



CHAPTER 40 INSTALLATION AND MAINTENANCE OF GAS-FUELED WATER AND SPACE HEATERS IN ALL PORTIONS OF DWELLINGS USED OR OCCUPIED FOR LIVING PURPOSES

Subchapter

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Subchapter A *Scope*

§40-01 Installation and Maintenance of Gas-Fueled Water and Space Heaters in all Portions of Dwellings Used or Occupied for Living Purposes.

These rules shall govern the installation and maintenance of gas-fueled space and water heaters in the residence portions of multiple dwellings in the City of New York, including but not limited to the installation of such devices in multiple dwellings which are installed in lieu of centrally supplied heat and hot water under the provisions of §27-2028 and §27-2032 of the Administrative Code and in one and two family residences not heated by a central heating system.

Subchapter B *Departmental Procedure*

§40-11 Applications and Plans.

- (a) Before commencing the installation of a gas-fueled space or water heater in a dwelling an application, as specified below must be filed in the borough office of the Department of Buildings where the installation is to be made, giving the address of the dwelling and all pertinent information required on the forms.
- (b) Applications shall be accepted only where gas appliances will be connected to flues in existing brick chimneys, and where no other venting or other work is required to be done. They shall not be accepted for installation of gas-fueled heaters in sleeping rooms. Applications shall clearly state the type of appliance to be installed, the floors, apartments and rooms in which they are to be placed, including the number of rooms in the apartment and the occupancy of each room, whether sleeping room or otherwise. They shall describe the condition of the chimney flue to be used and state whether the draft is satisfactory. If a gas meter is to be installed its location shall be given.
- (c) Where vent pipes are to be installed, or other work done in connection with the installation of gas-fueled heaters, an application shall be filed. It shall indicate the type of each such device, the floor on which, and the apartment and the occupancy of the room in which such appliance is to be installed, the material and dimensions of the vent pipe or flue, and the dimensions of the court or yard to which the exhaust vent will be carried. If a gas meter is to be installed, its location shall be shown. No plumbing specification sheet need be filed with such application.
- (d) Application for permits to install gas-fueled space and water heaters may be made separately or together on one application but each such application shall indicate that all apartments in the building will be provided with gas-fueled space and/or water heaters as the case may be. The location, type, make, and capacity of all such appliances previously installed or to be installed in a building shall be specified. If any of the appliances have been installed in multiple dwellings prior to December 9, 1955, which the owner desires to maintain, the necessary work to make them comply with these rules should be indicated.
- (e) An application may be filed by the owner of the premises, or his architect, engineer, contractor, plumber or other agent. If the application is not filed by the owner, an [*sic*] owner's authorization form also shall be filed.

§40-12 Examination and Approval of Applications.

- (a) Applications, when filed, shall be processed in the usual manner and forwarded to the inspectors of

plumbing.

(b) Applications calling for the installation of gas fueled space and water heaters shall be expedited and may be taken out of turn, except that they shall be processed in the order in which they were received. They shall be examined for compliance with these rules and all other laws and regulations applicable to such installations. If any chimney or metal stack is to be installed, examiners shall check such construction for compliance with subchapter 15 of Chapter 1 of Title 27 of the Administrative Code (Building Code). They shall require that the foundation shall be carried not less than four feet below the surface of the ground, and that the soil on which it is built to be not overloaded. They shall require that new chimneys be strapped to the existing walls.

(c) Only applications calling for the installation of gas-fueled space or water heaters, approved by the Department of Buildings, specifying the make and model shall be approved. All such gas appliances shall be of types approved also by the American Gas Association. However, where an owner desires to continue to use any gas appliance installed in a multiple dwelling prior to December 9, 1955, clearly shows on the plan the data required by §40-11(f) and prominently marks the appliances that have not been approved by the Department of Health, the application may be conditionally approved pending the approval of the appliances by the Department of Health.

§40-13 Commencement of Work.

(a) It shall be unlawful to commence any construction for which an application has been filed until a permit for the proposed work has been issued by the borough superintendent, and it shall be unlawful to commence the installation of piping of any gas appliance until a registered plumber has filed a signed statement with the borough superintendent containing the address of said plumber and stating that he is duly authorized to proceed with the work.

(b) The plumber shall notify in writing the borough superintendent of the Department of Buildings of the borough in which any gas-fueled space or water heater is to be installed, [*sic*] when such work is to begin and when it will be ready for operation and inspection.

§40-14 Inspection of Gas-Fueled Space and Water Heaters.

(a) Where an application has been filed it shall be the responsibility of the inspectors of plumbing to see that gas-fueled space and water heaters are installed in dwellings, apartments and rooms where such heaters are permitted to be installed in lieu of central heat or supply of hot water. They shall see to it that the appliances are of types approved by the Department of Buildings and the American Gas Association, and are installed in compliance with these rules.

(b) An application covering the installation of these appliances in dwellings shall be forwarded directly to the plumbing inspectors when approved as a permit. The installation of such appliances including Type B and other gas vents, but not chimneys, shall be inspected by inspectors of plumbing. If an application does not call for construction of a masonry or metal chimney, it shall be reported as completed, by the plumbing inspector, provided the work was satisfactory with a note on his report "no structural work."

(c) If the application calls for the erection of a masonry or metal chimney, it shall be forwarded by the plumbing inspector to the construction inspector as soon as the plumbing inspector has found the installation of these gas appliances and vent connections satisfactory. The construction inspector shall report such an application completed if the construction of the chimney has been satisfactorily performed.

§40-15 Issuing Approvals.

(a) A gas-fueled space or water heater installed after December 18, 1957, and a gas-fueled space heater installed prior to that date, in the residence portion of a multiple dwelling and installed after October 1, 1964, in one and two family dwellings, shall be approved by the Department of Buildings only if it is of a type approved by the Department of Buildings and the American Gas Association, and if it has been installed in compliance with these rules. A gas-fueled water heater installed in a multiple dwelling prior to December 18, 1957, and in a one or two family dwelling prior to October 1, 1964 shall be approved by this department only after it has been made to comply with all the requirements of these rules. The certification of approval of type of appliance by the

Department of Buildings of such water heaters shall be attached to the application.

(b) An application which has been filed to cover the installation of only gas-fueled space heaters or only gas-fueled water heaters shall be reported as being satisfactorily completed only if all apartments in the building have been provided with either space or water heaters as the particular application specified. If an application calls for the installation of both space heaters and water heaters it shall be reported as being satisfactorily completed only if all apartments in the building have been provided with both space heaters and water heaters. Nor shall any application be reported as being satisfactorily completed unless all new appliances have been installed in compliance with these rules and all existing appliances have been made to conform with them.

(c) When the plumbing section signs off, as satisfactorily completed, an application which provides for the installation of gas-fueled space heaters in all apartments of a multiple dwelling, including the apartments where gas-fueled space heaters may have been installed prior to December 18, 1957, they shall make a list of such premises and send a copy of the list to the Department of Housing Preservation and Development. Where water heaters also have been satisfactorily installed, that fact shall be noted on the list. The list shall contain the premises and the application number under which the appliances have been installed, and shall be forwarded weekly.

Subchapter C *Where Heaters May be Used*

§40-21 Substitution for Central Heating or Hot Water Supply. Gas-fueled space or water heaters may be used in lieu of centrally supplied heat or hot water only in an apartment in a dwelling which complies with all the following requirements:

- (a) The apartment shall consist of two or more living rooms.
- (b) The apartment shall consist entirely of rooms used in Class A occupancy, or in one or two family dwellings.
- (c) The apartment shall not be, in whole or in part, arranged, designed or intended to be used for single room occupancy.
- (d) The apartment shall not have been formed, in whole or in part, as a result of work done to increase the number of apartments of a converted dwelling or a tenement under an application or plan filed with the department on or after December 9, 1955.
- (e) The apartment shall not be located in a building which has been vacant under conditions and for periods which render it subject to the provisions of §27-2089 of the Administrative Code.
- (f) The apartment shall not have been converted or altered under plans filed with the department on or after December 9, 1955 so as to cause any existing or newly created portion of a Class A or Class B converted dwelling not previously constituting an apartment consisting of rooms used for Class A occupancy to become such an apartment.
- (g) The apartment shall not be a part of a Class A or Class B multiple dwelling which is or was converted to such dwelling from a single family or two-family dwelling under an application or plan filed with the department on or after December 9, 1955.
- (h) The apartment shall not be in a tenement which, after being used or occupied as other than a tenement, is or was reconverted to a tenement under any application or plan filed with the department on or after December 9, 1955.
- (i) In accordance with Building Code Reference Standard P107.26.

Subchapter D *Installation of Gas-Fueled Heaters*

§40-31 Required Approvals of Appliances. Gas-fueled space and water heaters, installed after December 18, 1957, in apartments in multiple dwellings, in lieu of centrally supplied heat or hot water where such centrally supplied heat or hot water supply is required by the Multiple Dwelling Law,*[sic]* and in one and two family dwellings installed after October 1, 1964 shall be of types approved by the Department of Buildings and the American Gas Association.

§40-32 Prohibited Types of Water Heaters. On and after December 18, 1957, it shall be unlawful to install in any apartment in any multiple dwelling, and after October 1, 1964 in a one or two family dwelling a gas-fueled water heater, so designed and arranged that it heats water in pipe coils placed at a distance from the hot water storage tank.

§40-33 Number and Capacity of Gas-Fueled Heaters.

(a) Where gas-fueled heaters are permitted to be installed in lieu of the required centrally supplied heat, each "living room," as such term is defined in subdivision 18 of §4 of the Multiple Dwelling Law, shall be heated by a heater placed in such room or in an adjoining room which connects with it except that a room whose exterior walls are exposed only on a fully enclosed inner court may be heated by a heater located one room removed from such room. For this purpose, an inner court shall be considered fully enclosed even though some of the enclosure walls are located on an adjoining lot. The aggregate input capacity of the heater or heaters installed in any apartment shall not be less than the number of living room times ten thousand (10,000) British thermal units per hour.

(b) Notwithstanding the provisions of subdivision (a) of this section, there shall be installed and continuously maintained by the owner in each apartment gas-fueled heaters in such numbers and at such locations as shall be sufficient to heat such apartment to the minimum temperature which would be required to be maintained therein by the owner under the provisions of the Health Code of the city relating to the heating of buildings, if such owner were required to furnish centrally supplied heat in such apartment.

(c) The requirements of subdivision (a) and (b) of this section are not applicable when an apartment in a multiple dwelling is heated by gas-fueled space heater or heaters which were installed by a tenant prior to December 18, 1957, and in a one or two family dwelling prior to October 1, 1964 and owned by such tenant or successor tenant.

§40-34 Capacity of Water Heaters. Gas-fueled water heaters shall be automatic storage types having a capacity of not less than twenty gallons and shall, in any event, be adequate to provide a supply of hot water as defined in §27-2031 and §27-2034 of the Housing Maintenance Code, and §131.042 of the Health Code.

§40-35 Shut-Off Devices. Each gas-fueled space or water heater installed in an apartment in a dwelling shall be equipped with an effective device which will automatically shut off the gas supply to such heater in the event that its pilot light or other constantly burning flame is extinguished, or in the event of an interruption of the gas supply to such heater. Such automatic gas shut-off device shall be of type which, after it has shut off the supply of gas to a heater, will not permit such heater to be relighted unless such shut off device is first reset manually.

§40-36 Gas Piping. (a) The sizes of gas piping shall be such as to give an adequate volumetric flow of gas to all appliances. The minimum diameter of gas piping shall be three-quarters of an inch (3/4") except that a branch supplying only one appliance may be one-half inch (1/2") diameter.

(b) Each gas-fueled space and water heater shall be rigidly connected to the gas piping supplying gas to the apartment.

§40-37 Appliances in Sleeping Rooms. (a) Gas-fueled water heaters shall not be installed in a room occupied for sleeping purposes, in bathrooms, or in any occupied room normally kept closed.

(b) It shall be unlawful to install a gas-fueled space heater in a room occupied for sleeping purposes except when the space heater is so designed, installed and operated for it:

(1) Obtains combustion air directly from the outside of the building or through a duct leading to the outside.

(2) It vents directly to space outside of the building other than an inner court, or is connected through a flue or outlet pipe with an outside chimney which conforms with the requirements of Subchapter 15 of Chapter 1 of Title 27 of the Administrative Code (Building Code).

A flue in an existing brick chimney may be used if it is in good condition and tests show that it will provide adequate draft.

§40-38 Clearances from Combustible Materials. (a) Space heaters and water heaters approved by the American Gas Association Laboratories, shall have clearance from combustible materials in accordance with the terms of their approval.

(b) Gas-fueled space and water heaters shall be installed also in conformity with any applicable requirements of specification Z21-30 of 1954 of the American Standards Association, except where these rules otherwise provide.

(c) Vent connectors and vent and outlet pipes shall be installed so as to provide a minimum clearance of three inches on all sides from combustible material. Vent and outlet pipes shall not pass through a floor. Where a vent or outlet pipe passes through a partition or roof constructed wholly or in part of combustible material, a ventilated metal thimble not less than six inches larger in diameter than the pipe shall be provided. Any material used to fill the space between the vent pipe and the thimble shall be incombustible.

§40-39 Venting of Gas Appliances. (a) *Definitions.*

Flue, vent or outlet pipe. A "flue, vent or outlet pipe" is a conduit or passageway, vertical or nearly so, for conveying flue gases to the outer air.

Vent connector. A "vent connector" is a pipe connecting an appliance with the flue, vent, outlet pipe or chimney.

(b) Every vent or outlet pipe serving a gas space or water heater shall be provided with a draft hood of a type approved by the American Gas Association, Inc., laboratories of the Underwriters' Laboratories, Inc., as conforming to accepted standards, unless the heater has an approved built-in draft hood, or has been approved by the American Gas Association without a draft hood. The draft hood shall be installed at the flue collar or as near to the appliance as possible and in the position for which it was designed, with reference to horizontal and vertical planes. The relief opening of the draft hood shall not be obstructed. A suitable cap shall be provided at top of vent pipes.

(c) Each gas-fueled space or water heater installed in an apartment in lieu of the required centrally supplied heat and hot water supply, respectively, shall be connected to a chimney flue, outlet pipe, or type B vent, complying with the requirements of subdivision (h) of this section, which shall be carried four feet above a flat roof and two feet above the highest part of a peaked roof, except that type B vents need not comply with this provision when equipped with a vent cap approved by the Department of Buildings or previously approved by the Board of Standards and Appeals for the prevention of downdraft. A flue in an existing chimney may be used if a licensed plumber certifies that he has made a smoke test of the flue and found no gas escaping through its walls, and made a test of the draft and found it adequate. However, window or wall type heaters of the sealed combustion chamber type which have been approved by the Department of Buildings or previously approved by the Board of Standards and Appeals may be vented in accordance with the approval of the Board, except as provided in subdivision (d) of this section.

(d) No gas-fueled space heater, including a window or wall type recessed heater and no gas-fueled water heater, installed in a dwelling, shall be vented to an inner court unless it is connected to a chimney complying with the requirements of subchapter 15 of Chapter 1 of Title 27 of the Administrative Code (Building Code). Standard steel steam or water pipes are acceptable in such locations.

(e) Gas-fueled water heaters shall be located as close as practicable to a vent or flue. They should be so located as to provide short runs of piping to fixtures.

(f) Vent connectors shall consist of galvanized iron of not less than No. 26 U.S. gage [*sic*] in thickness, cement-asbestos pipe, approved type B vents, enameled steel pipe of a quality acceptable to the superintendent as heat and corrosion resistant, or other materials satisfactory to the superintendent.

(g) Vent connectors shall have a cross-sectional area at least equal to the area of the vent outlets of the appliance and shall have a minimum diameter or dimension of three inches.

(h) Outlet pipes and vents, on the exterior of a building, shall consist of standard water, steam or soil pipes, type B vents approved by the Department of Buildings or previously approved by the Board of Standards and Appeals, or other corrosion resistant materials satisfactory to the superintendent, all so connected as to prevent leakage at joints. Outlet pipes and vents on the exterior of a building shall be adequately supported and braced. Flues inside of buildings shall be constructed as low temperature chimneys. Type B vents may be used inside buildings when installed in accordance with the requirements of §27-887(d) of the Administrative Code (Building Code) and with the conditions of their approval.

(i) Only vent connections serving appliances located in one story of a building may be made to any flue. The cross-sectional area of any flue shall be equal to or greater than the total cross-sectional area of all vents connected

to it, but in any case the least internal dimension shall be three inches.

(j) Vent connections may be made to a flue serving other heat producing appliances, above the connection of the other heat producing appliances, or the smoke pipe or vent connection from the gas appliance and the other heat producing device may enter the flue through a single opening if joined together by a Y fitting located as close as practical to the flue. The angle of intersection between the branch and the stem of the Y shall not exceed forty-five degrees. The area of the common outlet pipe shall not be less than the combined areas of the outlet pipes joined by the Y fitting.

(k) The horizontal run of vent pipe connectors shall not exceed three-fourths of the vertical rise of the flue to which the vent is attached, measured from the connection of the appliance to the top of the flue. A vent connector shall be pitched upward from the gas appliance with a slope of not less than one-fourth inch vertically for each foot of horizontal run.

(l) No dampers, steel wool or other obstructions shall be placed in any vent pipe or flue.

§40-40 Gas-Fueled Space Heaters Installed Prior to December 18, 1957.

(a) Gas-fueled space heaters installed prior to December 18, 1957, if of a type not approved by the Department of Health and the American Gas Association, shall be replaced by centrally supplied heat or by gas heaters approved by the said authorities on or before November 1, 1958, in any tenement and converted dwelling which contains ten or more apartments, and on or before November 1, 1959, in other tenements and converted dwellings.

(b) On or before the applicable dates given in subdivision (a) of this section, gas-fueled space heaters installed prior to December 18, 1957, in tenements and converted dwellings prescribed in said paragraph shall be made to comply with all the requirements of §§40-33 through 40-39.

§40-41 Gas-Fueled Water Heaters Installed Prior to December 18, 1957.

(a) On or before November 1, 1958, in any tenement and converted dwelling which contains ten or more apartments, and on or before November 1, 1959, in other tenements and converted dwellings, any gas-fueled water heater installed prior to December 18, 1957, if of a type not approved by the Department of Health, shall be replaced by a supply of hot water or by a water heater approved by said department.

(b) On or before the applicable dates given in §40-40(a), gas-fueled dwellings described in said paragraph shall be made to comply with all the applicable requirements of §§40-33 through 40-39, and all gas-fueled water heaters that have water heaters installed prior to December 18, 1957, in tenements and converted dwellings' sleeping rooms shall be removed.

(c) Any gas-fueled water heater so designed and arranged that it heats water in pipe coils placed at a distance from the hot water storage tank, installed prior to December 18, 1957, may be maintained in tenements and converted dwellings described in subdivision (a) of this section on and after the applicable dates given in said rule only if it is of a type approved by the Department of Health. However, no gas-fueled water heater shall be maintained in a sleeping room or bathroom.

§40-42 Maintenance of Space and Water Heaters.

(a) The owner of the tenement or converted dwelling and of the one and two family dwelling in which gas-fueled space and water heaters have been installed by him shall maintain each such appliance in a condition of good repair and in good operating condition.

(b) On and after November 1, 1958, in any tenement and converted dwelling which contains ten or more apartments, and on and after November 1, 1959, in any other tenement and converted dwelling, where a tenant provided a space or water heater on October 1, 1957, each such appliance shall be made to comply with all the applicable requirements of these rules and shall be maintained in a condition of good repair and in good operating condition by the tenant.

(c) Should a tenant fail to comply with the requirements of subdivision (b) of this section, it shall be the duty of the owner of the tenement or converted dwelling to provide centrally supplied heat and a supply of hot water, or if such apartment is eligible therefore [*sic*] and he so elects, to install and continuously maintain space and water heaters therein which shall comply with the requirements of these rules.

(d) On and after November 1, 1958, in any tenement and converted dwelling which contains ten or more apartments, and on and after November 1, 1959, in any other tenement and converted dwelling, where gas-fueled space or water heaters were provided by the tenant, and the ownership of such appliances passes from the tenant or successor tenant, or if any such space or water heaters are removed from gas-fueled space or water heater, or temporarily for the purpose of repairs, then such an apartment, except for the purpose of immediate replacement by another owner will be subject to the duties imposed on an owner by subdivision (c) of this section.

§40-43 Existing Appliances in Ineligible Locations. Where a gas-fueled space heater or water heater has heretofore been installed in a dwelling not complying with all the requirements of §40-21, nothing in these rules shall be construed to relieve the owner of his responsibility to provide for such dwelling centrally supplied heat and supply of hot water.

§40-44 [Reserved]

§40-45 Variations. Where there is a practical difficulty in carrying out the strict letter of the provisions of these rules, the Borough Superintendent may vary such provisions for a specific installation, provided the necessary safety is secured and the variance is not in conflict with Administrative Code.

CHAPTER 41 VENTING OF GAS WATER HEATERS AND OTHER GAS APPLIANCES IN MULTIPLE DWELLINGS

§41-01 Venting of Gas *[sic]* Water Heaters and Other Gas Appliances in Multiple Dwellings.

(a) This section shall apply to vents for gas burning water heaters within apartments of multiple dwellings as required by §27-887(d) of the Administrative Code (Building Code) and to gas appliances in rooms or spaces without a window opening to the outer air, used for living or sleeping within a multiple dwelling, where required by the provisions of §64 of the Multiple Dwelling Law.

(b) Vents shall consist of galvanized iron of not less than No. 26 U.S. gage *[sic]* in thickness, cement-asbestos pipe, metal asbestos pipe, enameled steel pipe of a quality acceptable to the Department as heat and corrosion resistant, or other materials satisfactory to the superintendent.

(c) Vents shall have a cross-sectional area at least equal to the area of the vent outlet of the appliance and shall have a minimum diameter or dimension of three (3) inches.

(d) Vents shall lead to a flue or to the outer air as follows:

(1) Several vents may be connected to a flue if the cross-sectional area of the flue is equal to or greater than the total cross-sectional area of all vents so connected. No vent from a water heater or other gas appliance within an apartment may be connected to a flue serving a central heating plant.

(2) Vents may be connected to *[sic]* flue serving appliances burning other than gas fuel provided the connection of the gas appliance to the flue is at least nine (9) inches above the connection of the other heat producing device, or through a suitable "Y" connection in a common vent pipe of proper diameter.

(3) Every flue to which a vent from a gas water heater is attached, shall extend to a distance of not less than four (4) feet above a flat roof, or two (2) feet above a pitched roof. Such flues on the exterior of a building, and the portions of the vent pipes on the exterior of a building, shall consist of standard water, steam or soil pipe, cement asbestos pipe, metal-asbestos pipe or other corrosion resistant material satisfactory to the Department. Flues and vent pipes on the exterior of buildings shall be adequately supported and braced. Flues within buildings shall be constructed as low temperature chimneys.

(4) Vents leading to an outside flue or terminating at the exterior of the building may pass through the upper part of a window if the vent is adequately secured in place and provided the vent is so arranged as to give minimum interference with the operation of the window, provided the area of the windows in the room after alteration equals or exceeds that required by law. Vents may also pass through an exterior wall by means of a metal sleeve placed in the wall. The metal sleeve shall consist of standard water, steam, or soil pipe, cement-asbestos pipe, or other approved material. The space between the sleeve and the vent shall be filled with incombustible material.

- (5) Vent pipes may be terminated at the exterior of an outside wall of a building in which case the vents shall be turned upward for not less than ten (10) inches, except that for any vent pipes installed after June 30, 1955, the vertical rise of the vent pipe shall not be less than one and one-third times the length of the horizontal run of the vent pipe. No vent pipe shall terminate below the level of the top of a window unless at least three (3) feet distant from any part of the window. Vents shall be capped with an approved tee. Vents on the exterior of a building shall comply with the provisions of paragraph (4), subdivision (d) of this section as to the material that may be used.
- (e) Vent pipes shall be installed so as to provide a minimum clearance of three (3) inches on all sides from combustible material. Vent pipes shall not pass through a floor unless approved by the superintendent.
- (f) Where a vent pipe passes through a partition or roof constructed wholly or in part of combustible material, a ventilated metal thimble not less than six (6) inches larger in diameter than the pipe, shall be provided. Any material used to fill the space between the vent pipe and the thimble shall be incombustible.
- (g) Every vent pipe serving as a gas water heater shall be provided with a draft hood unless the water heater has an approved built-in draft hood. The draft hood shall be approved by a recognized testing laboratory as conforming to nationally accepted standards. The draft hood shall be installed at the flue collar or as near to the appliance as possible and in the position for which it was designed, with reference to horizontal and vertical planes. The relief opening of the draft hood shall not be obstructed.
- (h) The horizontal run of vent pipe shall not exceed three-fourths of the vertical rise of the flue to which the vent is attached. The vent pipe shall be pitched upward from the water heater with a slope of not less than one-fourth inch vertically for each foot of horizontal run.
- (i) No dampers, steel wool or other obstructions shall be placed in any vent pipe or flue.
- (j) A permit shall be obtained from the Department of Buildings before any vertical flue or chimney is constructed.

CHAPTER 42 ENTRANCE DOORS, LOCKS AND INTERCOMMUNICATION SYSTEMS

§42-01 Entrance Doors, Locks and Intercommunication Systems.

- (a) Bulkhead doors and scuttles shall have no key locks and shall not be locked by a key at any time. The only permissible and acceptable means of securing a bulkhead door or scuttle is by means of a movable bolt or hook on the inside.
- (b) Section 15.10(n) of the current departmental rules and regulations in its last un-numbered paragraph provides as follows:
“All passageways required under these rules shall be not less than seven feet (7'0”) in height and not less than three feet (3'0”) in width and shall at all times be kept clear and unobstructed. Doors and gates at the end of such passageways are prohibited, except that a door or gate equipped with an approved-type knob or panic bolt which shall be readily openable from the inside will be permitted at the building line. Doors and gates provided with key locks or padlocks are prohibited.”
- (c) Where an entrance door leading from a vestibule to the main entrance hall or lobby is equipped with one or more automatic self-closing and self-locking doors, the entrance door from the street to the vestibule need not be equipped with automatic self-closing and self-locking doors.
- (d) Every entrance from the street, court, yard or cellar to a class A multiple dwelling erected or converted after January 1, 1968 containing eight or more apartments shall be equipped with automatic self-closing and self-locking doors. Such multiple dwelling, as aforesaid, shall also be equipped with an intercommunication system to be located at the required main entrance door.
- (e) On or after January 1, 1969, every entrance from the street, court, yard or cellar to a class A multiple dwelling erected or converted prior to January 1, 1968 containing eight or more apartments, shall be equipped with automatic self-closing doors and self-locking doors and shall also be equipped with an intercommunication system.

- (f) Every self-locking door required under this section shall be installed and maintained so as to be readily openable from the inside without the use of keys.
- (g) The minimal devices acceptable for the intercommunication system shall be a bell or buzzer system, or a speaking and listening device to permit communication by voice between the occupant of each apartment and a person outside such required main entrance door, and a return buzzer mechanism to release or open the lock to the aforesaid required door.
- (h) The bell and intercommunication system shall be located at the required main entrance door so that a person may readily reach the door when the unlocking buzzer is activated.
- (i) No push button device shall be more than six feet from the floor and the speaking and listening device shall be installed to be not less than four feet and not more than five feet from the floor.
- (j) The device or devices for the the intercommunication system installed in the apartment shall be readily accessible to the occupant.
- (k) The device or devices for the the intercommunication system installed hereunder shall be of a type and kind approved by the Department of Buildings or previously approved by the Board of Standards and Appeals.
- (l) Devices which have been previously installed and which are in good condition and performing in an adequate manner may, in the discretion of the department, be accepted.

CHAPTER 43 INSTALLATION OF SECURITY ITEMS IN MULTIPLE DWELLINGS

§43-01 Installation of Peepholes.

- (a) These new peepholes, or door interviewers, must bear a label showing the approval of the Department of Buildings or the previous approval of the Board of Standards and Appeals.
- (b) The peepholes must be so located as to enable a person in such housing unit to view from the inside of the entrance door any person immediately outside.
- (c) The distance above the inside finished floor to the center of the peephole shall be approximately 5 feet.
- (d) The cutout shall not affect the adequacy of any stiffening member of the door.
- (e) Peepholes installed prior to the enactment of the legislation will be acceptable unless the cutout for the peephole has affected the adequacy of any stiffening member of the door.

§43-02 Installation of Two 50 Watt Lights at Front Entrance Way.*

- (a) All electrical work shall be done in accordance with the requirements and approval of the Department of Buildings.
- (b) The installation shall be a separate circuit or connected to the house line servicing the public halls.
- (c) The lights shall be encased in a metal guard or shatterproof globe.
- (d) The lights of at least 50 watts of incandescent or equivalent illumination shall be placed on each side of the front entrance-way at a height of between 7 to 11 feet above floor level adjacent to such entrance-way and adequate to light same.

**As promulgated, however provisions of the New York City Housing Maintenance Code may require high wattage requirements.*

§43-03 Installation of Viewing Mirrors in Self-Service Elevators.

- (a) Mirrors shall be made of polished metal.
- (b) Mirrors shall be of such size and so located on the car wall opposite the car entrance so that a person entering the elevator may have a complete view of the interior of the car. It shall not be necessary to provide a view floor and ceiling.
- (c) The mirror shall be so located as not to interfere with or endanger passengers in the elevator.
- (d) Mirrors shall be mounted and secured so that they cannot be readily removed by the public.

43-04 Installation of Lights in Rear Yards, Side Yards, Front Yards and Courts.

- (a) All electrical work shall be done in accordance with requirements and approval of the Department of Buildings.
- (b) The installation shall be a separate circuit or connected to the house line servicing the public halls.
- (c) The light or lights, shall be of at least 40 watts of incandescent or equivalent illumination.

- (d) The lights shall be so located as to adequately light all portions of the rear yards, side yards, front yards and courts.
- (e) Lights are not required in an inner court that is accessible only from the interior of the building and to which access is restricted for clean-out purposes.

CHAPTER 44 EXEMPTIONS FROM FILING REQUIREMENTS

§44-01 Minor Alterations that do not Require the Filing of Applications and Plans for Building Alteration Permits with the Department of Buildings.

- (a) The following items associated with one and two family dwellings shall be considered minor alterations within the meaning of §27-124 of the Administrative Code of the City of New York and shall not require the filing of applications and plans for building alteration permits with the Department:
 - (1) Fences of any material, including masonry fences, up to six feet high;
 - (2) Boiler room enclosures;
 - (3) Minor interior non-structural changes not increasing room count;
 - (4) Outdoor in-ground pools limited to 400 square feet in area, provided that there is an existing slop sink for indirect waste; and
 - (5) Greenhouses and temporary portable freestanding sheds erected on the same zoning lot as the main building, provided that the following requirements are met:
 - (i) The shed or greenhouse shall not exceed 120 square feet in area and shall not be more than 7'6" in height;
 - (ii) The shed or greenhouse shall not be located nearer than 3 feet from any lot line;
 - (iii) The shed shall not be permanently affixed to the land;
 - (iv) The shed shall not be used for storage of other than normal household goods; the greenhouse shall not be used for any use other than cultivating plants and
 - (v) There shall not be more than one such shed or greenhouse on any zoning lot.
- (b) The following item(s) associated with multiple dwellings shall be considered a minor alteration within the meaning of §27-124 of the Administrative Code of the City of New York and shall not require the filing of applications and plans for building alteration permits with the Department:
 - (1) Open screen balcony enclosures.
- (c) This rule shall not relieve any applicant of the obligation to file at other City agencies, when appropriate, including the Landmarks Preservation Commission and the City Planning Commission.

CHAPTER 45 BUILDING PERMIT APPLICATION PROCEDURES

§45-01 Microfilming of Application Folders and Associated Documentation for Temporary and Final Certificates of Occupancy and Letters of Completion.

- (a) *Purpose.* (1) To provide the procedure whereby the Department of Buildings will microfilm application folders and associated documentation for certificates of occupancy, temporary certificates of occupancy and/or letters of completion.
- (b) *Procedure.*
 - (1) The Department requires that the contents of approved folders be microfilmed twice.
 - (i) Prior to permit, the contents of approved folders, including but not limited to application plans and documents, must be microfilmed by the applicant using an outside vendor.
 - (ii) At the time of request for the first temporary and final certificate of occupancy and/or letter of completion, a second microfilming must be performed by the Department of Buildings.
 - (2) The minimum fee for microfilming by the Department shall be \$35.00 and shall be paid at the time the initial job application is filed. This fee covers microfilming of the application file at the time a certificate of occupancy or letter of completion is issued. In the event filming requires more than two fiche, an additional \$10.00 per fiche will be charged at the time the temporary or final certificate of occupancy or letter of completion is issued. In the event the Department has microfilmed the folder and associated documentation upon issuance of a temporary certificate of occupancy, there will be no charge for the microfilming of those documents added to the folder for

the final certificate of occupancy if less than twenty (20) pages. If the added documents are more than 20 pages, the excess will be charged at \$10.00 per fiche.

(3) The Department will send a copy of the microfilm of the application, associated documentation and certificate of occupancy or letter of completion to the applicant after a certificate of occupancy or letter of completion is issued.

CHAPTER 46 AUTHORIZED REPRESENTATIVES

§46-01 Persons authorized to perform inspections, tests, certifications, and other functions on behalf of the Department.

(a) *Authorized representatives.* Persons authorized to perform inspections, other than officers and employees of the Department, shall include the following:

- (1) Professional engineers and registered architects licensed under the New York State Education law are authorized to review plans and satisfy objections issued at plan examination and perform tests and inspections required by title 26 and 27 of the New York City Administrative Code ("the code"), in accordance with code requirements and all applicable rules and regulations of the Department;
- (2) Professional engineers and registered architects licensed under the New York State Education Law and master plumbers and master fire suppression piping contractors licensed by the Department are authorized to inspect and witness tests for plumbing, standpipes, and sprinklers in accordance with the code, to the extent they are qualified by the terms of their licenses and experience;
- (3) Professional engineers, registered architects, licensed master plumbers, and representatives of utility companies may also witness tests of gas piping systems in accordance with the code and applicable rules and regulations of the Department;
- (4) Other persons and entities licensed by the Department under title 26 of the code are authorized to perform inspections of work performed under their licenses pursuant to the code and applicable rules and regulations of the Department;
- (5) Land surveyors and landscape architects licensed under the New York State Education Law are authorized to review plans and to perform inspections of work performed under their licenses pursuant to the code and applicable rules and regulations of the Department;
- (6) Qualified boiler inspectors are authorized to perform boiler inspections under section 27-793(b) of the code and rules promulgated thereunder;
- (7) Private elevator inspection agencies certified under Section 11-01 of the rules of this Department are authorized to perform and witness elevator inspections and tests in accordance with code provisions; and
- (8) Private electrical inspection agencies certified under section 35-01 of the rules of this Department are authorized to perform electrical inspections.

(b) The authorized representatives listed in subdivision (a) above shall identify themselves by producing copies of their applicable licenses or certifications and shall maintain liability insurance in accordance with applicable code requirements.

(c) Except as otherwise permitted in the code, the authorized representative shall personally conduct the inspections or tests.

(d) Authorized representatives may only perform such inspections and tests for which they are qualified by the terms of their licenses and their experience.

(e) Failure to comply with the applicable law and rules and regulations of the Department shall be grounds for suspension or revocation of an authorized representative's authority to conduct inspections on behalf of the Department.

CHAPTER 47 LICENSED OIL-BURNING EQUIPMENT INSTALLERS

§47-01 Requirement of a seal for use by licensed oil-burning equipment installers.

(a) At the time of issuance of a class A or class B oil-burning equipment installer license, upon payment of the required fee, the commissioner shall issue to the licensee a seal containing the full name of the license holder, the words "licensed oil-burning equipment installer-Class A" or "licensed oil-burning equipment installer-Class B", and the license number. Except as set forth in paragraph (f) below, the license holder shall not be entitled to

perform work or hold himself or herself out as a licensed oil-burning equipment installer until such seal has been obtained.

(b) The fee for obtaining a seal shall be one hundred dollars. The biennial renewal fee to retain such seal shall be fifty dollars.

(c) If the seal is lost, and an affidavit is submitted by the licensee establishing such fact, a new seal shall be issued by the commissioner upon application and payment of seventy-five dollars.

(d) All documents which are required to be filed with this Department or other government agency in connection with work by such licensee shall bear the stamp of the seal as well as the signature of such licensee.

(e) The seal shall remain the property of the City of New York. Upon revocation of an oil-burning equipment installer's license or death of the licensee or failure of a licensee to renew such license, the seal must be surrendered to the Department.

(f) Persons who hold class A or class B oil-burning equipment installer licenses on the effective date of this rule must obtain their seals within 90 days of the effective date of this rule. Prior to the expiration of this 90 day period, such licensees may perform work under their licenses and hold themselves out as licensed oil-burning equipment installers without the use of a seal.