



CONSTRUCTION CODES UPDATE PAGES

Attached are Construction Codes Update Pages. These pages reflect local laws enacted and ministerial administrative corrections made after July 1, 2008. Please note that the source of a particular update, the local law number, and year is indicated on each page. Please visit our [webpage](#) to ensure that your codes are complete and up to date as the City Council may periodically pass Local Laws that affect the Construction Codes.

Instructions:

Please place each page, according to its page number found on the bottom right hand corner, into your Construction Codes books. The pages contain letters after the page number and should be placed in alphabetical order following the number, i.e. 5, 6, 6a, 6b, etc.

- Place Title Pages in the front of your Code books for easy reference.
- Note: If you have all four Construction Codes (Building, Mechanical, Plumbing & Fuel Gas), please make sure to insert updates made to the Administrative Provisions into each of the four Code books.

CONSTRUCTION CODES UPDATE PAGES

UPDATE # 16

Source: Local Law 21 of 2009, effective July 1, 2009.

This update includes the following pages:

GENERAL ADMINISTRATIVE PROVISIONS (PRECEDING THE BUILDING, FUEL GAS, MECHANICAL AND PLUMBING CODES)	
<u>Section</u>	<u>Page Number</u>
28-104.9	A-12a - c

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Matter in plain text is unchanged. Matter underlined is new. Matter ~~stricken through~~ is deleted.
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GENERAL ADMINISTRATIVE PROVISIONS

Insert between pages A-12 and A-13 of your bound volumes of the NYC Building Code, NYC Plumbing Code, NYC Mechanical Code and NYC Fuel Gas Code.

Add the following new section 28-104.9:

§28-104.9 Coastal zones and water-sensitive inland zones. Construction documents shall comply with sections 28-104.9.1 through 28-104.9.6 relating to work in coastal zones and water-sensitive inland zones.

§28-104.9.1 Definitions. As used in section 28-104.9 the following terms shall have the following meanings:

COASTAL ZONES AND WATER-SENSITIVE INLAND ZONES. Areas of land comprising tidal wetlands, freshwater wetlands, coastal erosion hazard areas, coastal areas of special flood hazard or rivervine and other inland areas of special flood hazard.

TIDAL WETLANDS. Areas of land as identified on the tidal wetland inventory issued by the New York state department of environmental conservation in accordance with section 25-0201 of the New York state environmental conservation law, as well as any adjacent areas as such term is defined in section 661.4 of title six of the New York code of rules and regulations;

FRESHWATER WETLANDS. Areas of land as identified on the final map issued by the New York state department of environmental conservation in accordance with section 24-0301 of the New York state environmental conservation law, as well as any adjacent areas as such term is defined in section 662.1 of title six of the New York code of rules and regulations.

COASTAL EROSION HAZARD AREAS. Areas of land as identified on the final map issued by the New York state department of environmental conservation in accordance with section 34-0104 of the New York state environmental conservation law;

COASTAL AREAS OF SPECIAL FLOOD HAZARD. Areas of land as identified on the flood insurance rate maps referenced in New York city building code section BC G402 pursuant to article 36 of the New York state environmental conservation law.

RIVERVINE AND OTHER INLAND AREAS OF SPECIAL FLOOD HAZARD. Areas of land, including floodways, as identified on the flood insurance

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rate maps referenced in section BC G402 of the New York city building code pursuant to article 36 of the New York state environmental conservation law.

STRUCTURE. Any object constructed, installed or placed in, on or under land or water, including, but not limited to, a building, permanent shed, deck, in-ground or aboveground swimming pool, garage, mobile home, paving, road, public utility service distribution, transmission and collection system, storage tank, pier, dock, wharf, groin, jetty, seawall, revetment, bulkhead or breakwater.

§28-104.9.2 Statement and submission by applicant. It shall be the duty of an applicant for construction document approval to determine whether the proposed work is located within a coastal zone or a water-sensitive inland zone subject to section 28-104.9.3 and/or section 28-109.4. Applications for construction document approval shall include a statement by the applicant indicating whether the proposed work is located within a coastal zone or water-sensitive inland zone subject to such sections. The failure to disclose that proposed work is within a coastal zone or water-sensitive inland zone subject to such sections shall be a violation of this code.

§28-104.9.3 Coordination with department of environmental conservation and other agencies. The commissioner shall not approve construction documents for construction of a new structure, the horizontal enlargement of a structure or to excavate or fill any land, within a tidal wetland, a tidal wetland adjacent area, freshwater wetland, freshwater wetland adjacent area, or costal erosion hazard area, without documentation satisfactory to the commissioner that the New York state department of environmental conservation, and such other governmental agencies as are applicable, have issued any applicable permits or other approvals for such construction, excavation or fill.

§28-104.9.4 Compliance with special flood hazard area requirements mandated within special flood hazard areas. Within coastal areas of special flood hazard and areas of special flood hazard, the commissioner shall not approve construction documents for construction or alteration of buildings or structures, including alterations pursuant to section 28-101.4.3, or for any other activity regulated by section BC G201 of the New York city building code, unless the application complies with the requirements of Appendix G of the New York city building code.

§28-104.9.5 False statement or omission. No person shall submit an application for construction document approval for any structure within a coastal zone or water-sensitive inland zone which falsely avers or by omission causes the department to determine that the subject property is not located within such zone or that the New York state department of environmental conservation and other appropriate agencies have issued the appropriate permits or approvals when they did not.

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§28-104.9.6 Revocation of approval of construction documents. Where the department determines that work is located within a coastal zone or water-sensitive inland zone after construction documents have been approved for such work and/or that the documentation required by sections 28-104.9.2 through 28-104.9.4 has not been submitted, the department shall revoke such approval and any associated work permits that may have been issued for such work in accordance with section 28-104.2.10.