



BUILDINGS
2022-008
BULLETIN
OPERATIONAL

ISSUANCE DATE
May 19, 2022

ISSUER: Keith L. Wen, R.A. 
Assistant Commissioner, Code & Zoning Interpretation

PURPOSE: This Bulletin rescinds 1 Notice, 17 Memoranda, 15 Directives and 4 Letters which were issued by the Department but are no longer applicable under current Codes and Local Laws.

SUBJECT(S): Directive, Executive Order, Letter, Memoranda, Rescind

RESCINDED DOCUMENTS:

Notice 10-21-91

Memo 12-27-68, Memo 10-8-68, Memo 5-2-72, Memo 6-18-93, Memo 9-14-90, Memo 2-4-87, Memo 4-13-73, Memo 11-25-68, Memo 7-2-71, Memo 1-10-74, Memo 12-8-80, Memo 3-26-82, Memo 6-12-70, Memo 9-27-71, Memo 2-6-90, Memo 6-25-74, Memo 11-5-82

Directive 1 of 1970, Directive 16 of 1971, Directive 3 of 1972 & Directive 19 of 1969, Directive 23 of 1959, Directive 1 of 1985, Directive 7 of 1970, Directive 17 of 1971, Directive 15 of 1969, Directive 4 of 1977, Directive 1 of 1974, Directive 10 of 1972, Directive 1 of 1981, Directive 3 of 1975, Directive 35 of 1970

Letter 11-16-84, Letter 12-26-84, Letter 2-13-86, Letter 9-28-78

BACKGROUND

The Department of Buildings periodically reviews published Buildings Bulletins (BB), Policy and Procedure Notices (Technical, Operational, Legal, Administrative, OTCR) and the various Directives, Executive Orders, Memoranda and Letters issued in the past to ensure continued consistency with current Departmental practice and to verify that new laws and regulations are incorporated into these documents.

The above listed Memoranda, Directives, and Letters are rescinded effective immediately. Rescinded documents are not applicable to any projects filed after the date this Bulletin was issued. The rescinded documents will appear on the Department's website with the watermark **RESCINDED**. Because this review is ongoing, documents not specifically listed in this Bulletin may be addressed in future bulletins. Watermarked Memoranda, Directives, Executive Orders, and Letters may be accessed through the online version of this Bulletin at <https://www1.nyc.gov/site/buildings/codes/building-bulletins.page>.

BIS RENEWAL PERMITS NOTICE

Effective Monday October 21, 1991

All permit renewals (except sidewalk sheds) will be issued by mail.* Renewal applications must be mailed at least two (2) weeks prior to the permit's expiration date to:

Department of Buildings Renewal Permits
60 Hudson Street - 14 Floor
New York, N.Y. 10013

The following items are required for a renewal:

- 1) A stamped, self addressed envelope
- 2) A completed typewritten Work Permit Application (original form PW-2)
- 3) \$100.00 renewal fee per permit (one check or money order containing permit #(s) and phone #)
- 4) Insurance forms (if your insurance is not already on file at the borough office):
 - A) For all permits - Workmen's Compensation and Disability
 - B) For EQ only - Street Obstruction bond
 - C) For NB only - Highway letter

C O P Y

The City of New York
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

TO: Borough Superintendents

FROM: Thomas V. Burke, Director of Operations

DATE: December 27, 1968

SUBJECT: Materials and Equipment Acceptance Section

Materials & Equipment
Acceptance Administration
(AC) Title C-Part II -
Section C26-106.0
(AC) Title C-Part II -
Section C26-107.0

In order to implement the provisions of sub-article C26-106.0 and C26-107.0 of the Building Code, the department of buildings has created the "Materials and Equipment Acceptance Section". The section shall be responsible for the review, acceptance and publication of all material assemblies, service equipment and methods of construction which in their use are required to be regulated by the code. The section shall function within the office of the Director of Operations and will be located at 2 Lafayette Street (tel. 566-8772).

Mr. Milton J. Wecheler a plan examiner formerly with the Brooklyn office has been designated to be in charge. All questions relating to jurisdiction or procedures should be directed to him. The outline which was distributed to you at the last Borough Superintendent Meeting can act as a guide for applicants.

The Borough Superintendents, as previously permitted under the old code, may exercise discretion in the area of specific one project acceptances while general acceptance is pending at the Material and Equipment Acceptance Section.

(signed)

Thomas V. Burke
Director of Operations

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C O P Y

THE CITY OF NEW YORK
HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF BUILDINGS

Demolition
(AC)-Title C-Part II-
Sec.C26-201.0 (b)

DEPARTMENTAL MEMORANDUM

DATE: October 8, 1968

TO: Borough Superintendents, Chief Construction Inspectors, U.B. Clerks

FROM: Director of Operations, T. V. Burke

SUBJECT: Emergency Demolition of Dangerous Structures under C26-201.0 (b)
of the Administrative Code

(This supersedes memorandum on this subject dated
May 13, 1968 and September 18, 1968.)

When a dangerous structure is observed in which there is actual and immediate danger that any part of the structure may fall, the inspector making such observation shall immediately notify the Borough Chief Construction Inspector. He shall then request the Police Department to erect barricades and to keep all persons away from the danger zone of the unsafe building. The inspector shall then return at once to his Borough Office and if no Unsafe Building Order is pending, he shall immediately file such an order.

The Borough Chief Construction Inspector shall notify the Borough Superintendent and shall check the premises. If the district inspector's report is confirmed, the Borough Superintendent shall immediately and personally visit the scene. If the Borough Superintendent concurs that the structure is in imminent danger he shall request expeditious demolition by

- a. during normal business hours - notifying the Chief Inspector of Construction-Operations by telephone or
- b. during other than normal business hours - notifying the Department of Development by calling one of the following in order.

Emergency Demolition of Dangerous Structures under C26-201.0 (b)
of the Admin. Code - Supersedes Memo. of 5/13/68 & 9/18/63 - continued

	<u>OFFICE</u>	<u>HOME</u>
1. Attilio D. Ragogna, Ass't. Dir. of Demolition-U.B.	566-4955	686-3012
2. Seymour B. Feller, Director of Demolition	566-6877	549-8915
3. Joshua Wittes, Ass't Dir. of Demolition-U.R.A.	566-7477	JA2-4776
4. David Olinger, Deputy Commissioner	566-7480	886-0966

The telephone request shall be followed by a written request addressed to Director of Operations, T. V. Burke which shall be delivered to the Chief Inspector of Construction-Operations. The Chief Inspector of Construction-Operations will forward the request to Commissioner O'Neill for review and approval, and will maintain records of all demolition requests. Sample request letters are attached.

The Borough Superintendent shall order photographs taken to substantiate the order to demolish. The photographs are to be made part of Unsafe Building cases and shall be retained for use in the event of any challenge.

Simultaneous action shall be instituted to obtain a precept on the Unsafe Building Order in the shortest time possible. Expeditious title search by the Law Department shall be requested by calling one of the persons in the following order:

1. Herman Amber	566-2400
2. Joseph Esquirol	566-4410
3. James Brachman	566-4406

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Emergency Demolition of Dangerous Structures under C26-201.0(b)
of the Admin. Code - Supersedes Memo. of 5/13/68 & 9/18/68 - continued

Upon receipt of the title search, the Survey and Summons shall be prepared. If it is felt that personal service can be made, the survey shall be set for the very next day; in other cases the shortest possible time shall be allowed for the post and mail service. The Summons date shall be set for the earliest possible Court day for your borough, as determined by one of the Assistant Corporation Counsels noted above. The regularly required ten (10) day allowance for Law Department action is not required in these cases. Service of the Survey and Summons shall be assigned to an inspector or a Department Process Server rather than to a Contracted Process Server.

(Signed)

Thomas V. Burke
Director of Operations

The City of New York
HOUSING AND DEVELOPMENT ADMINISTRATION
Department of Buildings

DEPARTMENTAL MEMORANDUM

DATE: May 2, 1972

TO: Borough Superintendents

FROM: Joseph Stein, P.E., Commissioner

SUBJECT: APPEAL TO COMMISSIONER FROM SUPERINTENDENTS' DECISIONS

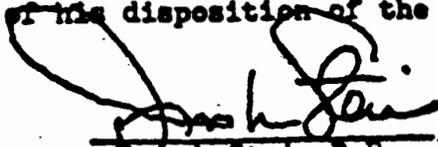
This memorandum supersedes the memorandum issued on June 8, 1960, on the same subject.

Unless the Executive Office specifically requests a report, an appeal from a decision of a Borough Superintendent will be considered by the Commissioner only when the procedure given below is followed:

1. A letter submitted by the applicant of record or owner of the premises, addressed to the Commissioner, requesting reconsideration shall be delivered to the Borough Superintendent in duplicate. This letter shall specify in detail the items to be reconsidered and the basis for this request.
2. The Borough Superintendent shall promptly transmit to the Commissioner the original of the letter and all plans and records involved.
3. The Borough Superintendent shall advise the Commissioner as to reasons for disapproval of the application with reference to the objections appealed.
4. Appeals may be accepted only from those persons noted in paragraph 1, above.

The Commissioner will inform the Borough Superintendent and the applicant of record or owner, in writing, of his disposition of the appeal.

JS/PEO/sl
cc: Exec. staff, B.C.A.C., Industry


Joseph Stein, P.E.
Commissioner

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MEMO FROM THE COMMISSIONER

RUDOLPH J. RINALDI

June 18, 1993

To Registered Architects and Professional Engineers:

Many of you have benefitted from the streamlined procedures implemented by the Department during the last two years, notably:

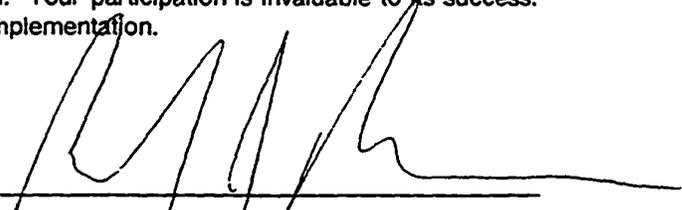
- Priority Filing Privileges for Registered Architects and Professional Engineers
- Mail-In/Drop-Off Permit Renewals and PRAs
- Automatic Appointment Scheduling for NBs and ALT-1s
- Access to Department of Buildings Computer Systems From Your Office

A common feature of those initiatives is that they save you time, either by accelerating the actual departmental process or, by reducing the need for in person trips to the borough office. Your positive response to them has encouraged us to undertake another initiative that we believe will prove as beneficial as the preceding ones. Once again, our latest endeavor should produce additional timesavings for you -- this procedure enables you to file plans without even leaving your office.

Beginning Monday, July 12, 1993 as a pilot project in Queens, all Alteration filings (Type I, II & III) for 1, 2 & 3 family houses will be mailed directly to the borough office or dropped off at the Borough Manager's office. The alteration applications will be processed and examined within five (5) work days, and if you choose, instead of retrieving them from the borough, the reviewed folder will be mailed directly to you. Another plus is that when necessary, a follow-up appointment will be automatically scheduled, no matter what type of Alteration application.

While we are pleased to be able to reduce your travel and waiting-in-line time through this new procedure, for those of you who still prefer to make personal appearances, the borough will continue to accept applications filed in accordance with Operations Policy and Procedure Notice #19/92, *Priority Filing for Registered Architects and Professional Engineers*.

The attached notice explains the new procedure in detail. Your participation is invaluable to its success. I trust I can count on your cooperation during its initial implementation.



Rudolph J. Rinaldi
Commissioner



DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, N.Y. 10013
RUDOLPH J. RINALDI, Commissioner

Issuance # 259

EXECUTIVE ORDER #6/90

TO: All Staff
FROM: Rudolph J. Rinaldi
DATE: September 14, 1990
SUBJECT: Borough Commissioners

Effective Monday, September 17, 1990, the in-house classification of Borough Superintendent shall be converted to the dual in-house classification of Borough Commissioner/Superintendent. Official documents which currently require the signature of the Borough Superintendent, (e.g., permits, permit revocations, technical reports, etc.), shall be signed with the following signature block: Borough Commissioner/Superintendent.

Borough Commissioners/Superintendents shall continue to report to the Assistant Commissioner for Borough Operations.

/cr
cc: Borough Commissioners
Stewart D. O'Brien
George Sakona
Mary Carr
Barry Cox



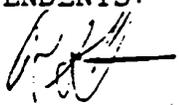
DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, NY 10013

CHARLES M. SMITH, Jr., R.A., Commissioner
312-8100

February 4, 1987

M E M O R A N D U M

TO: BOROUGH SUPERINTENDENTS.
FROM: Ralph S. Herman 
SUBJECT: Submissions to Borough Superintendents' Technical Meetings

This memorandum clarifies the procedures set forth at Borough Superintendents' Technical Meeting #41 (Item #1).

The following documents must be filed in order to place an item on the Borough Superintendents' Technical Meeting Agenda:

- 1) A memo from the Borough Superintendent requesting the review, with a brief description of the subject matter.
- 2) A letter from the applicant requesting reconsideration, setting forth the conditions encountered, the objections raised, the relief requested, and any proposed equivalencies to the requirements of law.
- 3) A copy of the NB/Alt/BN/Misc Application.
- 4) A copy of the objections raised by the Borough Office.
- 5) A copy of the pertinent sections of law under which objections were raised.
- 6) Plans in sufficient detail to illustrate the situation.

Any submission which does not include each of these documents shall not be placed on the agenda. Requests for interpretation, where no application has been filed, may omit documents (3) and (4).

All plans and documents shall be distributed as follows:

- 1) Two copies of each package shall be sent to 60 Hudson Street, to the attention of Assistant Commissioner George E. Berger.
- 2) One copy of each shall be sent to each Borough Superintendent.
- 3) The applicant's letter to the Borough Superintendent shall be clocked in at the Borough Office at least two(2) weeks prior to the scheduled meeting.
- 4) The agenda is set one week prior to the scheduled meeting and shall be sent to the Borough Superintendents by omnifax. Any item received on or after one week prior to the scheduled meeting shall be laid over to the following meeting.

Items for the operations agenda, which as a rule do not require prior study, shall be submitted to Assistant Commissioner Joseph White but are otherwise exempt from this procedure.

The City of New York
HOUSING AND DEVELOPMENT ADMINISTRATION
Department of Buildings

DATE: April 3, 1974

TO: Borough Superintendents
FROM: Assistant Director of Operations, Philip F. Olin, P.E.
SUBJECT: Building Code Amendment Sheets - Section C26-606.1

Loose Leaf Page 6-11 recently distributed contains an error in Section C26-606.1.

Correct Section C26-606.1 is as follows:

*C26-606.1 Requirements - Except in occupancy groups J-2 and J-3, the location of every exit on every floor and every opening from a room classified in occupancy group J-1 and containing cubicles shall be clearly indicated by exit signs. Such signs shall be placed at an angle with the exit opening if such placement is required for the signs to serve their purpose. In long corridors, in open floor areas, and in all other situations where the location of the exit may not be readily visible or understood, directional signs shall be provided to serve as guides from all portions of the corridor or floor.

*LOCAL LAW 61-1969

P. E. Olin P.E.

PHILIP E. OLIN, P.E.
Assistant Director of Operations

PEO:rmr
cc: Executive Staff
C.I.C.I.

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C O P Y

DEPARTMENTAL MEMORANDUM

Building Code-1968

TO: Borough Superintendents

DATE: November 25, 1968

FROM: John T.O'Neill, Commissioner

SUBJECT: New Building Code

The new building code was approved by the Mayor on November 6, 1968, and is Local Law No. 76/68 (Council Intro. No. 436).

Pursuant to section 50 of this law, it will take effect thirty days after it has been enacted, except that, at the option of the owner, the old building code may be utilized in lieu of Title C of the new code, in accordance with the stipulations in sections C26-11.0 and C26-100.5 of the new code.

In regard to amendments to applications filed under the old code, Borough Superintendents shall be guided by item no. B-4 in the minutes of the Borough Superintendents meeting of November 20, 1968.

In regard to pending and future violations, Borough Superintendents shall be guided by counsel's memorandum of November 14, 1968.

Pending printing and distribution of the New Code, department personnel should use the code as it appears in legislative form, and printed by the City Record on October 1, 1968. Reference standards printed as separate publications will be distributed shortly.

(signed)

John T. O'Neill
Commissioner

THE CITY OF NEW YORK
HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: July 2, 1971

TO: Borough Superintendents
FROM: Thomas V. Burke, Director of Operations
SUBJECT: Filing of Form 10F "Amendment Controlled Inspection"

For New Building applications in cases where architectural and structural plans are approved and a permit is desired by the applicant, the permit may be issued subsequent to the filing of mechanical plans. No mechanical work is to be done on the building until the mechanical plans are approved. Form 10F entitled "Amendment Controlled Inspection" must be filed and completed prior to or at the time the mechanical plans are approved.

For other than New Building applications form 10F when required, is to be filed and completed prior to the issuance of a work permit.

TVB/WMS/sl


Thomas V. Burke, P.E.
Director of Operations

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THE CITY OF NEW YORK
HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF BUILDINGS
DIRECTIVE NO. 2 of 1974

DEPARTMENTAL MEMORANDUM

DATE: January 10, 1974

TO: Borough Superintendents

FROM: Thomas V. Burke, Director of Operations

SUBJECT: CURTAIN WALL CERTIFICATIONS - FORM 10L

The "Rules and Regulations relating to the Design and Installations of Curtain Wall Systems" require various certifications by the designer, material supplies and the installer.

Attached herewith is a copy of Form 10L to be used for such certifications with the portions A, B, and C to be completed as appropriate. Note that the subject rules are reprinted on the reverse side of the form.

Certification A shall be filed by the licensed professional engineer or registered architect of record before the installations of the curtain wall is commenced.

Certification B as to the material that will be furnished and Certification C as to who will be responsible for semi-controlled inspections shall be filed before the installations of the corresponding components of the curtain wall system is commenced.

Certification B as to the materials that have been furnished shall be filed when the corresponding components have been delivered to the site.

Certification C as to the controlled inspections of the corresponding components as installed shall be filed upon the completion of the installation of the respective component.

A supply of Forms 10L is transmitted herewith.


Thomas V. Burke, P.E.
Director of Operations

TVB/JWS/ap

CC:

Commissioner Jeremiah T. Walsh
Deputy Commissioner John D. Cooke
Assistant Commissioner J. Stulz
Executive Staff
B.C.A.C.
Industry

THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: December 8, 1980

TO: Deputy Commissioners Minkin, Parascandola, Dennis
Kupfer, Borough Superintendents, Polsky, Cox
FROM: Irwin Fruchtman, P.E. Commissioner

SUBJECT: Fire Protection Plan Submission

Commencing immediately, we will require the submission of a Fire Protection Plan report for buildings with the characteristics listed below. The Fire Protection Plan report is intended to present, in a concise report format, the basic fire protection-structural and non-structural - systems used in the structure and the rationale behind the design. While the Codes spell out minimum requirements, it is clear that in too many instances they are used as the only rationale for a design, and too little systematic thought is given to the problem. It is especially important that in the mixed occupancy structures built today - such as retail-office-residential, office-residential, retail-conference-hotel, institutional-residential or similar combinations that there be a systematic look at the relationship between these occupancies and the adjacent occupancies (horizontal or vertical) or atrium areas. The report should cover the following:

1) Introduction

Description of building occupancies and construction classification. Arrangement of uses, cross sections and plans showing floor layout and relationship to streets.

2) Fire Protection Plan Elements

- a) Structural and Fire Separation Rating
Hazardous space control
- b) Egress arrangement and size, Exit time study
- c) Fire Safety Plan/Management
Detectors, Alarm, Public Address, Communication, etc.
- d) Suppression Systems, Extinguishers
- e) Smoke Control and Venting
Pressurization
- f) Material Flame Spread Control
Toxicity of contents control
- g) Other systems

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Buildings which require a Fire Protection Plan

1. Hotels or Motels
2. Office Buildings (E) greater than 50,000 sq.ft.
3. Mixed retail and residential with greater than 50 units of housing
4. Institutional or community facility with greater than 10,000 sq.ft. area in combination with 50 or more units of housing.
5. Mixed retail, office and residential or hotel buildings
6. Buildings with Atriums
7. All Educational, Institutional and Residential (J 1) occupancies
8. Others as required by Department of Buildings

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THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: March 26, 1982

TO: Borough Superintendents

FROM: Irwin Fruchtman, P.E., Commissioner *IF*

SUBJECT: Procedure for Police Assistance to Inspectors

A number of questions have surfaced that impact upon this Department's inspectorial activities. The questions span a number of subject areas and issues, but the principal problems concern police assistance to our inspectors. The questions and answers are set forth below and, where appropriate, this memorandum shall supersede prior memoranda on the same subject matters.

1. Question: What is the procedure when issuing a court appearance summons including request for identification from respondent? Who is a responsible party?

Answer: When issuing a court appearance summons inspector shall either immediately serve a summons for violations of the type listed under C26-85.5 of the Administrative Code, or if prior notice was required to the responsible party then the inspectors shall let 10 days expire after the service of the violation order and if the order has not been complied with or work to effect compliance is not actually in progress then the inspector shall serve the party that was named in the order. Section 643a-3.0 says a responsible party is the owner, lessee or occupant of the building, premises or properties affected thereby or any person of suitable age and discretion in charge or apparently in charge of such building premises or property.

A person who is in charge or apparently in charge is an individual who either caused the violation or has authority to correct the violation. Thus the same individual may be in charge for one purpose, but may not be in charge for service of another type of violation, e.g., 1. A janitor may be considered a person in charge for the purpose of removing debris or furniture that is blocking an egress, but would not be in charge for the purpose of complying with Local Law 5 of 1973; 2. An elevator starter may be in charge for starting up a red tagged elevator but would not be in charge for frayed cables.

In the examples listed above, where the elevator starter or the janitor have apparent authority to correct the violation, then they shall be served with the Notice of Violation, and, if upon the reinspection, the violation has not been corrected then those individuals shall be served with the summons. In those situations where the employee does not have such apparent authority, the employee shall be served with one copy of the Notice of Violation and the owner or managing agent shall be served by the Borough Office with a Notice of Violation.

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The identity of the owner or managing agent shall be determined by reviewing the tax records of the Finance Department and the published directories of real estate owners. In the event that the violation presents a substantial threat to the health, safety, or welfare of the occupants of the structure then the chief inspector of the borough may request a title search to be ordered by the Operations Unit located at 120 Wall Street.

Where it has been determined that the employee at the location is not in charge, then the owner or managing agent shall be served with a summons if the violation is not corrected and not the employee at the location.

If the inspector has reason to believe that the allegedly, responsible party is falsely identifying himself to the inspector, then the inspector shall serve the summons made out to the name stated by the allegedly responsible person. Subsequent to the service of summons the inspector is to report his suspicions to his supervisor. If the inspector determines that the violation is of a sufficiently serious nature then he shall request that the Operations Unit, located at 120 Wall Street, arrange to have a title search made to determine the name and address of the owner and or to examine the land maps for the borough where the violation exists to determine the identity of the owner. Thus in the instance where an inspector has reason to believe that an allegedly responsible party has falsely identified himself or herself then the owner of the premises shall also be served with an appearance summons.

2. Question: What action should be taken when an inspector of the department feels he is being threatened with bodily harm?

Answer: When an inspector is scheduled to conduct an inspection during the hours of 8:30 a.m. to 4:30 p.m., Monday through Friday, at a location where he is anticipating trouble he shall contact the Borough Chief Inspector of the Department, and if the Chief Inspector determines that assistance is required he will notify the Police Department by calling the local precinct and arranging to have a patrol car waiting at the premises to meet the department inspector. The Chief Inspector shall make these arrangements at least three hours prior to the arrival of our inspector at the location.

In the event that the inspections are to be conducted in the evening then the inspectors assigned to this evening duty shall contact the Borough Command directly to make arrangements for police assistance. If the police personnel are not present when the inspector arrives at the location he will wait at the location but not enter the premises until the police arrive. If the police do not arrive within some reasonable time after the inspector's arrival then the inspector shall either call the Borough Chief Inspector for further orders, or if it is an evening inspection shall call the precinct commander to determine whether assistance will be provided to the inspector, why there was a failure to respond, and make a full

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report of the incident to the Deputy Commissioner for Operations and Technical Affairs. Said Deputy Commissioner shall thereafter determine whether the matter should be reported as a complaint to the Chief of Patrol for the Police Department. A reasonable grounds for anticipating trouble during the course of an inspection would include knowledge that assaults have been perpetrated in the premises or that threats of physical harm have been made on prior occasions to other individuals. Merely the location of the site in a high crime area does not constitute a reasonable basis for anticipating trouble.

3. Question: What action should be taken when an inspector of the department has been assaulted?

Answer: All incidents involving assaults, mugging, robbery or other acts against inspectors which may be considered as criminal acts shall be reported immediately to the local police precincts. The person filing the complaint with the Police Department shall record the name of the Police Department desk officer to whom the report was made and the date and time such report was made. Copies of the report shall be forwarded to the Assistant Commissioner for Operations and the Executive Chief Inspector without delay.

When actual injury is sustained by an employee (whether resulting in time lost or not), a "Supervisor's Report of an Injury" and "Employers Report of Injury" shall be filed and copies of the report sent to the Safety Coordinator at 120 Wall Street. The Executive Chief Inspector and the Assistant Commissioner for Operations shall make contact with the precinct commander upon receipt of these reports to arrange for the arrest and taking into custody of the assailant. Thereafter the Assistant Commissioner for Operations and the General Counsel shall monitor all efforts to prosecute the assailant from the time of arrest through date of conviction. Upon disposition of the charges against the assailant the General Counsel shall prepare a report of the entire matter and submit same to the Commissioner and the Inspector General of the department.

4. Question: What is the procedure for enforcement of the City Charter in relation to police assistance?
5. Question: What is the procedure when and if police assistance is refused for any reason?

Answers 4 & 5: Attached is Police Operations Order Number 75, which you and all inspectorial staff should read and be familiar with its contents. Please note that this order will probably be amended to reflect classifications on Peace Officers' status, and additional supportive efforts from the Police Department. Nonetheless the current order should be known and understood by our personnel, and failure to abide by this order on the part of police personnel should be reported to the Buildings Department as provided in this procedure.

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6. Question: What is the procedure when making a court appearance as a department representative?

Answer: In response to this question, attached is department memorandum of March 5, 1979 from Commissioner Cornelius F. Dennis, P.E. to all Borough Superintendents. In addition to the matters set forth in the attached all inspectors who are required to appear in court are to consider themselves as being under the supervision and direction of the Department Representative assigned to the Criminal Court. Such inspectors will refrain from discussing the matters on which they will testify with any civilian personnel unless they are authorized to engage in this discussion by the court representative. The inspector shall cooperate fully with the Corporation Counsel assigned to the case.

7. Question: What is the procedure when access is refused; what is the procedure as to right of entry under the City Charter?

Answer: Denial of access to a department inspector constitutes a violation of both the City Charter and Administrative Code but our inspectors do not have a right to force entry even with police assistance if the denial is made. In the event that access is denied the inspector shall notify the Borough Chief Inspector. The Borough Chief Inspector shall determine whether the possible violation would justify making a request for a search warrant. If he determines that justification exists then he shall make a request of the General Counsel to make application for a search warrant. The search warrant will be executed only with police assistance. Currently summonses shall not be served for denial of access.

8. Question: What is the legal status of mailed out violations or summonses?

Answer: Under the Criminal Procedure Law appearance summonses must be personally served. Mail summonses do not constitute service sufficient to bring an individual under the jurisdiction of the Criminal Court. Mailed violations can be used provided that the Department can establish receipt of the notice by the responsible party.

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OPERATIONS ORDER

NUMBER	75
DATE	10-5-81

TO ALL COMMANDS

Subject: COOPERATION WITH DEPARTMENT OF BUILDINGS PERSONNEL RE: VACATE ORDERS, STOP-WORK ORDERS, AND BUILDING INSPECTIONS

1. Pursuant to Administrative Code provisions, N.Y.C. Department of Buildings personnel issue Stop Work and Vacate Orders after inspection of hazardous buildings and premises. In order to preserve the peace and provide protection for building inspectors in the performance of their duties, uniformed members of the service are required to comply with Patrol Guide procedures 116-38 (Vacate Orders) and 116-16 (Stop Work Orders).

2. Vacate Orders direct that a structure or premises be immediately evacuated because actual or imminent danger exists that such structure or premises will fall and endanger life, or because necessary repairs/alterations were not accomplished within a specified time period. The current method of notification regarding Vacate Orders is as follows:

- a. When necessary, to prevent interference with the service or implementation of Vacate Orders, the Department of Buildings may request police assistance by telephoning the Operations Division sufficiently in advance to permit the assignment of uniformed members of the service to respond and assist building inspectors.
- b. The Operations Division will notify the precinct concerned, through channels, of the time and location of service of the Vacate Order. The precinct commander will make the necessary assignments.
- c. Uniformed members assigned shall comply with Patrol Guide procedure 116-38.

3. Stop Work Orders forbid the continuance of unauthorized construction or renovation, or the use of unsafe construction machinery. These orders may affect a complete construction site or portion thereof or a specific construction machine. Notification is made by a Department of Building representative to the Station House Officer concerned who will direct a uniformed member of the service to respond and assist in enforcing the Stop Work Order.

- a. Uniformed members so assigned will comply with Patrol Guide procedure 116-16.

NOTE Department of Buildings inspectors are "special patrolmen" with peace officer status. Therefore, they will serve summonses and make necessary arrests associated with the service of Vacate and Stop Work Orders.

4. Department of Buildings inspectors also respond to emergency complaints which result in visits to and inspections of premises and buildings throughout the city. Uniformed members of the service shall be alert to these operations and render assistance at any location should interference be encountered by such inspectors. However, uniformed members WILL NOT accompany inspectors on routine inspections.

BY DIRECTION OF THE POLICE COMMISSIONER

DISTRIBUTION
All Commands

OPERATIONS ORDER NO. 75

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1A3A

HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: June 12, 1970

TO: Borough Superintendents

FROM: Thomas V. Burke, Director of Operations

SUBJECT: Processing of Violations by Inspectors - Directive #7/69

Under the provisions of Directive #7 of 1969, issued on September 24, 1969, it was required that the inspector, at the time of filing a violation, determine the name and location of a responsible party and that he return subsequently after a period of at least 10 days and where there was no compliance, he was to serve personally, a summons on the responsible person in the building.

The portion of the directive relating to services of summonses by the inspectors was held in abeyance temporarily because of the court decision questioning whether summonses could be served by inspectors. This matter has now been resolved, as inspectors have been resworn as special patrolmen and they may now make personal service of summonses.

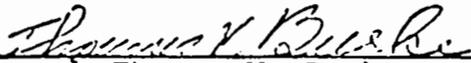
Accordingly, the procedure set forth in Directive #7, including the services of summonses, is to be continued in effect and is to apply to all violations served after the date of the directive.

A special effort is to be made to keep current, the processing of all violations filed, so as to have the service of the summons follow as closely as possible after the ten-day interval specified in the law. Any adjustments in other procedures that may be necessary to make possible the processing of violations in accordance with Directive #7 are to be made so as to avoid the development of a backlog in the processing of the violations.

While keeping the recently filed violations current, the existing backlog of violations is to receive special attention of the Borough Superintendent, the Borough Office Manager, the Borough Chief Engineer (Construction), who are to coordinate their efforts to obtain a steady, continuing reduction of the current backlog.

Where serious difficulties develop, the Director of Operations is to be notified, without delay, so that assistance may be obtained.

There will be continuous follow-up from the central office to require compliance.


Thomas V. Burke
Director of Operations

TVB/df

CC: Exec. Staff

THE CITY OF NEW YORK
HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: September 27, 1971

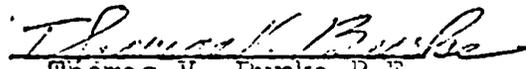
TO: Borough Superintendents
FROM: Thomas V. Burke, Director of Operations
SUBJECT: Issuance of Borough Orders

It has been brought to the attention of this office that written orders affecting interpretations of law, and the like, have been issued in several Borough offices without prior submission to the Director of Operations.

Herewith forwarded is a copy of Directive No. 7/63, which is still in effect, and should be adhered to without exceptions.

TVB/IEM/sl

cc: Comm. J. Stein
Exec. Staff


Thomas V. Burke, P.E.
Director of Operations

-569-



6 February 1990

Local Law 5 of 1973 pertains to fire safety in Class "E" buildings. An existing building 100 feet or more in height subject to the requirements of this law must have been in full compliance by February 7, 1988. Any premises not in compliance may be subject to a court summons.

An initial Alteration application was to be filed by a professional engineer or registered architect with the Buildings Department to track compliance. An amendment to this application was required to be filed each time a portion of the job was completed and signed off.

Our records indicate the referenced Alteration application, as indicated on the enclosed computer print-out, has not yet been completely signed off. In order to complete this application, you are hereby notified to have your applicant (a professional engineer or registered architect) complete the enclosed checklist and attach copies of the sign-offs for item #8 (Modified Class E Fire Alarm and Communication) and if required, item # 1 (Compartmentation) and item #2 (Smoke and Heat Venting).*

If a system was installed pursuant to an approved request for reconsideration, additional proof must be submitted showing that all conditions have been complied with.

In addition to the checklist, the applicant must file a final amendment showing full compliance and indicating application numbers where appropriate, and sign-off dates for checklist items #3 (Elevator Landings), #4 (Floor Numbering), #5 (Stair and Elevator Identification), #6 (Stair Re-entry), #7 (Fail Safe Locking Device) and 10 (Manual Controls).

*Regarding item 2B, prior to the Fire Department Inspection, the Department of Buildings will accept the following as a sign-off for pressurization in lieu of a Fire Department letter of approval:

Department of Buildings Form 10E or new Form TR-1 together with a copy of the Fire Department Form A433 and a copy of the applicant's request for a Fire Department inspection.

Also, for the signage requirements indicated on items #3, #4, #5, and #6, either the applicant or the owner may certify compliance by completing the attached "Report of Compliance Relating to Stair and Elevator Signs".

The enclosed computer printout is provided for your reference, and is not intended as an official record. Therefore when completing the checklist, any information entered must be based solely on submitted documentation.

Upon completion of the checklist and filing of the final amendment, you must contact the appropriate borough Local Law 5 Coordinator and schedule a meeting to review all documents pertaining to your Alteration application. The coordinator will advise you if any further information is required. Coordinators may be contacted at the following phone numbers:

Manhattan	Kenneth Bailey	(212) 312-8907
Bronx	Martin Squitieri	(212) 579-6907
Brooklyn	James Bruce	(718) 802-3670
Queens	Joseph Dellutri	(718) 520-3421
Staten Island	Nicholas Grecco	(718) 390-5184

After complying with the above and submitting the final amendment, the Alteration application must be microfilmed.

/mh

A handwritten signature in black ink, appearing to be 'J. M. ...', is written over the bottom right portion of the page.

THE CITY OF NEW YORK
HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: June 25, 1974

TO: Borough Superintendents

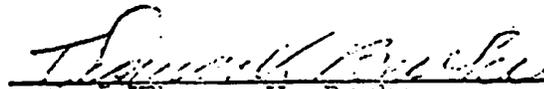
FROM: Thomas V. Burke, Director of Operations

SUBJECT: MATERIALS AND EQUIPMENT ACCEPTANCE DIVISION
TAGS AND LABELS

Under the provisions of Section C26-106.2, sub-division (f), all shipments and deliveries of accepted MEA materials and equipment are required to be provided with a permanent tag or label which contains the MEA acceptance number.

Facsimiles of accepted tags and labels will be furnished to all borough offices for field inspection and authentication. A systematic procedure for receiving and cataloguing these must be maintained by the Superintendent.

Inspectors are to be instructed to enforce the labeling requirements and are not to permit the use of materials or equipment that are not tagged or labeled.


Thomas V. Burke
Director of Operations

TVB/MH/df

CC: Exec. Staff

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THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: November 5, 1981

TO: Borough Superintendents
FROM: Cornelius F. Dennis, P.E., Assistant Commissioner-Operations
SUBJECT: Fail Safe Locking Systems

Please distribute copies of the enclosed
correspondence to your Examiner & Construction Inspection
personnel.



Cornelius F. Dennis, P.E.
Assistant Commissioner - Operations

CFD:rmr

cc: Assistant Commissioner, J. Grill, P.E.
Director of Special Projects, W. C. Kupfer, P.E.
Executive Engineer, I. Polsky, P.E.

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The City of New York
Housing and Development Administration
Department of Buildings

DIRECTIVE NO. 1 OF 1970

January 15, 1970

To: Borough Superintendents

From: Thomas V. Burke, Director of Operations

Subject: Material and Assembly Approvals - Section C26-106.1 through
C26-106.4 Administrative Code.

A. It is provided in section C26-106.2, that no materials or assemblies of any manufacturer or producer shall be acceptable for the use intended unless and until the material or assembly shall have been tested for compliance with code requirements under a test method prescribed by the code or shall have been tested and approved by the Board of Standards and Appeals. In applying the provisions of this section to plans filed for construction, the following materials and assemblies may be accepted:

1. Those materials and assemblies which have been approved by the Board of Standards and Appeals, whether under the provisions of the new code or of the former codes, provided they are installed in compliance with the conditions stipulated by the Board.
2. Materials and assemblies which are accepted by the Materials and Equipment Acceptance Division of the Building Department and which are installed and used in conformance with the acceptance.
3. Those structural materials or assemblies which may be analyzed by accepted engineering methods, where the stresses are found to be within the limitations of the code and where the construction meets other applicable code provisions.
4. Materials which in their use do not require regulation and control in the interests of public safety, health and welfare and which are not subject to any requirement of acceptance, inspection, test, or approval, by the provisions of the Building Code.
5. Materials and assemblies which were acceptable for specified fire resistive ratings under the provisions of the former building code and under the rules of the Board of Standards and Appeals, as provided in subdivision (a) (2) of section C26-106.2. Materials specified in section C26-575.0 of the former code, for protection of structural steel, may be accepted. Also, those materials which were specified as acceptable for fire resistive ratings as walls and partitions in sections C26-631.0 through section C26-637.0 of the 1938 code may be approved as specified.

-243A-

-2-

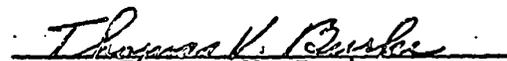
Walls constructed in accordance with the rules of the Board of Standards and Appeals entitled, "Rules for the Manufacture, Testing and Use of Concrete Masonry Units" may be accepted for the specified fire resistive ratings; when constructed in conformance with such rules. Where other fire resistive ratings are specified in the former code or in the rules of the Board of Standards and Appeals, for specific materials, the materials may be accepted for the rating specified; when constructed as required. Note that approval or acceptance of concrete or gypsum block or gypsum board or other components of an assembly, for a particular manufacturer, is required.

6. Materials and assemblies approved by the National Board of Fire Underwriters for fire resistant ratings. Materials and assemblies approved by the National Board of Fire Underwriters may be accepted when listed in Reference Standard RS 5-1. This listing is for the period ending in December 1964. The later listings will be incorporated as a reference standard shortly. Until such incorporation, only the listings until December 1964, may be accepted by examiners and inspectors when constructed as specified. Where details of construction are not clear in the listing, the examiner shall require that a copy of the test report be filed with the application.
7. Materials and assemblies approved by the Department of Buildings prior to 1938. Before 1938, there was a board or committee within the Department of Buildings that approved materials or assemblies for use within New York City. Prior to such city-wide board or committee, there was a board in each borough that approved materials or assemblies for use within a particular borough. In some of the boroughs, records of such approval are still available. Where records are available, materials may be accepted as approved, provided the materials are used in accordance with the approvals and provided that the use is in accordance with the provisions of the new code or the former 1938 code, where that code is applicable.

The provisions of the new code require classification of interior finishes for flame spread rating as shown in table 5-4, when such material is used in exits, shafts and corridors, with specified exceptions. These materials require acceptance by the Materials and Equipment Acceptance Division, before their use may be permitted.

Acoustical Isolation of Dwelling Units. Under the provisions of section C26-1208.2, partitions and floor and ceiling construction must be approved for minimum sound transmission class. Also, such construction must have an impact noise rating. The construction therefore requires acceptance by the Materials and Equipment Acceptance Division of this department unless the material or assembly is acceptable under Reference Standard RS 12-2.

3/26
: Executive Staff
Industry


Thomas V. Burke
Director of Operations

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The City of New York
HOUSING AND DEVELOPMENT ADMINISTRATION
Department of Buildings

DIRECTIVE NO. 16 OF 1971

To: Borough Superintendents Date: September 27, 1971
From: Thomas V. Burke, Director of Operations
Subject: Equipment Use Permits - Section C26-117.0
Building Code.

- I It is required by section C26-117.1 that equipment use permits be obtained for the following types of service equipment:
- (a) Air conditioning and ventilating systems.
 - (b) Elevators, escalators, moving walks and stairways, dumbwaiters, etc.
 - (c) Fuel-burning and fuel-oil storage equipment.
 - (d) Refrigeration systems.
 - (e) Heating systems.
 - (f) Boilers
- II Elevators - The forms, B Form 111, Passenger Elevator Inspection Certificate, and B Form 110, Freight and Sidewalk Elevator Inspection Certificate, and the forms presently issued for escalators, moving walks and stairways, dumbwaiters and amusement devices, shall be the equipment use permits for such equipment, and the present procedure used for issuance of such forms shall continue.
- III Fuel-burning and fuel oil storage equipment - The form 16A, presently used, shall be the equipment use certificate, and the existing procedure shall be continued.
- IV Boilers - The Certificate of Boiler Inspection, form 276, presently issued by the boiler section, shall be the equipment use certificate for boilers. The present procedure for issuance of such certificates shall be continued.
- V Air conditioning, ventilating systems, refrigeration systems, heating systems - An equipment use certificate is not presently issued. A new form B25A, copy attached, shall be used as the equipment use certificate for such equipment. The procedure which follows shall be applicable.
- VI Ventilating Systems
- (a) Equipment use permits shall be necessary for required ventilating systems and for voluntary air duct systems containing smoke detection or fire protection devices required by the Building Code (except for voluntary systems exempt from work permits pursuant to section C26-116.5 Administrative Code.)

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3. Construction inspectors shall inspect chimneys, warm air ducts, ventilation of boiler rooms, boiler room enclosures, boiler foundations, breeching, and other construction not inspected by boiler inspectors and plumbing inspectors, for compliance with approved plans.

X Noise Control

- (a) Equipment for which an equipment use permit is required, when located within a multiple dwelling, shall comply with the noise control requirements of Sub-Article 1208.0 of the Building Code.
- (b) Where any equipment for which an equipment use permit is required, is located on the exterior of any type of building and one or more windows of a dwelling unit in occupancy groups J-1, J-2, or J-3 is located within a sphere of 100 ft. radius, whose center is at any part of the equipment or its housing, shall also comply with the provisions of Sub-Article 1208.0.
- (c) Requirements of Sub-Article 1208.0, when providing for construction, shall be shown on the approved plans. When such requirements relate to permitted noise levels, reports of required tests, as specified in subdivision (a) of section C26-1203.1, shall be made under the supervision of the person making controlled inspection, and reports of such tests shall be filed before issuance of an equipment use permit.

XI Temporary Equipment Use Permits

Equipment use permits shall be issued for periods of indefinite duration, except that temporary permits may be issued for periods not exceeding thirty days, provided the fees prescribed in section C26-33.0 Administrative Code are paid for such temporary permits and provided that partial use and operation may be made without endangering public health, safety or welfare. Such permits shall be marked as temporary, with the date of expiration clearly noted. Such temporary permits shall be accompanied by amendments to the work application, on which required fees shall be noted.

XII Existing Equipment

Equipment use permits shall not be required for equipment installed prior to December 6, 1969. When new equipment is installed in existing buildings constructed under the 1938 or prior codes, an equipment use permit shall not be required unless the cost of installation exceeds 30% of the value of the building. Section C26-103.3 Administrative Code.

VII Air Conditioning Equipment. See exemptions of Section C26-117.5 Administrative Code. Procedure for air conditioning systems shall be the same as for ventilating systems, except that in addition, a use permit may be required for the refrigerating system. Section C26-1301.4 Administrative Code. Note exemption for refrigeration systems in section C26-1301.4, subdivision (c) Administrative Code. The completed refrigerating system shall be tested and inspected under the requirements for controlled inspection, except that it shall not be required that the architect or engineer be employed by the owner. A signed statement of the architect or engineer shall be filed on forms 10E and 10F, that the refrigerating system complies with Reference Standard 13-6 (USASI B9.1-1964 Safety Code for Mechanical Refrigeration) and code requirements.

VIII Refrigeration System - See item VII.

IX Heating Systems

(a) Boilers having a BTU input of not more than 350,000 BTU per hour (Section C26-1401.1(a) Administrative Code) in non-residential buildings, and hot water boilers and steam boilers operating at a gauge pressure of not more than 15 lbs. per square inch, located in dwellings occupied by less than six families, do not require equipment use permits. (Section C26-117.5 Administrative Code.)

(b) A statement of an architect or engineer shall be required that the heating system was operated and functions satisfactorily and that, to the best of his knowledge and belief, the system will meet code temperature requirements. (Section C26-117.3 Administrative Code.)

(c) Controlled Inspection

Inspections and tests of heating systems are to be made and witnessed by or under the direct supervision of an architect or engineer who shall file reports of such tests and inspections on form 10E, and who shall file a statement that the heating system conforms in all respects with code requirements. (Section C26-1204.0 Administrative Code). Note: Testing of a heating system shall be required only to show that the system operates properly. Testing to show compliance with the temperature requirements of section C26-1204.1 of the Administrative Code shall not be required.

(d) Building Department Inspection

1. Boiler inspectors shall inspect boilers.
2. Plumbing inspectors shall inspect water supply piping and connections and waste lines and fuel burning equipment and fuel storage equipment. Note that separate equipment use permits are required for fuel burning equipment and fuel storage equipment. Forms presently in use for this purpose shall be continued (Form 16A).

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XIII Plan Examination

Examiners shall require applicant to list equipment requiring equipment use permits as required by section C26-117.1 Administrative Code, and shall require that equipment use permit applications be filed. They are to be filed as part of a New Building or Alteration application.

XIV Reports, Certifications, Approvals

Applications for equipment use permits shall be filed with the new building or alteration applications to which they are accessory. Examiners shall review the required reports, certifications and other data required for approval. When all information has been received and is found to be in proper order, the examiner shall recommend approval by signing the application for the equipment use permit.

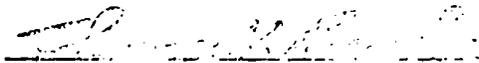
Before approving a temporary or permanent certificate of occupancy or before signing off the application as completed, the plumbing and construction inspectors shall ascertain whether the equipment meets all requirements of the code as specified in this memorandum. Where there is not compliance, the applicant is to be notified in writing of the objections. Where the equipment is ready for approval, the inspector shall sign the application for the equipment use permit, recommending approval. The application shall be returned to the new building or alteration application to which it is accessory and shall be stamped with the signature of the Borough Superintendent, as approved, by the clerk who stamps the approvals of the new building or alteration applications.

XV - Applications for equipment use permits (form B25) shall be filed in quadruplicate and shall be distributed in the same manner as the applications to which they are accessory, except when filed as separate applications as noted below. Where a new type of equipment use permit is issued, form B25A shall be used as the permit.

XVI When no work is to be done other than installation of the equipment for which a use permit is required, a separate application (form B25) may be filed for a work permit and a use permit (form B25A) obtained in conformance with sections C26-116.0 and C26-117.0 of the Administrative Code. In such cases, the applications shall be processed in accordance with the foregoing procedure, except that the accessory application shall be noted as "none."

Note: Where alteration application is specified in this directive, it shall include building notice applications also.

TVE/df
Attachments



Thomas V. Burke
Director of Operations

CC: Exec. Staff
Industry
Comm. Lowery, Fire Dept.
Boiler Section; Crane & Derrick Section

The City of New York
HOUSING AND DEVELOPMENT ADMINISTRATION
Department of Buildings

DIRECTIVE NO. 3 OF 1972

TO: Borough Superintendents

Date: February 17, 1972

FROM: Director of Operations, T. V. Burke

SUBJECT: ISSUANCE OF STOP WORK ORDERS -- Section C26-123.1 Stop Work Notice & Order
Section C26-123.2 Unlawful continuance
Section C26-118.7 Revocation of Permit

The issuance of stop work orders especially when applied to new construction is a serious matter in that if not properly used may result in conditions adversely affecting public safety or on the other hand may cause unnecessary delays of needed construction and hardship to the industry.

I Where an inspector finds that construction or demolition work has started or is proceeding without a permit, he shall immediately file a stop work order in the manner presently in use. The order shall be given special handling and shall be typed and docketed without delay; all steps shall be taken to avoid clerical delays. A letter on prescribed form to the Commander of the local Police Precinct shall be prepared. The order shall be served the same day if possible and where this cannot be done the service of the order shall be the first business of the following morning. If upon service of the order, work is not stopped immediately, inspector shall report to the local Police Precinct and enlist the aid of the Police Department (T.O.P. #251, copies of which are posted in all borough offices). If all work stops immediately, the inspector shall visit the local Police Precinct and deliver to the desk officer a duplicate copy of the stop work order and a letter requesting surveillance by the Police Department of the site in question. It shall be the duty of the inspector to keep the site under close observation and report to the Chief Inspector any case of lack of cooperation by the Police Department.

II Where an inspector in the course of routine inspection finds that construction or demolition is being conducted in an unsafe manner, where a

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structural failure or defect is noted, where mechanical demolition is in progress without special permit or other condition exists which in the opinion of the inspector requires a stop work order, the inspector shall immediately notify the Chief Inspector. When the Chief Inspector and the Borough Superintendent or his delegate concur that such order should be issued, the Chief Inspector shall arrange for immediate preparation of such order and the order shall be served the same day whenever possible and where this cannot be done, shall be served as the first business on the following morning. Steps shall be taken to avoid clerical delays.

The remedy of all stop work orders issued under Paragraph II shall detail the work which may be necessary to safeguard life or property. Such work shall be permitted and required until the Borough Superintendent is satisfied that the intent and purpose of the stop work order has been served.

There shall be noted upon all stop work orders issued under Paragraph II that "failure to comply with the order will result in revocation of all work permits," and if indeed such order is not complied with all permits shall be revoked.

Nothing in this memorandum shall preclude the issuance of a stop work order for certain parts of the work if deemed advisable by the Borough Superintendent.

A copy of all stop work orders issued under Paragraph II shall be sent to the Director of Operations without delay.

The service of all stop work orders issued under Paragraph II shall be as indicated in Paragraph I and in compliance with Police Department T.O.P. #251.

It shall be the duty of the inspector to keep all sites under close observation where stop work orders are issued under Paragraph II and to inform the Chief Inspector where stop work orders are not being complied with so that any action needed to revoke permits can be put into affect immediately. It shall be the duty of the inspector to report to the Chief Inspector any cases where the cooperation of the Police Department is lacking.

TVB:JL:rmr
Executive Staff
Advisory Council
Industry
Allied Building Inspectors


Thomas V. Burke, P.E.
Director of Operations

C O P Y

DIRECTIVE NO. 19 - 1969

The City of New York
DEPARTMENT OF BUILDINGS

AC-Title C-Sec. C26-1909.3
AC-Title C-Sec. C26-1909.4
Rules & Regulations

To: Borough Superintendents

DATE: December 11, 1969

From: Thomas V. Burke, Director of Operations

Subject: New Building Code C26-1909.3 (d), (c) and f and C26-1909.4 and Rules and Regulations for Power Operated Cranes, Derricks and Cableways and Form 21C Building Notice Application for Certificate of On-Site Inspection-Cranes, Derricks, Cableways

The above referenced sections of law and newly promulgated Rules and Regulations control the use and operation of Power Operated Cranes, Derricks and Cableways. The person using such equipment is required to obtain Certificates of Approval, Operation and On-Site Inspection subject to various waiver provisions.

The Borough Division shall be responsible for receiving and processing applications for On-Site Inspection Certificates. These applications, documents and plans shall be filed in quadruplicate (4 copies) using a modified Building Notice Form (form 21C) and shall be examined immediately and may be examined in the presence of the applicant. An initial stock of form 21C is transmitted herewith.

Where the applicant elects to process the application in person the following procedure shall apply:

- 1) The Plan Desk shall review the application form for completeness, assign an application number and determine the fee applicable (\$25 at this time).
- 2) Fees shall be paid to the cashier and a separate accounting maintained of all such fees.
- 3) The Plan Desk shall immediately stamp up the application (number, date etc.) and extract such information as is necessary for docketing and indexing.
- 4) Refer the applicant with the application forms to the Chief Engineer (Engineering), plan examination room, for immediate assignment to an examiner for engineering review. The construction examiner for the related construction application shall preferably be the examiner for this application.

COPY

FORM 21C(12/69)

THE CITY OF NEW YORK
HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF BUILDINGS

EQUIPMENT WILL BE AVAILABLE FOR INSPECTION ON
DATE: _____

SITE LOCATION _____
(INCLUDE STREET NO.)

BLOCK _____ LOT _____
RELATED APPLICATION NO. _____
(NB-ALT-BN)

BUILDING NOTICE

APPLICATION FOR CERTIFICATE OF ON SITE
INSPECTION CRANES, DERRICKS, CABLEWAYS

\$25.00

FEE PAID

APPLICANT _____
(OWNER OF PREMISES, BUILDING OR REPRESENTATIVE)

SIGNATURE _____

ADDRESS _____

I, HAVING BEEN AUTHORIZED BY THE OWNER, HEREBY MAKE APPLICATION FOR APPROVAL OF THE USE OF A
AS DESCRIBED BELOW TO BE USED AT THE ABOVE MENTIONED SITE IN ACCORDANCE WITH
(CRANE, DERRICK OR CABLEWAY)
THE ACCOMPANYING PLANS AND SPECIFICATIONS.

(SIGNATURE OF APPLICANT)

OWNERS
NAME: _____

OWNERS
ADDRESS: _____

PLOT PLAN

IF EQUIPMENT IS TO BE OPERATED FROM STREET OR SIDEWALK, SHOW LOCATION AND GIVE DIMENSIONS.

DIMENSIONS

OVERALL CARRIER LENGTH _____
OVERALL CARRIER WIDTH _____
OVERALL CARRIER WIDTH
(OUTRIGGERS EXTENDED) _____

EXAMINED AND RECOMMENDED

FOR APPROVAL ON: _____ DATE: _____

(EXAMINER)

APPROVED: _____
(DATE)

BOROUGH SUPERINTENDENT

TO BE FILLED OUT BY DEPARTMENT INSPECTOR:

DEPARTMENT C.D. No. _____ MANUFACTURER _____ MODEL _____ SERIAL No. _____
MANUFACTURER'S RATED CAPACITY _____ LENGTH OF BOOM (INCL. JIBS) _____
(FOR MOBILE CRANES)

INSPECTED AND APPROVED BY: _____ DATE: _____

FALSIFICATION OF ANY STATEMENT IS A MISDEMEANOR UNDER SECTION 643-A-10.0 OF THE ADMINISTRATIVE CODE AND IS PUNISH-
ABLE BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS OR IMPRISONMENT OF NOT MORE THAN SIX MONTHS OR BOTH.
BRIBERY IS A CRIME: A PERSON WHO GIVES OR OFFERS A BRIBE TO ANY EMPLOYEE OF THE CITY OF NEW YORK, OR AN EMPLOYEE
WHO TAKES OR SILICITS A BRIBE, IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT UP TO SEVEN YEARS OR BY A FINE, OR
BOTH. PENAL LAW, SECTION 200.0 AND 200.10.

NOTICE - THIS STATEMENT MUST BE TYPEWRITTEN AND FILED IN QUADRUPPLICATE

-167-

THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS

DIRECTIVE 23-1959

To: Borough Superintendents

Date: November 16, 1959

From: Commissioner Peter J. Reidy

Subject: Requirements of C26-563.0
for Retaining Walls.

Pending a written interpretation from the Corporation Counsel, Section C26-563.0 of the Administrative Code shall be interpreted as follows:

- (1) Where the difference in grade between adjoining lots does not exceed two (2') feet and the land is gradually sloped or terraced on each lot so that the level of the ground at the lot line is approximately at the average grade, a retaining wall need not be provided.
- (2) Where the difference in grade between adjoining lots exceeds two (2') feet, but does not exceed three (3'6") feet six inches, a retaining wall may be omitted provided the adjoining individual owners agree, and make a request in writing for the Department of Buildings to approve this condition in order to maintain the rustic appearance of the landscape.
- (3) In all cases where the difference in elevation exceeds three (3'6") feet six inches, retaining walls shall be provided for the full difference in grade.

(Signed) Peter J. Reidy
Commissioner

JF:HM

CC: D. Commr. Birns
Actg. D. Commr. Ferro
Director & Asst. Dir. of Operations
Bureau of Records

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THE CITY OF NEW YORK **BUILDINGS BULLETIN 2022-008**
DEPARTMENT OF BUILDINGS
DIRECTIVE 1 of 1985

DEPARTMENTAL MEMORANDUM

DATE: March 4, 1985

TO: The Borough Superintendents

FROM: Charles M. Smith, Jr. R.A.

SUBJECT: REQUESTS FOR NEW YORK CITY BUILDING CODE INFORMATION INTERPRETATIONS, CONSULTATIONS AND RECONSIDERATION.

1. GENERAL:

- (a) Requests for information, interpretations, and consultations should be made to the Borough Superintendent at the Borough Office where the work is to be done.
- (b) The Borough Superintendent or his designee may respond to such requests concerning:
 - (1) The Building Code
 - (2) The Zoning Resolution
 - (3) The Multiple Dwelling Law
- (c) Responses shall be considered ADVISORY ONLY unless an application has been filed with the Building Department and all required fees have been paid.

2. RECONSIDERATIONS AT THE BOROUGH OFFICE:

- (a) Requests for reconsideration at the Borough Office should be directed first to the Squad Leaders, Chief Plan Examiner, next the Deputy Borough Superintendent, and then the Borough Superintendent.
- (b) Format: Amendment B Form 10
- (c) Its initial sentence should read:

"Respectfully request reconsideration of Objection No. _____ which states _____" and which cites "Section _____ of the Administrative Code, or Zoning Resolution, or Multiple Dwelling Law."
- (d) The applicant should:
 - (1) Adequately locate and describe the area subject to the objection.
 - (2) State the (specific) relief requested.

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- (3) State if the request for reconsideration concerns an interpretation of the section of law cited; or for a waiver of the section of law cited.
 - (4) State the practical difficulty where a waiver of a section of law is requested.
 - (5) Propose equivalencies consistent with public safety and welfare.
 - (6) Cite precedents if any.
- (e) Applications and plans which should be sufficiently complete.

3. RECONSIDERATIONS TO THE BOROUGH SUPERINTENDENTS MEETING.

- (a) The Borough Superintendents meet tri-weekly.
- (b) Appeals from determinations at a Borough Office may be forwarded to the Borough Superintendents tri-weekly meeting. The following are required:
 - (1) A letter addressed to the appropriate Borough Superintendent requesting further reconsideration by the Borough Superintendents at least two weeks prior to their scheduled meeting. This letter should be given to the Borough Superintendent.
 - (2) A second letter addressed to the Commissioner tracking the information required in Sections 2(d) and 2(e) should include the following:
 - a. The location and zoning district of the premises; and its site configuration.
 - b. Present usage (per the Certificate of Occupancy); and its proposed usage.
 - c. The situation
 - d. Nature of the objection
 - e. The (specific) relief requested
 - f. The proposed equivalencies to be complied with.
 - g. Stipulations; conditions; and deed restrictions.

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4. APPEALS TO THE COMMISSIONER:

Further appeals to the Commissioner may be made as follows:

- (a) A letter should be addressed to the Commissioner requesting further reconsideration. It should mention that the matter was considered at a meeting of the Borough Superintendents. This first letter should be given to the Borough Superintendent for forwarding to the Office of the Commissioner (Attention: the Executive Engineer).
- (b) A second letter addressed to the Commissioner with the information required in Section 3(b) (2) should be enclosed.

5. OTHER APPEALS TO THE COMMISSIONER:

Appeals concerning Special projects, Local Law 5 of 1973 (Fire Safety), and Local Law 10 of 1980 (Building Facades) may be made as follows:

- (a) Address the letter to the Commissioner, (Attention: The Assistant Commissioner for Building Construction/ Special Projects). It may be forwarded directly or via the Borough Office
- (b) The letter (and any necessary plans) should contain sufficient information on which to base the appeal.



Charles M. Smith, Jr., R.A.
Commissioner

CMS/IP/jk

cc: Executive Staff
BIAC
Professional Societies
Real Estate Associations

2011

The City of New York
Housing and Development Administration
Department of Buildings

BULLETIN NO. 7-2570

To: Borough Superintendents

Date: February 6, 1970

From: John T. O'Neill
Commissioner

ZON. RES.

Subject: Appeals to the Board of Standards and Appeals
and/or City Planning Commission.

It has come to the attention of this office that there have been serious errors of omission and/or commission on the part of both applicants and this Department affecting or relating to variances or special permits pending or granted by the Board of Standards and Appeals and/or the City Planning Commission.

Enclosures indicate that in one instance, an objection was raised for an appeal to the Board of Standards and Appeals which was declared irrelevant by the Board, while conversely, an objection regarding a basic question as to the relevancy of the prior special permit of the City Planning Commission which should have been raised at the same time, was not so issued.

In another instance, the procedure of the City Planning Commission to accept applications for, and issuance of, special permits without the necessity of filing of an application with this agency as a pre-requisite, or notification to this Department of the pendency of such appeal, has raised serious problems. Accordingly, all Borough Superintendents are to direct all personnel in the Engineering Bureau that the following procedure shall be adhered to with regard to contemplated or actual appeals to the Board of Standards and Appeals and/or the City Planning Commission.

1. All applicants for the proposed construction or enlargement of buildings or structures which appear to warrant a special permit or variance from the Planning Commission shall indicate in writing whether they, or any other representative of their client has filed an application for a special permit with the Planning Commission. If an application has in fact been filed, an objection shall be issued requiring a copy of the application and all plans filed at the Planning Commission to be made a part of the application of record with this Department. If no application has been filed, an objection is to be issued requiring a special permit by the Planning Commission, which shall be made part of any denials issued for subsequent appeals to the Board.

2. All objections issued by an examiner for appeals to the Board of Standards and Appeals and/or the City Planning Commission shall be reviewed by the Borough Chief Engineer of the Engineering Bureau for completeness and appropriateness after an initial review by the Supervising Examiner. It shall be required before any denials are released to the applicant for further processing with the appropriate appellant agency that he indicate in writing that to the best of his knowledge and belief, that the application and plans will, in all other respects except for those provisions of law being appealed, fully comply in all respects with all other pertinent laws, rules, and regulations, and that no other application is pending or pertinent with any other appellant agency having jurisdiction in regard to any matters affecting this application. Sufficient zoning information, including a lot diagram and related data specified in Section 241-113.2(a)(1) of the Administrative Code and such other data and calculations as is warranted, shall be required to be submitted before the Borough Chief Engineer shall authorize release of the denial.

This procedure shall take effect immediately.


John T. C. Keill
Commissioner

JTO:IEB:ap

cc: Joseph Ferrro, Deputy Commissioner
Frank Padavan, Assistant Commissioner
Director of Operations, Thomas Burke
Executive Staff
All Architectural Engineering Professional Societies
All Building Trades Organizations

The City of New York
HOUSING AND DEVELOPMENT ADMINISTRATION
Department of Buildings

DEPARTMENTAL MEMORANDUM DIRECTIVE NO. 17 of DATE: October 5, 1971
1971

TO: Borough Superintendents
FROM: Director of Operations, Thomas V. Burke
SUBJECT: Extensions of Approval of Applications

The following procedure, for the purpose of uniformity, shall be instituted in regard to reinstatement of an application filed on or after December 6, 1969, which has expired under sections C26-109.9 or C26-118.6 of the Administrative Code (new Building Code.)

<u>Condition</u>	<u>Expiration Date</u>	<u>Reinstatement</u>
Partial disapproval. No further action within 1 year after submission	Date of submission, plus 12 months.	Within 2 years of date of submission.
Approved application. No permit obtained within 1 year after approval.	Date of approval, plus 12 months.	Within 2 years of date of approval.
Permit issued. No work commenced within 1 year.	Date of issuance, plus 12 months	Within two years of date of issuance of permit.
Permit issued, and work commenced within 1 year. Suspended or abandoned for 12 months thereafter.	Date of suspension or abandonment of work plus 12 months.	Within 2 years of date of issuance of permit.

In the case of applications disapproved in whole or in part, extensions of time shall be for 12 month periods, which can be renewed upon reasonable cause.

The above listed requirements shall be applicable to all applications filed on or after December 6, 1969, regardless of whether the scope of work is in

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accordance with provisions of the new Building Code (Local Law 76/68) or in accordance with applicable laws in existence prior to December 6, 1968.

Requests for reinstatement shall be made by amendment. The required reinstatement fee (which shall be considered a new filing fee) shall be paid prior to accepting the amendment for processing. Examiners are cautioned to check particularly the effect of amendments to the Zoning Resolution or Building Code, change of street status or legal grade, installation of a new sewer, designation as a Landmark or within an Urban Renewal area, or an Unsafe Building violation.

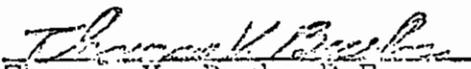
Applications filed prior to December 6, 1969, for examination for compliance with the new Building Code shall also be subject to the above mentioned requirements.

Amendments or amended plans submitted after expiration shall not be considered unless accompanied by a simultaneous request for reinstatement.

Applications filed prior to December 6, 1969, for examination for compliance with the 1938 Building Code shall be governed by the provisions of Directive No. 15/69.

Directive No. 45/57 is hereby repealed.

Applications for capital construction projects shall not be expired without the approval of the Borough Superintendent.


Thomas V. Burke, P.E.
Director of Operations

VB/IE4/sl

C: Comm. J. Stein
Exec. staff
Industry

C O P Y

The City of New York
DEPARTMENT OF BUILDINGS

Building Code 1938

DIRECTIVE NO. 15 of 1969

Date: November 20, 1969

TO: Borough Superintendents
FROM: Thomas V. Burke, Director of Operations
SUBJECT: Applications filed under the 1938 Building Code

Applications for permits filed prior to December 6, 1969, for work to be performed in its entirety in accordance with the requirements of the building laws and regulations previously in force in the City of New York shall be considered acceptable for filing and examination if, prior to December 6, 1969, such applications with plans contain sufficient zoning information showing compliance with the zoning resolution and schematic plans showing compliance with exit requirements.

Amendments to these applications filed December 6, 1969, and thereafter shall be accepted for filing and examination.

All work indicated in these applications is to commence within 12 months after the date of issuance of a permit therefore and is to be diligently carried on to completion.

Any permit issued but under which no work is commenced within one year from the date of issuance shall expire by limitation and shall not be reinstated. It shall be required that a new application be filed in compliance with the 1962 Building Code.

Any application which is disapproved in part and upon which no further action has been taken by the applicant within two years after the notice of partial disapproval was given shall be considered as automatically withdrawn and shall not be reinstated.

Any application which has been approved and for which no permit was issued shall expire one year from the date of approval and shall not be reinstated.

/s/ THOMAS V. BURKE
Thomas V. Burke
Director of Operations

TVB/WCK/sl
cc: Borough Superintendents
All staff
Industry

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DEPARTMENT OF BUILDINGS

CONFIDENTIAL MEMORANDUM

DATE: September 26, 1977

Borough Superintendents

TO: Jeremiah T. Walsh, P.E., Commissioner

SUBJECT: Delegation of Authority

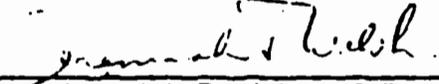
DIRECTIVE No. 4 of 1977

All previous directives with respect to the above subject matter are hereby superseded.

In accordance with the provisions of sections 641 and 645 of the New York City Charter I hereby delegate to each borough superintendent to exercise in his respective borough the powers vested in me to perform the functions prescribed in sections 643 and 645 of the charter, with the following exceptions:

1. Sub-paragraph (g) of paragraph (3) of subdivision (b) of section 645 of the charter.
2. Duties and functions delegated to:
 - (a) Cranes and derricks division
 - (b) Boiler division
 - (c) Material and equipment acceptance division
 - (d) Licensing division and central billing section

Each borough superintendent shall, in the borough to which he has been assigned, be responsible for the proper performance of the delegated functions and for the enforcement and compliance with all the building laws and with the directives, memoranda and procedures issued by the commissioner or issued by the director of operations, and the rules and regulations of the department.



Jeremiah T. Walsh, P.E.
Commissioner

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THE CITY OF NEW YORK
HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: January 3, 1974

TO: Borough Superintendents
FROM: Jeremiah T. Walsh, Commissioner
SUBJECT: Delegation of Authority

DIRECTIVE No. 1 of 1974

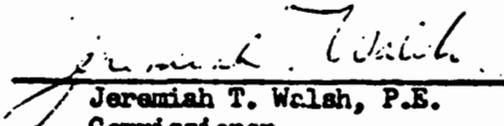
All previous directives with respect to the above subject matter are hereby superseded.

In accordance with the provisions of section 1804 of the New York City Charter, I hereby delegate to each borough superintendent, to exercise in his respective borough, the powers vested in me to perform the functions prescribed in sections 1803(6) and 1804(4) of the charter, with the following exceptions:

1. Sub-paragraph (8) of section 1804(4)(c) of the charter.
2. Duties and functions delegated to:
 - (a) Cranes and derricks division
 - (b) Boiler division
 - (c) Material and equipment acceptance division
 - (d) Licensing division and central billing section

Each borough superintendent shall, in the borough to which he has been assigned, be responsible for the proper performance of the delegated functions and for the enforcement and compliance with all the building laws and with the directives, memoranda and procedures issued by the commissioner or issued by the director of operations, and the rules and regulations of the department.

JTW:LB:MP
cc: Exec. staff


Jeremiah T. Walsh, P.E.
Commissioner

826

The City of New York
HOUSING AND DEVELOPMENT ADMINISTRATION
Department of Buildings

DIRECTIVE NO. 10 OF 1972

TO: Borough Superintendents

DATE: October 26, 1972

FROM: Thomas V. Burke, P.E., Director of Operations

SUBJECT: Sections C26-100.5, C26-103.0 Administrative Code
Applicability of 1968 Code to Construction

BACKGROUND:

- A. Under the provisions of section C26-100.5 of the 1968 Building Code, new buildings for which applications were filed prior to December 6, 1969, may comply with the provisions of the 1938 code or laws previously in force.
- B. Under section C26-103.0 of the 1968 code, specified alterations may comply with the 1938 code or laws previously in force.
- C. These provisions shall be construed to mean that the construction entering into the alteration may comply with the 1938 code or laws previously in force where permitted, but that all administrative and procedural provisions of the 1968 code shall apply.
- D. Materials and assembly approvals (Section C26-106) are to remain as stated in Directive 1/1970, dated January 15, 1970.

PROCEDURES TO BE FOLLOWED:

1. The provisions of the 1938 code or laws previously in force (as applicable) may be applied, where permitted for height and area limitations, exits, methods of construction and design, materials and equipment, design loads and stresses, fire protection, fire prevention, fire alarms, plumbing, sprinklers, standpipes, ventilation, air conditioning, fuel oil storage, elevators, provided public safety and welfare is not endangered. Design details of fire alarms, sprinklers or standpipes must, however, conform with the 1968 code, based on Section C26-1700.1.
2. Where applications are approved for buildings or portions of buildings constructed under prior (old) codes, the provisions of the 1968 (new) code shall apply for procedural items as follows:

Applications, permits, applications for certificates of occupancy, inspections by inspectors of the Building Department, controlled inspections, borings, soil tests and other soil investigations, shoring of banks of excavations, soil inspections underpinning, tests and approvals of material and equipment testing, approval of fire retardant treated wood, and noise requirements pertaining to exterior mechanical equipment.

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PROCEDURES TO BE FOLLOWED: continued

3. All the provisions of Article 19 of the 1968 code, "Safety of Public and Property During Construction Operations", shall apply to all construction whether the building construction conforms to the 1938 code, laws previously in force or the 1968 code.
4. Effective date of this Directive:

All applications filed after November 1, 1972. The Borough Superintendent may require these procedures to be applicable to applications filed prior to November 1, 1972, where he deems the public safety and welfare in danger.


Thomas V. Burke, P.E.
Director of Operations

TVB/PEO/sl

cc: Exec. staff
BCAC
Industry

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THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS
DIRECTIVE NO. 1 of 1981

DATE: March 30, 1981

DEPARTMENTAL MEMORANDUM

TO: Borough Superintendents

FROM: Irwin Fruchtman, P. E.

Commissioner
SUBJECT:

FIRE PROTECTION PLAN

This directive supersedes the memorandum concerning the above subject, issued December 8, 1980, by me.

Under the provisions of Section C26-108.2 of the Administrative Code, applications for the approval of plans filed with this department shall contain, among other requirements, ". . . such other pertinent information as the commissioner may require". Effective immediately, a Fire Protection Plan shall be required to be filed and accepted for new buildings and alterations to existing buildings for certain types of buildings as noted below.

1. A Fire Protection Plan is a technical report containing a description of the various life safety systems and evacuation procedures, both required and voluntary, which will be inherent and relate to the particular building under consideration upon completion of the work to be performed under the application with which it is filed.

The Fire Protection Plan shall be prepared by and filed by a Professional Engineer or Registered Architect whose seal and signature shall appear therein and shall contain a description of the following subjects as may be applicable:

a. A description of the building, i.e., address, block and lot number, number of stories in height, height in feet, type of construction, occupancy and use.

b. Key plans of all floors of the building indicating exits, corridors, rated walls serving as fire separations or fire divisions.

c. A description of the egress from the building, rating of enclosures, access to roof, stair pressurization, etc.

d. A description of life safety systems and evacuation procedures in the building.

- (1) Fire Safety Plan (evacuation)
- (2) Communication System
- (3) Elevator Recall System
- (4) Standpipe System
- (5) Standby Power, Lights and Emergency System.

continued . . .

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Fire Protection Plan

March 30 1981

- (6) Fire Alarm System
- (7) Smoke Detection System
- (8) Fire Command Station Location
- (9) Type of furnishings
- (10) Places of Assembly
- (11) Fire Department access
- (12) Mechanical Ventilation and Air Conditioning System
- (13) Automatic Sprinkler Protection
- (14) Smoke Control Systems (Fire venting and pressurization)
- (15) Compartmentation (Separation of occupancies, etc.)
- (16) Any other system, required or voluntary, to enhance life safety requirements of the building

2. A Fire Protection Plan is required to be filed for the entire building when the height and/or area of the building or of a space for the occupancy noted exceeds the following:

Designation	Occupancy Group (Buildings or spaces)	When Fire Protection Plan is Required
A	High Hazard	Buildings exceeding 6 stories or 75 feet in height.
B	Storage	Buildings exceeding 6 stories or 75 feet in height.
C	Mercantile	Buildings exceeding 6 stories or 75 feet in height, or Buildings two or more stories in height with more than 20,000 sq. ft. per floor, or Buildings two or more stories in height with a total building area exceeding 50,000 sq. ft.
D	Industrial	
E	Business	Buildings exceeding 100 feet in height
F	Assembly	Buildings exceeding 6 stories or 75 feet in height, or Buildings with a space containing an assembly use whose occupancy exceeds 300 persons.

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Designation	Occupancy Group (Buildings or Spaces)	When Fire Protection Plan is Required
G	Educational	Buildings exceeding 6 stories or 75 feet in height, or Buildings two or more stories in height with more than 20,000 sq. ft. per floor, or Buildings two or more stories in height with a total building area exceeding 50,000 sq. ft.
H	Institutional	Buildings exceeding 6 stories or 75 feet in height, or Buildings two or more stories in height containing sleeping accommodations for more than 50 persons.
J-1	Residential (Transient)	Buildings exceeding 6 stories or 75 ft. in height, or Buildings two or more stories in height containing sleeping accommodations for more than 50 persons.
J-2	Residential (Non-transient)	Buildings exceeding 6 stories or 75 feet in height, or Buildings containing more than 50 dwelling units with more than 10,000 sq. ft. of spaces used for mercantile (C), Business (E), Assembly (F), Educational (G) or institutional (H) uses.

Note: 1. All areas are gross areas

2. See Section C26-301.5 Admin. Code (Table 3-2 and Reference Standard RS 33) for a list of representative occupancies that shall be used as a basis for classifying building and spaces by occupancy.

a. All new buildings of the type listed above requires a Fire Protection Plan.

b. All alterations to existing buildings of a type listed above requires a Fire Protection Plan if:

- (1) The cost of alteration exceeds \$1,000,000, or
- (2) The building is being altered under the provisions of the new code (1968)

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continued . . .

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Fire Protection Plan

March 30, 1981

c. All alterations to existing buildings which proposes a change of use to a building of a type listed above requires a Fire Protection Plan regardless of the cost of the alteration.

3. Procedure for filing and obtaining acceptance of the Fire Protection Plan.

a. After the date of the issuance of this directive, no application subject to this directive shall be approved until an amendment is filed by the Professional Engineer or Registered Architect responsible for the preparation of the Fire Protection Plan stating that three (3) copies of the completed Fire Protection Plan have been sent to the Director of Special Projects, Room 1513,

Department of Buildings
120 Wall Street
New York, N.Y., 10005
Tel: 248-8772

The amendment shall also state that the Professional Engineer or Registered Architect is aware that no final certificate of occupancy will be issued and no application will be signed off as complete by the Department of Buildings until the Fire Protection Plan is accepted. The application, if otherwise acceptable, may be approved and the permit issued.

b. A Fire Protection Plan shall be filed, when required by Item 2, for all open applications filed before the issuance of this directive. The plan shall be filed with and accepted by the Director of Special Projects.

c. The Fire Protection Plan shall be reviewed by the Director of Special Projects. Upon his acceptance of the Plan, he shall so indicate on the three copies. He shall retain one copy for transmittal to the Bureau of Fire Prevention of the Fire Department and two copies shall be returned to the Professional Engineer or Registered Architect.

d. Upon receipt of the two copies of the accepted Fire Protection Plan, the Professional Engineer or Registered Architect shall file one accepted copy with the application on a separate amendment and he may retain the third copy for his records.

4. No final certificate of occupancy shall be issued and no application shall be signed off as complete by this department until a Fire Protection Plan, when required, has been filed and accepted.


Irwin Fruchtman, P. E.
Commissioner

IF:WCK:ah

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THE CITY OF NEW YORK
HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF BUILDINGS

DIRECTIVE NO. 3 of 1975

DEPARTMENTAL MEMORANDUM

DATE: February 21, 1975
Revised - May 15,

TO: Borough Superintendents

FROM: Commissioner Jeremiah T. Walsh, P.E.

SUBJECT: INSPECTION OF CONSTRUCTION AND PLUMBING

INTRODUCTION

The procedure for inspection of construction and plumbing established herein will provide notice to builders, contractors and plumbers, that an inspector of the Department of Buildings has inspected a designated part of the construction or plumbing and has found it to conform to the approved plans and to applicable laws, or has found it not to conform. In the latter case, the extent of non-compliance will be described, with the remedy.

This procedure will be followed for each inspection, so that the builder or plumber will be aware of the portion of the work inspected and whether any unlawful conditions have been found.

Also, the procedure will provide better records of inspections made so that in the event of absence of an inspector, another inspector can continue the inspection process without repeating inspections previously made.

PROCEDURE

The procedure shall be as follows:

A. INSPECTION REPORTS

1. It shall be required that each construction and plumbing inspector, at the time he visits a new building under construction or a building in which an alteration is in progress, including those filed under Building Notice applications, leave a report of his inspection with the person in charge of the construction at the site. The original copy of his report shall be submitted to the Senior Construction Inspector or the Chief Plumbing Inspector. The report shall be on the forms established by the department and shall contain the address of the building, the application number, the date of inspection,

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and the time of arrival and departure, and the name and employer of the person to whom delivered. Construction inspectors include steel inspectors and plastering inspectors.

2. The inspector shall state in his report, the progress of the construction at the time of inspection, the conditions which do not comply with law, and, in the absence of any such conditions, shall provide a statement that the work at the site at the time of inspection complied with applicable laws insofar as observation of the construction was visible at such time. He shall specify briefly, the areas and the work inspected by him. Where non-compliance with the approved plans is found and where work in violation of applicable law is discovered, appropriate violation orders shall be filed.
3. A report shall be made only when inspection of the premises is possible. Where there is no access, no such report shall be made. Also, for inspections on complaints and on violations that do not relate to construction, or place of assembly inspections, and for all other inspections where there is no alteration or construction work in progress, no such report shall be required. The present practice of completing route sheets shall be continued and each inspection shall be noted in accordance with the current practice.

B. REVIEW OF REPORTS

1. The copies of the reports of inspection of construction and plumbing that are submitted shall be reviewed by the supervisors, and shall be filed with the P.I.R. card.

C. BUILDERS OR PLUMBERS COPY OF REPORT

1. The copy of the report left at the construction site shall be left with the person in charge of the job at the time of inspection. His name and title and employer shall be noted on the report. He shall be advised to retain such reports to show approval or disapproval of work inspected at the time of the report.

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D. INSPECTION PROCEDURE

1. An inspector shall inspect that part of the construction or plumbing which was not inspected previously by himself or other inspectors formerly assigned to inspection of the building. He shall inspect the construction or plumbing that is visible at the time of his inspection and which was not previously reported as inspected. He shall not be responsible for inspection of work covered over by other construction work. He must ascertain to the extent possible, whether the construction or plumbing conforms to the approved plans. His report shall show that all work inspected by him conforms to the approved plans or he shall state that the work does not conform to the approved plans for the items and reasons set forth in his report. He shall require compliance with Article 19 of Part II of Chapter 26 of the Administrative Code, relating to safety of public and property during construction operations. Plumbing inspectors shall require compliance with applicable provisions of the Administrative Code and with the provisions of the reference standards relating to plumbing and gas piping.
2. The inspector shall determine whether there has been compliance with violations on file and shall recommend dismissal of the violation where there has been compliance or shall report failure to comply and recommend appropriate action. This shall be noted in his report. New violation orders filed shall also be noted in the report.

E. PROCESSING REPORTS

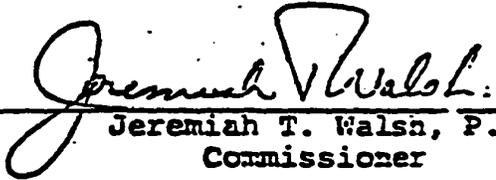
1. The original of the report shall be returned to the office and the copy shall be left with the person in charge at the construction site, or may be left with a responsible assistant in charge, or on small jobs, may be left with an owner or lessee of the area under alteration or construction. Where no responsible person may be found, the copy shall be returned to the office with a note that no responsible person was found at the site, and shall be subsequently mailed to the person to whom the permit was issued.

2. Senior or supervising inspectors shall check to make certain that a report is filed for each inspection of construction and plumbing.
3. The inspector shall place a summary of his report on the P.I.R. card for the job. The summary shall be sufficiently detailed to permit another inspector to determine what was previously inspected and accepted or disapproved.

F. FINAL INSPECTION

1. Upon completion of a job, the inspector who makes the final inspection shall review the reports so that work previously inspected will not be re-inspected, except where deficiencies were noted which required remedial action, and to determine compliance with any violations that may be pending. This procedure for final inspection shall apply whether or not a certificate of occupancy is required or requested. A copy of the final report shall be left at the site.

This directive shall become effective on March 3, 1975, in the Borough of Brooklyn - and on May 16, 1975 City-Wide.


Jeremiah T. Walsh, P.E.
Commissioner

JTW/TVB/JL:rnr

cc : Executive Staff
Engineers; Architects,
Builders Societies
Plumbing Associations
ABI UNION

The City of New York
Housing and Development Administration
Department of Buildings

Directive No. 35 of 1970

To: Borough Superintendents

Date: August 31, 1970

From: Thomas V. Burke, Director of Operations

Subject: Window Cleaning Scaffolds - Section 202 Labor Law

Under the provisions of Section 202 of the Labor Law, as amended in May, 1970, the Labor Department was given exclusive jurisdiction over means used for cleaning windows and exterior surfaces of buildings, for all "public buildings," as defined in the Labor Law, which includes all buildings more than one story in height, except dwelling houses less than three stories in height, or dwellings occupied by less than three families.

At a meeting in the Commissioner's office on June 2, 1970, with representatives of the Labor Department, it was agreed that this department would submit a memorandum of understanding to the Labor Department, which would specify other permitted uses of scaffolds approved for window cleaning. The purpose would be to prevent duplication of efforts of the two departments.

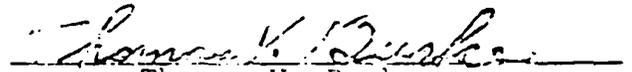
Scaffolds approved for window cleaning may be used for the following additional purposes, without a permit from the Building Department:

1. Replacement of window glass and caulking of glass and frames, painting and repair of windows.
2. Pointing up masonry joints, waterproofing of walls, cleaning, painting and repair of walls and window frames.

The permissible net load on the scaffold, exclusive of the weight of scaffold, shall be indicated by a permanent, durable sign attached to the scaffold.

Permitted loading of scaffolds, including the weight of persons thereon, shall not be exceeded.

Uses of scaffolds not set forth herein as permitted, are not to be allowed unless an application is filed and a permit is obtained from the Department of Buildings, for the additional use.


Thomas V. Burke
Director of Operations

TVB/df

CC: Exec. Staff
Industry
Judge Salvatore and Messrs
Mattei and Klein of the N. Y.
State Labor Dept.



DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
120 WALL STREET, NEW YORK, N.Y. 10005
CHARLES M. SMITH, Jr., R.A., Commissioner
248 8811

November 16, 1984

Mr. Albert Swerdlow, P.E.
Deese Investment Company
15330 Joan
Oak Park, Michigan 48237

Re: Dryvit System
BSA Cal. No. 771-71-SM
Bulletin No. 8, Vol. LVII, Feb. 15, 1982
Bulletin No. 6, Vol. LXVIII, Feb. 10, 1983

Dear Mr. Swerdlow:

Your letter to Irving E. Minkin, P.E., Deputy Commissioner, dated November 8, 1984, has been forwarded to me for reply.

Yes, the Departmental Memorandum of April 14, 1984, relative to the above, remains applicable. For your convenience, I am enclosing a copy of it and the underlying Board of Standards and Appeals actions.

Board approval of Dryvit (in 1972) was for its usage as an exterior veneering material.

In practice, Dryvit was used in Construction Group I, (i.e. non-combustible) as a thermal insulation material (with up to 9 inches of polystyrene) without compliance with sub-article 1201.0 of the Administrative (Building) Code, (also enclosed) therefore necessitating the revocation of its approval.

I trust that this information is of use to you.

Very truly yours,

Irving Polsky, P.E.

Irving Polsky, P.E.,
Executive Engineer

IP/QU

cc: I.E. Minkin, P.E., Dep. Comm.
M. Hassman, P.E., Dir. MEA Div.
File

Encl.

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DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
120 WALL STREET, NEW YORK, N.Y. 10005

CHARLES M. SMITH, Jr., R.A., Commissioner
248-8811

December 26, 1984

Mr. Gordon H. Smith
Gordon H. Smith Corporation
200 Madison Avenue
New York, N.Y. 10016

Re: Rules and Regulations
Relating to the Design and
Installation of Curtain
Wall and Panel Wall
(Non-Load Bearing Exterior
Wall) Systems.

Dear Mr. Smith:

This is in response to your letter to me, dated November 26, 1984, inquiring whether or not conventionally constructed field laid-up masonry walls fall within the scope of the above rules and regulations.

Please be advised that such panel walls are subject to controlled inspection pursuant to Section C26-106.3 of The Administrative (Building) Code and the subject rules.

Very truly yours,

Irving Polsky, P.E.

Irving Polsky, P.E.
Executive Engineer

IP/lw

cc: I.E. Minkin, P.E., Deputy Commissioner
Boro Supts.

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DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
120 WALL STREET, NEW YORK, N.Y. 10005

CHARLES M. SMITH, Jr., R.A., Commissioner
248-8811

February 13, 1986

Mr. Hamilton A. Chase
Syska & Hennessy
11 West 42nd Street
New York, New York 10036

Re: Local Law #16/84 Interpretation

Dear Mr. Chase:

This is in response to your letter dated January 21, 1986.

Please be advised that the fire protection plan shall be required for all alterations to existing high-rise buildings in occupancy group E and existing hotels in occupancy group J-1, if the cost of the alterations exceed one million dollars or involves a change of use as per C26-124.4 and 124.1(f).

Existing buildings containing an F-4 public assembly with an occupant load of 300 or more persons shall be installed with emergency lighting in each vertical exit serving the floor on which the public assembly is located. Such lighting shall be connected to an emergency power source or storage battery equipment as per C26-605.1(e)(1). Existing buildings in occupancy group E or J-1 with a total of more than four exit lights and/or signs shall be connected to an emergency power source, storage battery equipment, or ahead of the main switch as per C26-605.2 and C26-606.2.

Emergency power source is interpreted by this office as emergency generator.

Should there be any further questions on this matter feel free to contact my office at any time.

Very truly yours,

Jack J. Calabro, P.E.

Jack J. Calabro, P.E.
Director of Special Projects

JJC:rnr



DEPARTMENT OF BUILDINGS

120 WALL STREET, NEW YORK, N. Y. 10005

IRWIN FRUCHTMAN, P.E. Commissioner

September 28, 1978

Mr John Ognibene
Director of Bingo
Dept. of Consumer Affairs
80 Lafayette Street
New York, N.Y.

Re: Games of Chance P.A. Permits

Dear Mr Ognibene:

In response to your letter of 9/19/78, you are advised that Place of Assembly permits have been issued for bingo only where premises can be lawfully occupied as meeting halls, whether as a primary use (Use group 6 in the Zoning Resolution), or accessory to a primary use such as church, synagogue, non-profit institution, etc., on the same site.

Games of chance may be substituted for bingo only when such use was clearly on the same site on, and accessory to, such primary uses as churches, synagogues, etc.

When not accessory to such a primary use, a premises devoted exclusively to "games of chance" as an alternate to bingo (meeting halls) can become indistinguishable from amusement arcades and the like, posing a problem for both communities in general, and the Mayor's Midtown Enforcement Project in particular. Obviously, in such instances, a new certificate of occupancy should be obtained (if the Zoning Resolution so permits) after the filing of an Alteration application, and a new P.A. permit obtained predicated on such new use.

Enclosed for your advice and guidance is a copy of a guide for changes of use, which you might find convenient to distribute to prospective licensees.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Irving E. Minkin".

Irving E. Minkin, P.E.
Deputy Commissioner

cc: Comm. Fruchtmann
Dep. Comm. Parascandola
Executive Staff
Supt.

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