REVOCATION OR LIMITATION OF REGISTRATION

§31-01 Suspension, Revocation or Limitation of Registration of Persons Who Present, Submit, Furnish or Seek Approval of Applications for Approval of Plans or Remove Any Documents from the Possession of the Department of Buildings.

(a) *Grounds for revocation, suspension or limitation of registration.* The Commissioner hereby authorizes the Department's Investigations Disciplinary Unit to give notice of a hearing to suspend, revoke or limit the registration of any person registered with the Department pursuant to Administrative Code §27-140.1 where investigation of such person and his or her activities reveals one or more of the following:

- (1) Fraud or deceit in obtaining registration.
- (2) Fraudulent dealings.

- (3) Gross negligence, incompetence, misrepresentation or misconduct relating to the business, trade or calling of the person who is registered.
- (4) Material misrepresentation made to persons not affiliated with the Department regarding the status of applications and/or plans filed with the Department.
- (5) Poor moral character that adversely reflects upon fitness to engage in the activity for which registration is required pursuant to §27-140.1 of the Administrative Code [*sic*].
- (6) Knowingly or negligently making false or misleading statements to the Department; or knowingly or negligently falsifying or allowing to be falsified any certificate, form, signed statement, application or report filed with the Department, or knowingly failing to submit a report required by law or the Department or willfully impeding or obstructing such submission, or inducing another person to do so.
- (7) The conviction of a criminal offense relating to offering or receiving a bribe, giving or receiving unlawful gratuities, engaging in official misconduct, or other corruption-related acts, where the underlying act arises out of the registrant's occupation or business dealings with the City of New York or with any other governmental entity.
- (8) Willful or negligent failure to comply with any rule, order or requirement of the Department of Buildings.
- (9) Defacing or destroying Department property, or removing Department property, including permitted folders, from Department premises.
- (10) Failure to notify the Department of any change in circumstances of employment, for example, change in employer.
- (11) Assisting any exempt individual in the commission of any of the above proscribed acts.

(b) *Procedures for the conduct of a hearing regarding suspension, revocation or limitation of registration.*

- (1) After a hearing in accordance with the procedures set forth below, and a determination that evidence supports any one or more of the types of misconduct described in subdivision (a), the Commissioner shall have the power to suspend, revoke or limit registration as provided in §27-140.1 of the Administrative Code and these rules.
- (2) The hearing shall be conducted by the Office of Administrative Trials and Hearings (OATH) and governed by the rules of procedure utilized by that tribunal.
- (3) After the conclusion of the hearing, OATH shall issue proposed findings of fact and conclusions of law where appropriate, along with a report and recommendation to the Commissioner. The Commissioner shall review the report and recommendation issued by OATH and shall issue a final decision. The Commissioner shall notify the registrant in writing of the Commissioner's decision. Such notice shall include a written statement indicating the reason for the decision.

CHAPTER 32 WALLS

§32-01 The Design and Installation of Curtain Wall and Panel Wall (Non-Loadbearing Exterior Wall) Systems.

(a) *Definition.*

Curtain wall or panel wall system. For the purpose of these rules, a curtain wall or panel wall system shall be defined as an exterior building wall, in skeleton frame construction which carries no roof or floor loads. Panel walls are attached at each story and may be wholly supported at every story or other stories. Curtain and panel walls consist of materials, veneering or assemblies other than loadbearing walls of stone, brick, hollow tile, concrete block, or tile, or combination of them, bonded together with mortar and laid up in place, or of concrete poured in place. Curtain and panel walls may include glass, metal, [*sic*] stone or masonry elements arranged in such a manner so as not to intentionally exert common action under load. Such elements move independently of each other and the supporting structure.

(b) *Applicability.* These rules and regulations shall not apply where such wall systems or any portion thereof does not extend more than forty feet above legal grade.

(c) *Factors to be considered.* The Licensed Professional Engineer and/or Registered Architect of record shall be responsible for the design of the wall system. The Licensed Professional Engineer and/or Registered Architect may designate such responsibility to other licensed professionals.

The Licensed Professional Engineer and/or Registered Architect of record or designee shall provide information to, and cooperate with, the designer for the wall system so that singly or jointly the following factors shall be considered:

- (1) *Movements of the skeleton frame structure.* Care shall be exercised in the design in order to prevent the transmission of loads from the building structure into any part of the wall system through the connections or adjacent building elements or components. In this regard, the following items shall be amongst those considered:
 - (i) Sidesway in buildings over 100 feet in height.
 - (ii) Elastic deformation of members supporting curtain or panel walls such as live load deflections of spandrel

beams, differential live load deflections, etc. Short-term and long-term deflection are particularly significant in concrete frames.

- (iii) Creep and shrinkage of concrete frames.
- (iv) Thermal movements.
- (2) *Dimensional changes of the building structure and of the curtain wall supports.*
- (3) *Differential [sic] movement involving the building structure and veneer.*
- (4) *Construction and related trade requirements such as:*
 - (i) Window supports.
 - (ii) Window washer tracks.
 - (iii) Back-up walls and insulation.
 - (iv) Construction tolerances.
- (5) *Protection against water damage.* In this regard, the following items shall be considered:
 - (i) The protection of veneering joints. Care should be taken in the selection of sealants.
 - (ii) The location of expansion joints.
 - (iii) The possibility of a secondary system for controlling water which may enter veneering joints because of design or installation failure, sealant failure, or condensation.
 - (iv) The prevention of trapping water in wall components.
 - (v) The use of lap strips in joints/splices of extrusions.
- (6) *Prevention of failures.* In this regard, the following items shall be considered:
 - (i) Specifying performance criteria for veneering.
 - (ii) Testing for water leakage of specimen wall sections.
- (7) *Completeness of architectural drawings.*
 - (i) They shall contain adequate details of the wall assemblies.
 - (ii) Termination details of roof and store front.
- (8) *Fabrication, installation and maintenance requirements.*
 - (i) Sufficiency of the horizontal and vertical expansion joints for thermal and other building movements.
 - (ii) Fabrication and erection tolerances of the connections.
 - (iii) That the flashing, weep-holes and air circulation have been designed for water defense to prevent uncontrolled water infiltration.
 - (iv) The prevention of electro-chemical reaction (galvanic action) from use of dissimilar metals.
 - (v) The anchoring and supporting system is suitable to the building materials.
 - (vi) The connection design is feasible.
 - (vii) The testing program is feasible and adequate.
 - (viii) The selection of the stone.
 - (ix) The anchor locations, including proper anchor-holes, kerfs, or slots.
 - (x) The transportation and handling requirements. Panelized units shall be handled and transported if possible in the position in which they are going to be anchored on the building. If other positions have to be used during transit, the panels and the stone anchors should be designed for such positions also.
- (d) The general contractor, to whom the work permit is issued, shall be responsible for the fabrication and installation of the wall system.

The general contractor may retain, designate or sub-contract such responsibility to Licensed Professional Engineers, Registered Architects, construction superintendents, contractors, sub-contractors, and manufacturers.

 - (1) They shall receive information from, and cooperate with the licensed professionals and designer for the wall system, so that singly or jointly the factors enumerated in §32-01(c) shall be considered in the fabrication and installation.
 - (2) They shall ascertain that the fabrication and installation of the wall system is done in a safe, workmanlike and generally acceptable manner in accordance with:
 - (i) The Administrative (Building) Code and the Department of Buildings' Rules and Regulations and Directives and Memorandums.
 - (ii) The Department of Buildings' Approved Applications and Plans.
 - (iii) The Contractors' Specifications and developed Plans.
 - (iv) The Accepted Erection and Shop Drawings.
 - (v) The Manufacturer's recommendations.
- (e) The general contractor, to whom the work permit is issued, or his retaine, designee, sub-contractor or manufacturer responsible for the wall system shall submit the shop drawings and the computations employed to the Licensed Professional Engineer or Registered Architect of record for their acceptance.
- (f) The Licensed Professional Engineer or Registered Architect of record shall review the shop drawings and any computations of the wall system for compliance with plans approved by the Department of Buildings, and with the applicable provisions of the Building Code, its reference standards, and the Rules on Exterior Veneering

Materials, adopted by the Board of Standards and Appeals, and he shall certify his approval or acceptance of such shop drawings and computations to the Department of Buildings.

(g) A copy of the shop drawings referred to above, marked approved or accepted by the Licensed Professional Engineer or Registered Architect of record shall be available in the field for use in the installation of the wall system until the application is signed-off as completed by the Department of Buildings.

(h) The general contractor, to whom the work permit is issued or his retaine, designee, sub-contractor, or manufacturer responsible for the fabrication and installation of the wall system, shall certify to the Department of Buildings that the materials and shop fabrications to be supplied by him are in conformance with the approved or accepted shop drawings and with applicable national standards and §27-132(a) of the Building Code of the City of New York.

(i) The requirements of §§32-01(a) through (f) above shall be complied with before the installation of the wall system is begun.

(j) The installation of the wall system shall be subject to controlled inspection as specified in §27-132(a) of the Building Code. It shall be the responsibility of the person performing the controlled inspection to see that the wall system or its component parts is incorporated into the work in a workmanlike manner and in compliance with the approved or accepted shop drawings.

(k) The controlled inspection field check shall include but not limited to the following:

(1) The supporting structure is:

(i) Properly aligned and within the designed tolerances.

(ii) Without missing or mislocated inserts.

(2) The framing components are:

(i) Properly sized and aligned.

(ii) Without missing or mislocated anchoring provisions.

(iii) Without structural defects. (In stone, weak seam, hairline cracks, etc.)

(3) The vision and spandrel lites are not defective.

(4) Anchors are properly placed, welded, bolted or primed.

(5) Accepted anchoring or materials are used in lieu of others where there are field changes.

(6) Weeps and tubes are in place.

(7) The joinery is properly sealed.

(8) Accepted sealants with sufficient elongation capability are provided.

(9) The gaskets meet specifications.

(10) The end dams are sealed where called for.

(11) Horizontal and vertical movement joints have been provided.

(12) "Erection shims", "wedges", mortar draps [*Probably intended "drafts"*] or other material in movement or expansion joints have been removed.

(13) Observation of unanticipated movements.

(l) The samples submitted to, and marked approved or accepted by the Professional Engineer or Registered Architect of record, consisting of, but not limited to sealants, glass and fasteners shall be available in the field until the application is signed-off as completed by the Department of Buildings.

(m) The alteration of an existing wall system for other than ordinary repairs, whether made voluntarily or as a result of damage, deterioration, or other cause, in its entirety or for a portion thereof, shall be made to comply with the pertinent provisions of Article 12 of Subchapter 10 of Chapter 1 of Title 27 and Reference Standard RS 9-5 and all other requirements of the new Building Code, effective December 6, 1968 as amended and/or the Rules on Exterior Veneering Materials, adopted by the Board of Standards and Appeals, regardless of the percentage which the cost of making the alteration bears to the value of the building.

(n) The Registered Architect or Professional Engineer responsible for controlled inspection shall report unsafe wall system conditions to the Department of Buildings.

(o) The Registered Architect or Professional Engineer responsible for controlled inspection shall submit to the Department of Buildings signed copies of required inspection and test reports (of the work in progress) and comment as to the conformance of material and work to Code requirements.

§32-02 Conditions of a Building's Exterior Walls and Appurtenances That Constitute Conditions

Dangerous to Human Life and Safety.

(a) *Pertinent conditions.*

The following violations are determined to constitute conditions dangerous to human life and safety and are subject to the provisions of Paragraph 3 of Subdivision d of §26-248 of the Administrative Code. Any condition relating to the exterior walls of a building and appurtenances thereof that is designated:

- (1) by an architect or engineer as being in an unsafe condition in the report filed by an architect or engineer with the Department of Buildings pursuant to §27-129 of the Building Code, or
- (2) by personnel of the department as being an unsafe condition upon reviewing the aforementioned [*sic*] report or after having made an inspection of the building.

(b) *Civil penalties.* Pursuant to §26-248(d)(3) of the Administrative Code, in the event any person fails to remove any of the violations listed in this rule, after having been served with a notice personally or by certified mail indicating that such conditions exist and requiring removal or compliance, unless the removal of such condition is prevented by a labor dispute or is the result of vandalism beyond the control of the owner, such person shall, in addition to any other prescribed penalty, be liable for a civil penalty of not less than \$150 per day commencing on the date of the service of such notice and terminating on the date that such removal or compliance has been substantially completed. When service of such notice is made by mail to the owner, liability for civil penalties shall commence five days from the date of such mailing.

(c) *Discontinuance of action upon removal of violation.* Pursuant to §26-248(f) of the Administrative Code where a notice requiring removal of a violation listed in this rule has been issued, liability shall cease, and the Corporation Counsel, on request of the Commissioner of Buildings, shall discontinue prosecution of the civil penalty action only if the removal or compliance so required has been completed or substantially completed within ten days after the service of such notice. The Commissioner shall, upon good cause shown, grant additional time for such removal or compliance. In addition, the civil penalties shall be tolled from the date the owner certifies under oath, on a form prescribed by the Commissioner, that the removal of the violation has been substantially completed. If a subsequent inspection by the department shows a failure to have removed the violation, the civil penalties shall be deemed to have accrued as of the first day a notice of violation has been served.

(d) *Explanation.* This rule declares that a condition relating to the exterior walls of a building and appurtenances thereof that is designated to be an unsafe condition by an architect or engineer in a report filed pursuant to Administrative Code §27-129 or by personnel of the Department of Buildings, is a condition dangerous to human life and safety. The failure to remove such a violation after notice subjects the violator to the penalties set forth in the [*sic*] Administrative Code §26-248(d)(3), including a civil penalty of \$150 per day from the date that such removal has been substantially completed.

§ 32-03 Periodic Inspection of Exterior Walls and Appurtenances of Buildings.

(a) *Definitions.*

Critical examination. Critical examination means an examination conducted to review the exterior of a building and all parts thereof to determine whether the exterior walls and the appurtenances thereto are safe, unsafe, or safe with a repair and maintenance program and whether, in the judgment of a Registered Architect or Professional Engineer, they require remedial work.

Unsafe condition. Unsafe condition means a condition of a building wall, any appurtenances thereto or part thereof that is dangerous to persons or property and requires prompt remedial action. In addition, any condition which was reported as safe with a repair and maintenance program in an earlier report and which is not corrected at the time of the current inspection shall be reported as an unsafe condition.

Safe. Safe means a condition of a building wall, any appurtenances thereto or any part thereof not requiring repair or maintenance to sustain the structural integrity of the exterior of the building and that will not become unsafe during the next five years.

Safe with a repair and maintenance program. Safe with a repair and maintenance program means a condition of a building wall, any appurtenances thereto or any part thereof that is safe at the time of inspection, but requires repairs or maintenance during the next five years in order to prevent its deterioration during that five year period into an unsafe condition.

Standard reporting period. The standard reporting period is the time interval established by the Commissioner of Buildings for the filing of each successive report for each successive critical examination of every building subject to the requirements of Local Law 10 for the Year 1980 as amended by Local Law 11 for the Year 1998.

(b) *Critical examinations.*

(1) *Requirements.*

(i) In order to maintain a building's exterior walls and appurtenances in a safe condition in accordance with §27-129 of the Administrative Code, a critical examination of all parts of all exterior walls and any appurtenances thereto shall be conducted at periodic intervals, which are at least once every five years, of all existing buildings or buildings hereafter erected that are greater than six stories in height, except for those parts of any exterior wall which are less than twelve inches from the exterior wall of an adjacent building.

(ii) The second critical examination shall be conducted within two years after February 21, 1985 for all buildings covered by the first examination cycle. The initial critical examination for any building erected subsequent to February 21, 1982 shall be conducted in the fifth year following the erection or installation of any exterior walls and/or enclosures. Subsequent critical examinations shall be conducted within five years from the previous examination.

(iii) Regarding buildings in existence on March first, nineteen hundred ninety-eight, initial critical examinations of exterior walls or parts thereof and any appurtenances thereto which were not subject to such examinations under the provisions of paragraph (i) of subdivision (1) of section (b) of these rules in effect prior to March first, nineteen hundred ninety-eight, and which did not have a critical examination for which a report was filed prior to February twenty-first, nineteen hundred ninety-seven, shall be conducted prior to March first, two thousand.

(2) *Inspection procedures.*

(i) Before any exterior wall for any building is critically examined, the Registered Architect or Licensed Professional Engineer (hereinafter referred to as "professional") employed by the owner of the building shall carefully review the most recent report and any previous available reports. The Buildings Department will maintain a file of such reports submitted in conformance with §27-129, and furnish copies upon payment of fees set forth in §26-214.

(ii) Such examination shall be conducted and witnessed by or under the supervision of a professional retained by or on behalf of the owner of the building. It shall be done to the best of his/her knowledge and belief.

(iii) The professional shall determine methods employed in the examination, but he/she need not be physically present at the location where the examination is made. Under the professional's supervision, technicians, tradesmen, contractors, and engineers-in-training may be delegated selected inspection tasks. These individuals need not be in his/her employ.

(iv) The methods used to examine the building shall permit a complete inspection of same. Except as herein required, the use of a scaffold or other observation platform is preferred, but the professional may use other methods of inspection as he/she deems appropriate. A physical examination from a scaffold or other observation platform is required for a representative sample of the exterior wall. The professional shall determine what constitutes a representative sample. The representative sample must include at least one physical examination along a path from grade to top of an exterior wall on a street front using at least one scaffold drop or other observation platform configuration.

(v) The known history of the building, the nature of the materials used and the conditions observed will dictate the extent of the critical examination.

The Registered Architect or Licensed Professional Engineer [sic] shall utilize a professional standard of care to detect splitting or fracturing of terra cotta on buildings, cracking of masonry and brick work in brick faced buildings, loosening of metal anchors and supports, water entry, movement of lintel angles, etc., and shall ascertain the cause of these and such other conditions detected. The professional shall order any special inspections and/or tests that may be required. The removal of portions of the façade in order to facilitate the performance of tests may require a permit from the Landmarks Preservation Commission.

(vi) During the course of the critical examination, photographs shall be taken and/or sketches made to properly document the location of all conditions observed that are either unsafe or safe with a repair and maintenance program.

(vii) Upon discovery of any unsafe condition, the professional shall immediately notify the Borough Commissioner and the owner of the building by letter or fax.

(3) *Report requirements.*

(i) The professional shall submit to the Commissioner and to the Owner of the building a written report as to the result of such examination, clearly documenting all conditions not classified as safe and stating that the inspection was performed and completed in accordance with the New York City Administrative Code.

(ii) The report shall include:

(A) The address, any a.k.a. addresses, the location from the nearest cross street, and Block and Lot numbers;

(B) The landmark status of the building;

(C) The name, mailing address and telephone number of the owner of the building, his agent or the person in charge, possession or control of the building;

- (D) (a) The description of the building including number of stories, height, plan dimensions, Certificate of Occupancy number, if available, usage, and age and type of exterior wall construction;
(b) Brief history of any settlements, repairs, revisions to exterior enclosures, if available;
- (E) A detailed description of the procedures used in making the critical examination;
- (F) A detailed description of the extent and location of all physical examinations performed;
- (G) A report of all conditions including significant deterioration and movement observed as well as a statement concerning the apparent water-tightness of the exterior surfaces, and the deleterious effect of exterior appurtenances, including exterior fixtures, flagpoles, signs, parapets, copings, guard rails, window frames (including hardware and lights), window guards, window air conditioners, flower boxes, etc. The report shall classify each such condition as safe, unsafe or safe with a repair and maintenance program;
- (H) The causes of the reported conditions;
- (I) The status of the exterior maintenance;
- (J) Comparison of observed conditions with conditions observed during previous examinations, including status of the repairs or maintenance performed with respect to the prior conditions;
- (K) Recommendations for repairs or maintenance, if appropriate, including the recommended time frame for same to be performed;
- (L) Date of start and completion of the critical examination;
- (M) The seal and signature of the professional under whose supervision the critical examination was performed shall be on the written report;
- (N) If there are no unsafe conditions and no conditions that are safe with a repair and maintenance program, then the building shall be classified as safe;
- (O) If there is at least one unsafe condition, then the building shall be classified as unsafe;
- (P) If there is (are) a(ny) condition(s) that is (are) safe with a repair and maintenance program and there are no unsafe conditions, then the building shall be classified as safe with a repair and maintenance program;
- (Q) The professional shall not file a report of the same condition that is safe with a repair and maintenance program for the same building for two consecutive filing periods. Unless the professional certifies to the correction of all conditions identified in the earlier report as requiring repair the building shall be classified as unsafe;
- (R) Photographs and/or sketches documenting the location of any conditions that are either unsafe or safe with a repair and maintenance program;
- (S) A statement by the professional indicating which repairs and/or maintenance require the obtaining of work permits prior to their commencement.

(4) Report filing requirements.

- (i) Any building existing as of the date of the passage of Local Law 10 of 1980 shall file a report of the second examination of the building's exterior walls and appurtenances thereto no sooner than February 21, 1985 and no later than February 21, 1987, and thereafter no sooner or no later than February 21 of each fifth subsequent year.
- (ii) Any building of which the erection or installation of any exterior wall or enclosures reached a height greater than six stories or for which a Temporary Certificate of Occupancy or Certificate of Occupancy was received prior to January 1, 1983 shall be required to file a report no later than February 21, 1987, and thereafter no later than February 21 of each fifth subsequent year.
- (iii) Any other building of which the erection or installation of any exterior wall or enclosures reaches a height greater than six stories shall be required to file an initial report five years from the date when such height is obtained, and thereafter a report each subsequent fifth year; however, such initial report shall be filed no later than five years from the date a Temporary Certificate of Occupancy, or Certificate of Occupancy, whichever is sooner, is received.

However, if the date reached five years from such issuance falls between the standard reporting periods, the filing shall be made during the first standard reporting period following the five-year date.

(iv) Persons or entities wishing to perform the critical examinations of and the report filing for the exterior walls referenced in Section (b) (1) (iii) of these rules in conjunction with the critical examinations of, and the report filing for the exterior walls otherwise scheduled for critical examinations and report filing from February twenty-first, two thousand until February twenty-first, two thousand two may perform such combined critical examinations and file such combined reports no earlier than February twenty-first, nineteen hundred ninety-nine and no later than March first, two thousand.

(v) Each written report shall be accompanied by a signed statement by the owner of the building acknowledging receipt of a copy of it and acknowledging awareness of the required repairs and/or maintenance, if any, and the time frame for same.

(vi) Each written report shall be submitted in original and in microfilm form to the appropriate Borough Office of the Department of Buildings. It shall be accompanied by an Exterior Periodic Inspection Report Form in triplicate, one copy of which may be retained by the applicant.

(5) Unsafe conditions.

(i) Upon the filing of the professional's report of an unsafe condition with the Department, the Owner of the building, his or her agent, or the person in charge of the building shall immediately commence such repairs or reinforcements and any other appropriate measures such as sidewalk sheds, fences, and/or safety netting as may be required to secure the safety of the public and to make the building's walls and/or appurtenances thereto conform to the provisions of the Building Code.

(ii) All unsafe conditions shall be corrected within 30 days from the filing of the critical examination report.

(iii) The professional shall inspect the premises and file a detailed amended report stating the condition of the building with the Borough office within two weeks after repairs to correct the unsafe condition have been completed.

(iv) The Commissioner may grant an extension of time of up to 90 days to complete the repairs required to remove an unsafe condition upon receipt and review of an initial extension application submitted by the professional, together with:

(A) Copy of original report with attachments;

(B) Notice that the premises have been made safe by means of a shed, fence or other appropriate measures;

(C) Copy of contract indicating scope of work to remedy unsafe conditions;

(D) Professional's estimate of length of time required for repairs;

(E) Notarized affidavit by owner of the building that work will be completed within stated time of professional's estimate.

(v) A further extension will be considered only upon receipt and review of a further extension application, together with notice of:

(A) Substantial completion of work but subject to an unforeseen delay (e.g., weather, labor strike), or

(B) Unforeseen circumstances (e.g., fire, building collapse), or

(C) Nature of hazard requires more than 90 days to remove (e.g., new wall to be built).

(6) Conditions that are Safe with a Repair and Maintenance Program.

(i) The owner of the building is responsible for ensuring that the conditions described in the critical examination report as safe with a repair and maintenance program are repaired, and all actions recommended by the professional are completed within the required time frame, and are not left to deteriorate into unsafe conditions before the next critical examination.

(ii) The professional shall not file a report of the same condition that is safe with a repair and maintenance program for the same building for two consecutive filing periods.

(iii) A certification must be made by the professional attesting to the correction of all conditions identified in the earlier report as requiring repair.

(iv) The professional shall report conditions that were previously reported as safe with a repair and maintenance program as unsafe if not corrected at the time of the current inspection.

§32-04 Masonry Parapet Walls.

(a) **Definition. Parapet.** The term "parapet" shall mean the continuation of an exterior wall, fire wall, or party wall above the roof line. §27-232 Administrative Code.

(b) **Basic requirements.** Parapet walls of masonry constructed hereafter shall comply with the following requirements:

(1) They shall meet the requirements of Reference Standard §[sic]10-1, §10.4c of the Administrative Code.

(2) Structural members supporting parapet walls shall be designed to resist torsional stresses in addition to

stresses due to bending, where loads are placed eccentrically.

(c) *Existing and new parapet walls.* Owners of those buildings which are provided with masonry parapet walls, except where such walls are located on buildings used exclusively for J-3 occupancy, shall have the parapet walls inspected annually by a competent person, such as a bricklayer, building superintendent, builder, architect, or engineer. Any wall found to be in an unsafe condition shall be removed promptly. Any parapet wall found to be out of plumb by a horizontal distance exceeding one-eighth of its height, shall be removed.

(d) *Replacement.* Parapet walls that are removed shall be replaced when the parapet wall is required by the provisions of §27-333 of the Administrative Code.

CHAPTER 33 EXEMPTIONS FROM CIVIL PENALTIES

§33-01 Exemption from Civil Penalties Imposed Pursuant to Administrative Code §26-212.1 (Work Performed Without a Permit).

(a) *Acceptance of waiver request.*

(1) If a violation is issued for work in progress after January 1, 1989, no claim of exemption from a civil penalty imposed pursuant to Administrative Code §26-212.1 will be considered.

(2) If a building owner claims exemption from such penalty on the grounds [*sic*] that all work was completed prior to January 1, 1989, such claim must be substantiated by an affidavit and supporting data.

(3) Partial exemption from such penalty may be claimed on the grounds [*sic*] that a building owner applies for a permit subsequent to the commencement of work for which such permit is required but prior to the completion of such work. Such owner may claim exemption from such penalty for that part of such work which is completed after such permit is issued. Such claim shall be filed at the time of application for such permit and shall be substantiated by an affidavit and supporting data.

(b) *Burden of proof.*

(1) The burden of proof is on the owner claiming such exemption.

(2) Supporting data shall consist of one or more of the following:

(i) dated receipt or cancelled check showing payment for work completed or materials delivered;

(ii) signed contract specifying dates by which work is to be completed;

(iii) affidavits from contractors or building supply warehouses concerning the subject illegal work;

(iv) written estimates proposed by contractors prior to commencement of the subject illegal work;

(v) dated photographs of the subject property;

(vi) proof of compliance with Workers' Compensation Law insurance requirements;

(vii) a survey of the subject property made prior to January 1, 1989; [*sic*]

(viii) any other documents deemed acceptable by the Commissioner.

(3) While no one of the above-listed documents will be deemed dispositive, appropriate weight will be accorded to the application in its entirety, taking into account the particular facts and circumstances on a case-by-case basis.

(c) *Where to file.*

All claims for exemptions pursuant to these regulations must be submitted in writing to the Borough Superintendent of the appropriate borough office. The Borough Superintendent will review the claim and supporting documents and will advise the claimant of the decisions of the Department.

CHAPTER 34 ELECTRICAL CODE RULES

Subchapter A

Phase-in of Electrical Code Technical Standards

§34-01 Phase-in of new standards for electrical work. In accordance with subdivision a of section 27-3024 of the administrative code, the commissioner hereby extends the date of application of the electrical code technical standards as hereinafter provided. During the period from January 1, 2003 through June 30, 2003 (the phase-in period) electrical work, including low voltage electrical work, may be performed either in accordance with the electrical code technical standards adopted pursuant to section 27-3024 of the administrative code or in accordance with the standards set forth in subchapter 2 of chapter 3 of title 27 of the administrative code as in effect prior to January 1, 2003, and the Bulletins, Code Committee Interpretations and rules issued pursuant to such subchapter (the old electrical code) at the option of the licensed master or special electrician or other authorized person performing the work. On and after July 1, 2003 all electrical work shall be performed in accordance with the electrical code technical standards.

§34-02 Review of applications for electrical permits and certificates of electrical inspection during the phase-in period. An application for an electrical permit or certificate of electrical inspection, including an application for the legalization of unfiled work, filed during the phase-in period shall indicate whether the application is to be reviewed in accordance with the electrical code technical standards or the old electrical code. On and after July 1, 2003 all applications, including applications for the legalization of unfiled work, shall be reviewed in accordance with the electrical code technical standards.

§34-03 Temporary certification to perform low voltage electrical work. During the phase-in period business entities engaged in the business of installing, maintaining or repairing communication, signaling, alarm or data transmission systems may continue to perform low voltage electrical work in accordance with paragraph two of subdivision a of section 27-3017 of the administrative code pending the adoption of rules setting forth the requirements and procedure for the certification of low voltage installers.

CHAPTER 35 ELECTRICAL INSPECTION

§35-01 Designation of Private Agencies to Perform Electrical Inspections in the City of New York.

(a) *Grounds for certification and renewal of certification.* The commissioner may grant and each January thereafter renew certification of private electrical inspection agencies, provided:

- (1) the agency applying for certification certifies in writing that each of the inspectors it shall employ to conduct the inspections permitted by §27-3005(2)(b) of the Administrative Code shall possess five years experience as an electrician or inspector of electrical installation; or three years of experience as an electrician or inspector of electrical installation plus two years of education at an accredited college technical school in a program emphasizing courses in electrical installations or education toward a baccalaureate degree in Electrical Engineering or Engineering Technology with an emphasis on electrical installation or repair. Two of the requisite years of working experience as an electrician or inspector of electrical installation shall be experience in the installation of lighting, heating and power. Experience and education must be acceptable to the Department of Buildings and is subject to the Commissioner's Review and approval; and
- (2) the agency possesses
 - (i) a general liability insurance policy in excess of \$5 million, and
 - (ii) worker's compensation insurance for its employees and submits copies of the Insurance Certificates to the Commissioner; and
- (3) the agency furnishes the names of its inspectors and documentation supporting the experience required by §35-01(a)(1) hereof, and thereafter promptly advises the commissioner of any changes in personnel affecting the inspection permitted; and
- (4) the agency prohibits its inspectors and other employees from accepting any gratuities or other benefit for work performed pursuant to these regulations and §27-3005(2)(b) of the Administrative Code; and
- (5) the agency does not conduct an inspection pursuant to §27-3005(2)(b) of the Administrative Code of any work performed by any of its own officers, employees, or any other persons associated with the agency; and
- (6) the agency has a legal place of business within the City of New York (P.O. Box not acceptable).

(b) *Right to deny or revoke certification.*

- (1) The commissioner or his designee may deny or revoke certification where investigation reveals any of the following:
 - (i) the agency has failed to comply with any of the provisions enumerated in §35-01(a) of these rules and regulations;
 - (ii) the agency has knowingly made false or misleading statements, or knowingly falsified or allowed to be falsified any certificate, form, signed statement, application, or report filed with the department, or failed to file a report required by law or the department or willfully impeded or obstructed such filing, or induced another person to do so;
 - (iii) the agency engages in any other conduct evidencing a willful or grossly negligent failure to comply with provisions of state or local law, or rules or regulations promulgated pursuant to statutory authority; or
 - (iv) the agency engages in any other conduct evidencing a departure from the standard or good character applicable to the trade of licensed electrician.
- (2) Where the commissioner or his designee, in his or her discretion, deems the certification of the agency shall be revoked, the agency shall be entitled to a hearing before the Office of Administrative Trials and Hearings as provided by rules promulgated by the department.

(3) Where the commissioner or his designee, in his or her discretion, deems that continued certification of the agency would be likely to create a condition of imminent peril to public safety, the revocation determination shall be effective immediately. In such an instance, the agency shall be entitled to a hearing pursuant to §35-01(b)(2) of the rules at the next available scheduled hearing session before the Office of Administrative Trials and Hearings.

(c) *Contractual obligation.*

(1) A contractual agreement between the agency and the City of New York is required in order for the agency to perform electrical inspections for the City of New York.

(2) Certification by the Commissioner is a prerequisite for participation in the contracting process.

§35-02 Payment of Fees for Certificates of Electrical Inspection.

(a) All applications for a certificate of electrical inspection for electrical work filed with the Department of Buildings shall specify a completion date for such work. No certificates of electrical inspection, other than temporary certificates for electrical service, shall be issued, unless and until the required total application fee or fees therefore [sic] shall have been paid to the commissioner.

(b) The fees required to be paid pursuant to § [sic] 27-3018(b) of the Administrative Code shall be paid as follows:

(1) The filing fee set forth in § [sic] 27-3018 subdivision (b) of the Administrative Code shall be paid upon the filing of the application for a certificate of electrical inspection.

(2) (i) The licensee shall schedule an inspection within thirty (30) days after the completion date specified on the application in accordance with procedures established by the Department. The remainder of the total fee, based upon the work listed on the application, shall be due and payable upon completion of the scheduled inspection by the Department. Upon completion of the inspection and the Department's determination that the work performed is complete and in compliance with the applicable provisions of the Electrical Code and upon the Department's having received full payment of applicable fees including any additional fee payable under paragraph (4) of this subdivision, a certificate of electrical inspection shall be issued to the licensee.

(ii) If the licensee fails to schedule an inspection in accordance with Department's procedures within thirty days after the completion date specified on the application for a certificate of electrical inspection or such date as extended by the Department, or cancels a scheduled inspection appointment with less than forty-eight (48) hours notice or cancels a scheduled inspection more than forty-eight (48) hours prior to the inspection without scheduling an alternative date in accordance with Department procedures, or fails to provide access for the scheduled inspection, or if upon inspection it is determined by the Department that the work is not complete, or the scope of the work exceeds the scope of work indicated on the application, or the work is not in compliance with the Electrical Code, the remainder of the total fee shall be due and payable immediately.

(3) Where the remainder of the total fee is due and payable immediately as provided in paragraph (2)(ii) above, the licensee shall continue to be required to schedule an inspection(s) in the same manner as the initial inspection until the Department determines that the work performed conforms with the scope of the work indicated on the application and is in compliance with the applicable provisions of the Electrical Code. Upon such a determination and upon the Department's having received full payment of applicable fees including any additional fee payable under paragraph (4) of this subdivision, a certificate of electrical inspection shall be issued to the licensee.

(4) Any additional fee, based on amendments to the original application that include additional work, must be paid prior to the issuance of a certificate of electrical inspection.

CHAPTER 36 ELECTRICAL CONTRACTORS

§ 36-01 Evaluation of Educational Experience of Applicants for Electrical Contractor Licenses.

(a) *Experience.* Any applicant for an electrical contractor's license must have experience in the installation, alteration and repair of wiring and appliances for electrical, [sic] light, heat and power in or on buildings as set forth in New York City Administrative Code §27-3010. In evaluating this experience, credit may be given for the educational experience of applicants who have attended courses in a recognized vocational, industrial or trade school in electrical wiring, installation and design, or applied electricity.

(b) Description of course credit in recognized vocational, industrial or trade schools in electrical wiring, installation and design, or applied electricity.

(1) A recognized vocational, industrial or trade school in electrical wiring, installation and design, or applied electricity, is one offering a comprehensive curriculum of classes and practical laboratories taught in a logical progression to complete a specific course of study in electricity, as set forth in the description of the

instructional program in residential, industrial and commercial electricity contained in the New York State Education Department guidelines for trade and industrial education, or the equivalent as determined by the Commissioner of Buildings upon the recommendation of the New York City Electrical License Board.

(2) A curriculum year of credit shall be no less than 200 classroom hours comprised of 20 percent lecture hours and 80 percent practical laboratory hours, or the equivalent as determined by the Commissioner of Buildings upon the recommendation of the New York City Electrical License Board.

§ 36-02 Impact of Periods of Unemployment upon Applications for Electrician's Licenses.

(a) *Applicability.* Pursuant to New York City Administrative Code §27-3010, any applicant for a master or special electrician's license shall have had, immediately preceding his or her application, at least seven and one-half (7½) years of experience in the installation, alteration and repair of wiring and appliances for electric light, heat and power in or on buildings. In evaluating this experience, the Department recognizes that periods of unemployment may make continuous employment for the seven and one-half (7½) years preceding his or her application impossible. Thus, in evaluating whether a master or special electrician's license applicant has sufficient work experience, the Department may exclude periods of unemployment when considering whether work experience immediately preceded the application date, as set forth in this rule.

(b) In accordance with the above, the Commissioner may grant a master or special electrician's license application where the applicant's work experience has occurred within the ten years immediately preceding the application date, if: (i) the applicant has had at least seven and one-half years of such experience, and during such time, a minimum of seventy-five hundred (7500) hours or the equivalent experience in the legal installation, alteration and repair of wiring and appliances for electric light, heat and power in or on buildings in such ten years immediately preceding the application date; and (ii) during the two calendar years immediately preceding the application date, the applicant has been employed in the legal installation, alteration and repair of wiring and appliances for electric light, heat and power in or on buildings for at least a total of twelve months.

(c) Subdivision (b) shall not apply to electrician's license applicants whose work experience includes electrical work that was not supervised by a licensed electrician, or that was otherwise illegal.

Nothing in this rule shall affect how credit for the seven and one-half (7½) years of work experience is computed pursuant to New York City Administrative Code §27-3010 (a)-(e).

CHAPTER 37 REFERENCE STANDARDS

§37-01 Rules of Procedure for Amending, Revising or Promulgating Reference Standards.

(a) **General.** Pursuant to Administrative Code §27-131.1, the Commissioner is empowered to issue or amend the building code reference standards, acting in consultation with the fire commissioner on all issues relating to fire safety. This rule establishes the procedure to be followed.

(b) **Definitions.**

(1) "Advisory Committee" shall mean the committee appointed by the Commissioner, consisting of members of the Department, the fire department, a registered architect, a professional engineer and representatives of the building and construction industry. The advisory committee shall be chaired by the Deputy Commissioner for Technical Affairs.

(2) "Task Force" shall mean a committee appointed by the mayor or the Commissioner to investigate a particular matter. Such committee shall include members of the public. The fire department shall be a member of any task force charged with investigating matters involving fire safety.

(c) **Initial Consultation with the fire department.** Where it is proposed to revise or amend reference standards 3-1, 3-2, 4-6, 5, 7-3, 8-1, 10-8, 10-9, 13-1, 13-2, 13-3, 13-6, 13-16, 14-11, 14-12, 14-13, 17, 18-1 and 19-1 and any other reference standard pertinent to fire safety, the fire department shall participate in preliminary meetings on proposed changes to these reference standards.

(d) **Review by advisory committee.** (1) Prior to publishing a proposed reference standard or amendment thereto, said proposal shall be distributed to the advisory committee for review and comment. In lieu of a review by the advisory committee, the Commissioner may direct a task force to review and comment on a proposed reference standard when said reference standard relates to the concerns of the task force.

(2) The advisory committee or task force shall review all proposed reference standards and shall timely comment on each draft submitted. The Department shall forward the advisory committee or task force a [sic] final draft of the reference standards relevant to fire safety to the fire department for review and comment.

(e) Public notice and hearing. (1) Upon receiving the comments of the advisory committee or task force, the full text of the proposed reference standard shall be published in the City Record at least twenty (20) days prior to the date set for a public hearing.

(2) Such published notice shall include a draft statement of the basis and purpose of the proposed reference standard, the time and place of public hearing and the final date for receipt of written comments.

(3) No proposed reference standard is to be published in the City Record unless comments required pursuant to §37-01(d)(2) have been received from the fire department or at least thirty (30) calendar days have elapsed from the submission of the final draft to the fire department, whichever is sooner.

(4) The final date for receipt of written comments regarding the proposed reference standard shall be five (5) calendar days after the public hearing.

(5) In the event substantive changes which may affect fire safety are made to the reference standard after the public hearing, the fire department shall review such draft and have ten (10) calendar days to comment.

(f) Final publication. (1) A reference standard shall become effective upon publication in the City Record after the close of the applicable comment period set forth in §37-01(e)(4) or (5), whichever is later.

(2) The reference standard as adopted shall be published in the next supplement to the compilation of "Building Code Reference Standards" and included as part of the Administrative Code.

CHAPTER 38 VENTILATION

§38-01 Ventilation of Garage Spaces Below Grade.

(a) Wherever the floor of a garage designed for the live storage of five (5) or more motor vehicles is more than two (2) feet below curb, ventilation shall be provided as required by the provisions of subdivision a of §C26-267.0 of the Administrative Code.[sic]

(b) Air exhaust ducts shall terminate above the roof of the garage or the roof of the building or shall terminate at least ten (10) feet above the curb in an exterior wall adjoining a legal street, yard or court. No air exhaust duct shall terminate within fifteen (15) feet of a window in another building, nor within fifteen (15) feet of a window in the residence portion of the same building.

(c) The ventilating system shall comply with Reference Standard 13.

CHAPTER 39 COOLING TOWERS AND EVAPORATIVE CONDENSERS

§39-01 Cooling Towers and Evaporative Condensers.

(a) Before any cooling tower or evaporative condenser is erected, a permit shall be obtained.

(b) Plans of the cooling tower or evaporative condenser shall be filed with the application for a permit, showing details of construction, such as materials, dimensions, thickness of metal, weight of tower or condenser and details of all structural members and supports, including details of the method of support on the structure below and within such structure and any required anchorage.

(c) Stresses permitted in structural members and connections shall not exceed the limitations of the Administrative Code.

(d) The minimum thickness of any structural steel members shall be one-quarter inch, including all bracing and secondary members.

(e) The location of the cooling towers and evaporative condensers shall comply with the pertinent provisions of the Zoning Resolution.

(f) All materials used in cooling towers, except the drip bars, shall be constructed of incombustible material. The supports of drip bars are required to be of incombustible material.