



**SUBCHAPTER 16
PLUMBING AND GAS PIPING**

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16-1	Minimum Number of Water Closets for Specified Places of Assembly

ARTICLE 1 GENERAL

§[1600.1] **27-896 Scope.**-The provisions of this subchapter shall establish and control the minimum requirements for the design, installation, alteration, repair, and maintenance of plumbing systems, including gas piping, sanitary and storm drainage, industrial and special wastes, sanitary facilities, water supplies and storm water and sewage disposal, except where specific exemptions are made in the code. All installation, alteration, repair, and maintenance work shall be performed by or under the direct supervision of a licensed master plumber, except as follows:

- (a) Minor alterations and ordinary repairs as defined and delimited in article five of subchapter one of this chapter.
- (b) Installation of gas service piping and gas meter piping may be performed by a utility corporation that is subject to the jurisdiction of the public service commission, provided that the corporation maintains and services such piping.
- (c) Emergency repairs to alleviate hazardous conditions in gas distribution piping may be performed by a utility corporation which is subject to the jurisdiction of the Public Service Commission, subject to the requirements of section 27-176 of article fifteen of subchapter one of this chapter.

§[1600.2] **27-897 Standard.**-The provisions of reference standard RS-16 shall be a part of this subchapter.

§[1600.3] **27-898 Definitions.**- For definitions to be used in the interpretation of this subchapter, see subchapter two of this chapter.

§[1600.4] **27-899 Plans.**- For the requirements governing the filing of plans and the work to be shown on plans, see subchapter one of this chapter.

§[1600.5] **27-900 Permits.**-For the requirements governing application for building permits and plumbing permits, see subchapter one of this chapter.

§[1600.6] **27-901 General requirements.**-Plumbing and gas piping shall be designed and installed so as to satisfy the following conditions and the requirements of reference standard RS-16:

- (a) **All occupied premises shall have potable water.**- Every building intended for human habitation, occupancy, or use shall be provided with a supply of potable water.
- (b) **Sufficient water required.**-Plumbing fixtures, devices, and appurtenances shall be supplied with water in sufficient volume and at pressures adequate to enable them to function properly. The pipes conveying the water shall be of sufficient size to provide the water required without undue pressure reduction and without undue noise under all normal conditions of use.
- (c) **Water conservation.**-Plumbing shall be designed and adjusted to use the minimum quantity of water

consistent with proper performance and cleansing of the fixture or plumbing appurtenance.

(d) Safeguarding against explosion.-Devices for heating and storing water shall be designed, installed, and maintained to guard against rupture of the containing vessel through overheating.

***(e) Connection to public water supply systems and to sanitary or combined sewer systems.**

**Local Law 65-1996; For Excerpts from Local Law 7 of 1974, see end of Subchapter 1.*

(1) GENERAL.-

a. The water distribution system and system for conveying sewage from any building in which plumbing fixtures are installed shall be connected, respectively, to a public water main and a sanitary or combined sewer if either or both are available and, regarding the sewer, if the department determines that connection thereto is feasible. The department shall determine that connection is feasible if :

1. the sewer is of adequate capacity to receive all sewage flowing from the building;

2. the sewer is in adequate physical condition to receive such sewage;

3. no physical obstacles exist between the boundaries of the lot or tract of land on which the building is located and the sewer, which would make connection to the sewer impracticable;

4. the elevation of the sewer in relation to the lot or tract of land on which the building is located is such that conveyance of the sewage from the building to the sewer is not impracticable;

5. the sewer is located in the same drainage area as all or most of the lot or tract of land on which the building is located; and

6. no other factor reasonably related to the conveyance of sewage from the building to the sewer would make such connection impracticable or undesirable as a proper means of sewage disposal.

b. Where a public water main is not available, an individual potable water supply shall be provided, and where neither a sanitary nor a combined sewer is available to which the department determines that connection is feasible, a private sewer or private sewage disposal system shall be provided. All such private systems shall be provided subject to the approval of the commissioner and of any other agency or agencies having jurisdiction, and constructed in accordance with the requirements of reference standard RS-16 and, with respect to the construction of individual on site private sewage disposal systems, in accordance with the specifications and standards prescribed by the commissioner, in consultation with the commissioner of environmental protection, pursuant to section six hundred forty three of the charter.

c. Extensions of public sewers and water mains shall

be made in accordance with the regulations of the department of environmental protection.

(2) SYSTEMS AVAILABLE.-

a. A public water main, and a sanitary or combined sewer for the purpose of conveying sewage, shall be deemed available to a building in which plumbing fixtures are installed, except to a one- or two-family dwelling, if a property line of such building is within five hundred feet (measured along a street, alley, or right-of-way) of the public water supply system or the sewer. The connection shall be made in accordance with the applicable standards of the department of environmental protection.

b. A public water supply system, and a sanitary or combined sewer for the purpose of conveying sewage, shall be deemed available to a one- and two-family dwelling if a property line of such dwelling is within one hundred feet (measured along a street, alley, or right-of-way) of the public water supply system or the sewer. The connection shall be made in accordance with the applicable standards of the department of environmental protection.

c. Where two or more one- or two-family dwellings are to be constructed on a tract of land, or where a substantial improvement of any other type of building or buildings is contemplated on a tract of land, the public water supply system and/or the sanitary or combined sewer may be declared available thereto by the agencies having jurisdiction thereon even though the distances specified in subparagraphs (a) and (b) of this paragraph are exceeded.

(f) Well water systems.-No well or individual water supply may be installed for any purpose without the approval of the commissioner and of the department of health and the department of environmental protection.

(g) Design and maintenance of system for conveying sewage from building.-The system for conveying sewage from the building shall be designed, constructed and maintained to guard against fouling, deposit of solids, and clogging, and shall be provided with adequate cleanouts so arranged that the pipes may be readily cleaned.

(h) Exclusion of certain substances from the plumbing system.-

(1) DETRIMENTAL OR DANGEROUS MATERIAL.- No person shall deposit, by any means, any of the following into the building drainage system or sewer: ashes, cinders, rags, flammable, poisonous, or explosive liquids, gases, oils, grease, or any other material that could obstruct, damage, or overload such system, or that could interfere with the normal operation of the sewage treatment processes.

(2) INDUSTRIAL WASTES.-Wastes from hospitals, chemical plants, laundries, abattoirs, or any other industrial wastes that could be detrimental to the public

sewer or public health, shall be treated before such wastes are discharged into the public sewer. At the time of the filing of plumbing plans for any hospital, chemical plant, laundry, abattoir, or any other industrial structure, a statement shall be filed with the commissioner indicating the substances, ingredients, or matter, that will be discharged into the sewer, together with written approval of the department of environmental protection for the method of treatment of said substance, ingredient or matter, before it is discharged into the public sewer.

(i) Prevention of Contamination.-Plumbing fixtures, devices, and appliances shall be provided with adequate protection to prevent contamination of food, water, sterile goods, and similar materials by backflow of sewage. The fixture, device, or appliance shall be connected indirectly with the building drainage system when necessary.

(j) Drainage below street level.-The drainage of all sanitary and storm water below the crown level of the street sewer, or below a level where backflow from the street sewer is possible, shall be conveyed to a sewage ejector and/or sump through a system of sub-house drains, and lifted into the street sewer or disposal system.

**** (k) Disposal of storm water.**-Storm water falling or coming to rest on property on which new buildings or substantial horizontal enlargements are to be constructed, and on all streets and other paved areas constructed or altered in connection with the construction of such new buildings or substantial horizontal enlargements, shall be disposed of in accordance with the requirements of reference standard RS-16 and the rules and regulations of the department of environmental protection. No person providing a system for disposing of storm water, as required by this subdivision, shall in any way alter, relocate or affect any existing drainage system on the property, except in accordance with the provisions of section 19-146 of title nineteen of the administrative code. Except as otherwise permitted by this code, no person shall perform land contour work, as defined in section 19-146 of this code, which work causes storm water to flow across sidewalks or onto an adjacent property. For purposes of this subdivision, the term "substantial horizontal enlargement" shall have the meaning given such term in subdivision (a) of section P110.2 of reference standard RS-16.

****Local Law 103-1989.**

***** (l) Required plumbing fixtures.** Every dwelling unit in buildings classified in occupancy groups J-2 and J-3 shall have at least one water closet, one lavatory, one kitchen-type sink, and one bathtub or shower. All other buildings shall be equipped with the number and types of plumbing fixtures required by reference standard RS-16; provided, however, that the minimum required number of water closets in any arena, bar, concert hall, convention hall, motion picture theatre, public dance hall, stadium, or theatre shall be in accordance with article eight of this subchapter.

*****Local Law 57-2005.**

(m) Smooth surfaces required.-Plumbing fixtures shall be made of smooth, nonabsorbent material and shall be free from fouling surfaces.

(n) Location of fixtures.-

(1) **LIGHT AND VENTILATION.**-For light and ventilation requirements of rooms or spaces containing plumbing fixtures, see subchapter twelve of this chapter.

(2) **LOCATION.**-Piping, fixtures, or equipment shall be located so as not to interfere with the normal operation of windows, or doors and other exit openings.

(3) **ACCESSIBILITY.**-Plumbing fixtures shall be located so that they are readily accessible to the users.

(o) Liquid-seal traps required.-Each fixture directly connected to the drainage system shall be equipped with a liquid-seal trap, except as otherwise provided in this subchapter. The drainage system shall be designed to provide adequate air circulation in all pipes with no danger of siphonage, aspiration, or forcing of trap seals under conditions of ordinary use.

(p) Exhausting of foul air to outside.-Each vent terminal shall extend to the outdoor air and be located and installed so as to minimize the possibility of clogging and the return of foul air to the building.

(q) Materials and workmanship.-All materials and equipment used in the plumbing and gas systems shall be free from defects, and shall be designed, constructed, and installed so as to give satisfactory service for their expected life.

(r) Condemned equipment.-Any plumbing materials or equipment condemned by the commissioner because of wear, damage, defects, or sanitary hazards shall not be used or re-used for plumbing purposes.

(s) Prevention of sewer flooding.-Where a plumbing drainage system is subject to backflow of sewage from the public sewer, suitable provision shall be made to prevent its overflow in the building.

(t) Test of plumbing system.-The plumbing system shall be subjected to such tests as will readily disclose all leaks and defects in the work or in the material used.

(u) Proper maintenance.-Plumbing systems shall be maintained in a safe and serviceable condition from the standpoint of both operation and health.

(v) Protection of ground and surface water.-Sewage or other waste shall not be discharged into surface or subsurface water unless it has been discharged by a method subject to the approval of the commissioner and of the department of health and the department of environmental protection.

(w) Weather protection.-Water service piping shall be installed at least four feet below exterior grade, and building house sewers shall be installed at least three feet below exterior grade. Plumbing piping in exterior building walls shall be adequately protected against freezing by insulation or heat, or by both.

(x) Structural safety.-The structural safety of a

building shall not be affected or impaired in any way as a result of the installation, alteration, renovation, or replacement of a plumbing system or any part thereof. See subchapters nine, ten, eleven and nineteen of this chapter.

(y) **Strains and stresses in pipes.**-Piping shall be installed so as to prevent strains and stresses that would exceed the structural limitations of the pipe and so as to prevent deflection or deformation that would cause the system to malfunction. Provision shall be made for expansion and contraction and for structural settlement that might affect the piping.

(z) **Installation limitations.**-

(1) **ELEVATOR SHAFTS.**-No piping shall be installed in any elevator or counterweight hoistway.

(2) **FIRE RATED CONSTRUCTION.**-No plumbing or gas piping shall be installed in any construction required to have a fire resistance rating except in accordance with the provisions of subchapter five of this chapter.

(3) **STAIR ENCLOSURES.**-No piping of any kind, with the exception of piping required or permitted under subchapter seventeen of this chapter, shall be permitted within a stair enclosure.

(aa) **Special flood hazard restrictions.**-Within special flood areas and below the regulatory flood datum as described in article ten of subchapter four of this chapter, plumbing installations shall comply with the applicable provisions of reference standard RS 4-5.

*§[1600.7] **27-902 Use of nonconforming material or equipment.**-

(a) No person shall use or install any new or used plumbing material or equipment, unless it complies with the requirements set forth in this subchapter and reference standard RS-16.

(b) No person shall use any portable equipment that utilizes mercury to test the pressure of gas piping, drainage or vent systems.

**Local Law 17-2001.*

§[1600.8] **27-903 Fire protection.**-Where pipes pass through construction required to have a fire-resistance rating, they shall comply with the requirement of section 27-343 of article five of subchapter five of this chapter.

§[1600.9] **27-904 Establishing gas supply.**-It shall be unlawful for any utility company to supply gas to a building, place or premises in which new meters other than replacement are required until a certificate of approval of gas installation from the department of buildings is filed with such utility company. When new gas service piping has been installed it shall be locked-off by the utility either by locking the gas service line

valve or by installing a locking device on the outside gas service line valve. The lock shall not be removed until the gas meter piping (other than utility owned) and gas distribution piping has been inspected and certified as required by the department of buildings as being ready for service.

§[1600.10] **27-905 Alterations to gas piping systems.**-When alterations, extensions or repairs to existing gas meter piping or gas distribution piping requires the shut-off of gas flow to a building, the utility shall be notified by the owner or his or her authorized representative.

ARTICLE 2 WATER SUPPLY SYSTEMS

§[1601.1] **27-906 Public water supply.**-

(a) **Required capacity.**-Where the required capacity of potable water supply is available from street water mains at the site, every building shall be supplied from such mains.

(b) **Power pumps.**-When power pumps are required in the water supply system of a building, they shall take their supply from the street water mains in the manner prescribed in reference standard RS-16.

§[1601.2] **27-907 Private water supply.**-Every private source of potable water supply, other than a water supply company franchised by the city of New York, shall be subject to the approval of the commissioner; and every private source of non potable water supply shall be submitted to the commissioner for approval and recording.

§[1601.3] **27-908 Cross-connection of supplies and identification.**-

(a) **Cross-connection.**-No person shall connect water piping supplied directly from street water mains to other sources; and no cross-connection shall be made between the potable water distribution system and any portion of waste or soil systems, or between the potable water distribution system and fixtures or devices that may contaminate, pollute, or otherwise render the water nonpotable.

(b) **Identification.**-Water supply systems not approved as potable shall be identified at each outlet with a warning sign stating that the water is unfit, and its use prohibited, for drinking purposes. Piping carrying potable water shall be identified and distinguished from water piping carrying nonpotable water by distinctive painting or markings as prescribed in reference standard RS-16.

(c) **Construction.**-The construction of water supply systems shall be in accordance with the requirements of reference standard RS-16.

ARTICLE 3 DRAINAGE SYSTEMS

***§[1602.1] 27-909 Permits.**-In addition to the permits required under provisions of subchapter one of this chapter, the following permits shall also be required.

(a) Permits for the installation of the building house sewer from the street line to, and including, the spur connection at the street sewer shall be obtained from the department of environmental protection, except that, in conjunction with the issuance of a permit for the construction or alteration of a structure within the curblin, the commissioner may issue a permit for connection with a sewer or drain.

(b) Permits for sidewalk and street openings shall be obtained from the department of transportation.

**Local Law 65-1996.*

***§[1602.2] 27-910 **[Individual sewage systems. -]**

(a) Where public sewers are deemed not available according to subdivision (e) of section 27-901 of article one of this subchapter, an individual on site private sewage disposal system shall be installed in accordance with the requirements of this subchapter. When public sewers are made available, the individual on site private sewage disposal system shall be abandoned in a manner prescribed by the commissioner, and the building house sewer shall be connected to the available public sewer within six months of the date of notification that the sewer has been accepted to receive flow by the agency or agencies having jurisdiction.

**Local Law 65-1996.*

***Copy in brackets not enacted but probably intended.*

§[1602.3] 27-911 Construction.-The construction of drainage systems shall be in accordance with the requirements of reference standard RS-16.

ARTICLE 4 HOSPITAL AND INSTITUTIONAL PLUMBING

§[1603.1] 27-912 Requirements.- Hospital and institutional plumbing shall be installed in accordance with all of the applicable requirements for plumbing and gas piping of this subchapter and in accordance with the specific modifications of reference standard RS-16.

ARTICLE 5 SWIMMING POOLS

§[1604.1] 27-913 Requirements.-All plumbing for swimming pools, including display pools and fountains, shall be installed in accordance with the requirements of this subchapter, the requirements of reference standard RS-16, and the requirements of the New York City health code.

§[1604.2] 27-914 Construction.- For requirements covering the general construction of swimming pools, the provisions of article *sixteen of subchapter seven of this chapter shall apply.

**As enacted; "fifteen" probably intended.*

§[1604.3] 27-915 Operation.- No swimming pool regulated by the provisions of this code shall be operated without a permit from the department of health.

ARTICLE 6 EXISTING BUILDINGS AND INSTALLATIONS

§[1605.1] 27-916 General.-When alterations are made requiring the addition of two or more plumbing fixtures in an existing building, or when a building is remodeled for an extension in size or change in use in which plumbing, drainage, or gas piping work is involved, all the new work shall be made to conform to all the applicable sanitary requirements of this code and the affected portions of the system made adequate for the added load.

§[1605.2] 27-917 Existing soil and vent stacks.-

(a) When a new building is erected higher than an existing building, no operable windows or other wall openings shall be located closer than ten feet to an existing stack vent or vent stack on the lower building. Wherever necessary, the owner of the new building shall at his or her own expense and with the approval of the adjoining owner, offset the stack vent or vent stack to a distance ten feet or more from such windows or wall opening, or shall extend such stack vents or vent stacks to a height of at least three feet above the topmost opening.

(b) When the existing adjoining building is higher than the new building, all new soil, waste, or vent stacks of the new building shall be located at least ten feet from the common lot line, or shall be carried to a level above the higher existing roof, adequately supported and with the consent of the owners of both the new and existing structures.

§[1605.3] 27-918 Existing gas meter rooms.-Existing gas meter rooms shall comply with the provisions of section P 115.5(c) of the reference standard RS-16 no later than December first, nineteen hundred seventy-two.

ARTICLE 7 INSPECTION AND TESTS

***§[1606.1] 27-919 Inspection.**-Every new plumbing and gas piping system and every part of an existing system that has been altered, except for ordinary repairs, shall be inspected and tested to determine compliance with code requirements except that the

commissioner may promulgate rules authorizing a certification from a master plumber for minor work that was performed in accordance with applicable codes in lieu of the two day inspection notification requirement of section 27-920 of this article and the inspection reporting requirements of subdivision a of section 27-922 of this article. In no event shall such certification be allowed for any new installation, or any alteration to an existing gas piping system.

**Local Law 51-2001.*

§[1606.2] 27-920 Notification.- The holder of the plumbing permit shall give at least two days prior written notice to the commissioner that the plumbing work covered by the permit is ready for inspections and test.

§[1606.3] 27-921 Testing of plumbing and gas piping systems.-

(a) New, altered, extended, or repaired systems.- Every new plumbing and gas piping system and every part of an existing system that has been altered or repaired except for minor alterations and ordinary repairs, shall be tested as hereinafter prescribed to disclose leaks and defects. However, testing may be waived in the following cases:

(1) In any case that does not involve replacement, alteration, or relocation of any water supply, drainage, or vent piping.

(2) In any case where plumbing equipment may be set up temporarily for exhibition purposes.

(b) Representation at test.-

(1) Tests required by section 27-922 of this article shall be conducted in the presence of the commissioner or an authorized plumbing inspector of the department.

(2) The commissioner may also authorize such test to be witnessed by architects, engineers, master plumbers or representatives of utility companies, each of whom must be acceptable to the commissioner. Persons performing this function shall have had at least five (5) years experience in inspection and testing of gas piping systems, or hold a current master plumber's license. Such tests may be conducted without any verifying inspection or tests by members of the department, provided that verified statements and supporting inspectional and test reports are filed with the department within one working day of such tests.

(c) Exposure of work.-If any plumbing system or part thereof is enclosed before it has been inspected, tested, and accepted as prescribed in this subchapter, such system or part thereof shall be uncovered upon the direction of the commissioner.

(d) Retesting.-If, upon inspection and tests, any of the work fails to meet the test requirements, the necessary corrections shall be made before any reinspections or retests are conducted.

§[1606.4] 27-922 Requirements.-

(a) Drainage and vent systems.-

(1) **ROUGH PLUMBING.-**Except for outside leaders and perforated or open jointed drain tile (subsoil drains), the piping of plumbing drainage and venting systems shall be verified as to materials and shall be tested upon completion of the rough piping installation and proven to be watertight. The commissioner may require the removal of any cleanout plugs to ascertain that the prescribed pressure has been reached in all parts of the system.

a. **Water Test.-**A water test shall be applied to the drainage system either in its entirety or in sections after rough piping has been installed. If applied to the entire system, all openings in the piping, except the highest opening, shall be tightly closed and the system filled with water to the point of overflow. If the system is tested in sections, each opening, except the highest opening of the section under test, shall be tightly plugged and each section filled with water. No section shall be tested with less than a ten foot head of water. In testing successive sections, at least the upper ten feet of the following section shall be tested, so that no joint or pipe in the building (except the uppermost ten feet of the system) shall have been submitted to a test of less than ten foot head of water. The water shall be kept in the system or in the portion under test for a least fifteen minutes before inspection starts; the system shall then be tight at all points.

b. **Air test.-**An air test may be used only when permission for this type of test is obtained from the commissioner. The air test shall be made by attaching an air compressor testing apparatus to any suitable opening and, after closing all other inlets and outlets of the system, forcing air into the system until there is a uniform gauge pressure of * five psi. This pressure shall be held, without introducing additional air, for a period of at least fifteen minutes.

**Corrected by Local Law 17-2001.*

(2) **FINISHED PLUMBING.-**After the plumbing fixtures have been set and their traps filled with water, the entire drainage system shall be verified as to materials and shall be tested and proven gastight by either a smoke test or a peppermint test.

a. **Smoke test.-**The smoke test shall be made by filling all traps with water and then introducing into the entire system a pungent, thick smoke produced by one or more smoke machines. When the smoke appears at stack openings on the roof, these openings shall be closed and a pressure equivalent to a one inch water column shall be maintained for the period of the inspection.

b. **Peppermint test.-**The peppermint test shall be made by introducing two ounces of oil of peppermint into the roof vent terminal of every line or stack to be tested. The oil of peppermint shall be followed at once

by ten quarts of hot water (one hundred sixty degrees Fahrenheit or higher), whereupon all roof vent terminals shall be sealed. The detection of the odor of peppermint at any trap or other point in the system shall determine the location of any leaks. Persons who have come in contact with oil of peppermint shall be excluded from the test area.

(b) Building house sewer.-The building house sewer shall be tested by inserting a test plug at the point of connection with the street sewer before such connection is made. The building house sewer shall then be filled with water under a head of at least ten feet. The water level at the top of the test head of water shall not drop for at least fifteen minutes.

(c) Water systems.-Upon completion of a section of a water system or of the entire water system, the completed section or system shall be verified as to materials, and shall be tested and proven tight under a water pressure of at least twenty-five percent greater than the working pressure under which it is to be used. The water used for tests shall be obtained from a potable source of supply.

***(d) Gas piping systems.**- Upon completion of the installation of a section of a gas system or of the entire gas system, and before appliances are connected thereto, the completed section or system shall be verified as to materials, and tested and proven tight as follows:

(1) Gas distribution piping:-

**a. Distribution pressures up to one-half psig. The completed piping is to be tested with a non-mercury gauge at a pressure of three pounds per square inch gauge (psig) for a minimum of thirty minutes.

b. Distribution pressures over one-half psig through three psig. The completed piping is to be tested at fifty psig for a minimum of thirty minutes.

c. Distribution pressures over three psig through fifteen psig. The completed piping is to be tested at one hundred psig for a minimum of one hour.

d. Distribution pressures above fifteen psig. The completed piping is to be tested to twice the maximum allowable operating pressure, but not less than one hundred psig, for a minimum of one hour.

(2) Meter piping shall be pressure tested in accordance with the requirements of the serving utility. These requirements shall be either the same as those for testing distribution piping in paragraph one of this subdivision, or if different, the piping shall be certified by the local utility as being tested in compliance with their requirements.

(3) Notwithstanding the above, all coated or wrapped pipe shall be pressure tested at a minimum of ninety psig.

For testing, the piping shall be filled with air or an inert gas, and the source of pressure shall be isolated before the pressure readings are made. All test duration time periods are to be measured after stabilization of

testing medium. Fresh water may be used as the test medium only where the required test pressure exceeds one hundred psig.

****(4)** The commissioner shall publish a list of non-mercury gauges certified by a nationally recognized testing lab or promulgate rules with standards for non-mercury gauges within one hundred and twenty days of the effective date of this paragraph.

**Local Law 18-1992.*

***Local Law 17-2001 .*

(e) Other piping systems.-All other piping systems shall be tested in accordance with the requirements prescribed in reference standard RS-16.

***ARTICLE 8

MINIMUM WATER CLOSETS IN PLACES OF PUBLIC ASSEMBLY

§ 27-922.1 Definitions. - For the purposes of this article only, the following definitions shall apply in conjunction with the definitions found in sections 27-232:

a. "Convention hall" shall mean any building or space utilized, during the major period of occupancy, for the holding of exhibitions or conventions.

†b. "Specified place of public assembly" shall mean any arena, bar, as such term is defined in section 17-502 of this code, concert hall, convention hall, motion picture theatre, public dance hall, stadium, or theatre open to the general public.

†*Editor's Note: The following definition is taken from §17-502:*

"Bar" means a business establishment or any portion of a non-profit entity, which is devoted to the selling and serving of alcoholic beverages for consumption by the public, guests, patrons, or members on the premises and in which the serving of food, if served at all, is only incidental to the sale or consumption of such beverages. For the purposes of this chapter, the term "bar": (i) shall include a restaurant bar; (ii) shall include any area located in a hotel or motel, which is devoted to the selling and serving of alcoholic beverages for consumption by the public, guests, patrons, or members on the premises and in which the serving of food, if at all, is only incidental to the sale or consumption of alcoholic beverages; and (iii) shall include a cabaret as defined in section 20-359 of the code which is required to be licensed by the department of consumer affairs pursuant to section 20-360 of the code and in which the serving of food, if at all, is only incidental to the sale or consumption of alcoholic beverages. For the purposes of this subdivision, (i) service of food shall be considered incidental to the sale or consumption of alcoholic beverages if the food service generates less than forty percent of total annual gross sales and (ii) any business establishment or any portion of a non-profit entity which is devoted to the selling and serving of alcoholic beverages for consumption by the public, guests, patrons, or members on the premises that generates forty percent or more of total annual gross sales from the sale of food for on-premises consumption shall be a restaurant.

c. "Public dance hall" shall mean any building or space utilized, during the major period of occupancy, for dancing, and where alcoholic beverages are permitted to be served.

§ 27-922.2 Applicability.- a. Notwithstanding any other provision of this code, the provisions of this article shall apply to any bathroom open to the general public in the following:

(1) Any specified place of public assembly in a new building or space;

(2) Any specified place of public assembly in an existing building or space that has been altered where the alteration of the building or space results in a change in the occupancy group classification of the building or space under the provisions of subchapter three of this chapter;

(3) Any specified place of public assembly that is altered where the cost of making alterations in any twelve-month period shall exceed thirty percent of the value of such building or space, provided such bathroom is part of the work area of such alterations; and

(4) Any specified place of public assembly that is altered where the cost of making alterations in any twelve-month period shall exceed fifty percent of the value of such building or space.

b. The cost of making alterations and the value of the building or space shall be determined in accordance with section 27-119 of this chapter.

c. This article shall not apply to any building or space classified in occupancy group G or H, or any space within any building classified in occupancy group G or H, or any building or space owned by any school or hospital and used for any educational or health purpose.

§ 27-922.3 Minimum requirements. - a. The number of water closets required for any specified place of public assembly shall be as listed in Table 16-1.

TABLE 16-1 *[MINIMUM NUMBER OF WATER CLOSETS FOR SPECIFIED PLACES OF ASSEMBLY]

Number of Persons	Number of Water Closets for Men	Number of Water Closets for Women
1-150 ^a	1	2
151-300	2	4
301-450	3	6

**Copy in brackets not enacted but probably intended.*

Note for Table 16-1:

a. The requirements for the number of water closets for occupancy by 150 persons or less shall not apply to bars except that there shall be at least one water closet for men and at least one water closet for women or an equivalent number of unisex bathrooms.

For occupancy by more than 450 persons, there shall be one water closet for men and two water closets for women for each additional 300 persons. The population used to determine the number of water closets required shall be based on the number of people to occupy the space; provided, however, that in no case shall the population be deemed less than that determined by allowing one hundred and twenty-five square feet of floor area per person.

b. Urinals may be provided in bathrooms in lieu of water closets but the number shall not exceed fifty percent of the required number of water closets.

c. Unisex bathrooms may be provided in lieu of separate bathrooms for men and women.

d. This section is only intended to change the ratio of men's and women's water closets required under title 27 of this code as provided herein, and is not intended to require more than one water closet per fifty persons for occupancy by 450 persons or less, or more than one water closet per one hundred persons for occupancy by more than 450 persons.

§ 27-922.4 Waivers. a. The commissioner may waive the requirements of this article for the alteration of existing buildings; provided, however, that such waiver is based upon a specific finding that strict compliance with these requirements:

(1) would create an undue economic burden; or

(2) would not achieve its intended objective; or

(3) would be physically or legally impossible; or

(4) would be unnecessary in light of alternatives which insure the achievement of the intended objective or which achieve the intended objective more efficiently, effectively or economically; or

(5) would entail a change so slight as to produce a negligible additional benefit consonant with the purposes of this article.

b. Each application for a waiver under subdivision a of this section shall be made to the commissioner in writing, setting forth each requirement sought to be waived and the specific reason or reasons therefor. The commissioner shall determine, under all of the circumstances presented by such application, which of such requirements may appropriately be waived. The commissioner shall render such determination in a writing which shall set forth in detail the commissioner's findings and conclusions with respect to each requirement sought to be waived. A copy of such written determination shall be forwarded to the applicant. Such written determination shall be filed with the department and shall be available for public inspection.

****Local Law 57-2005.*