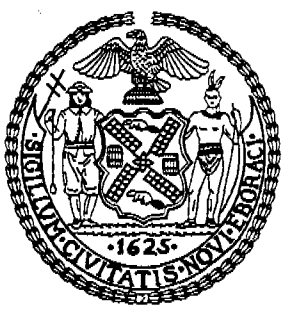
BUILDING LAWS OF THE CITY OF NEW YORK

1938 BUILDING CODE

Edited and Amended to December 6, 1968

Department of Buildings



City of New York

PREFACE

Building Laws of the City of New York were previously printed in four volumes. This is a reproduction of Volume 1 of the 1938 Building Code which is out of print. It has been amended and edited to the current (1968) updated Building Code.

When reference is made to deleted section numbers in Volume 1, updated related information on the subject matter (steel design, etc.) will be found in the current Building Code edition. (1968 Code).

The Building Laws in this edition related to existing buildings built before the effective date (December 6, 1968, Local Law No. 76/68) of the current Building Code. Sub-Article 103.0 (Alteration of Existing Buildings) in the current 1968 Building Code authorize, in many instances, at the option of the owner, utilization of either the Building Laws prior to 1968 or the current Building Code in the alteration of existing buildings. This volume is a reproduction of the relevant parts of the 1938 code.

BUILDING LAWS

VOLUME I

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ARTICLE 1

GENERAL PROVISIONS

(1). § C26-1.0 Short title. This title shall be known and may be cited as the "building code."

(2). § C26-2.0 Matter covered. All matters, affecting or relating to the construction, alteration, demolition, or removal of structures, erected or to be erected in the city, are presumptively provided for in this title. This title does not provide presumptively for matters that are contained in the charter, the labor law, the multiple dwelling law, title D of chapter twenty-six of the code, the general city law, the building zone resolution, or in the rules promulgated in accordance with the law, the building zone, resolution, or in the rules promulgated in accordance with the provisions of this title by the board. This title does not apply to railroads owned by the city, or the title to which is in a board of transit control under the public service law, nor to the stations, yards, shops, power houses, transforming sub-stations, or any other buildings or structures thereof. (As amended by Local Law 113 of 1955 in effect December 8, 1955.)

(3). § C26-3.0 Purpose. The purpose of this title is to provide standards, provisions and requirements for safe and stable design, methods of construction and sufficiency of materials in structures constructed, or demolished, after January first, nineteen hundred thirty-eight, and to regulate the equipment, maintenance, use and occupancy of all structures and premises.

(4). § C26-4.0 Title remedial. This title and the rules of the board made in pursuance hereof are hereby declared to be remedial, and shall be liberally construed to secure the beneficial purposes thereof. Where there is practical difficulty in the way of carrying out the strict letter of any provision of law, the superintendent may permit variations from the strict letter of the law, as provided in paragraph two of section six hundred forty-five, subdivision a of the charter.

(5). § C26-5.0 All new work to conform.—a. Every structure or part thereof constructed in the city, after January first, nineteen hundred thirty-eight, and the plumbing or other equipment of any structure or premises shall be constructed or demolished in conformity with the provisions of this title.

b. It shall be unlawful to construct or demolish any structure in any manner violating any provision of this title or any rule of the board or any approval of the superintendent made and issued hereunder, except that the raising or lowering of any structure to meet a change of grade in the street on which such structure is located shall be permitted, provided the structure is otherwise unaltered.

§ C26-6.0 Exemption from this title.—Structures on any water front property not used in conjunction with and in furtherance of water front commerce and/or navigation may be constructed or altered in accordance with the requirements of the commissioner of marine and aviation provided plans have been filed with and approved by the department of marine and aviation and an application for a permit in connection therewith has been made to such commissioner before the effective date of this local law, and provided further that substantial work on the construction or alteration shall have been done within one year after the permit therefor has been issued, and provided further that all of the work shall have been completed within two years from the date of issuance of such permit. Where necessary for the clearance and development of property under the jurisdiction of the department of marine and aviation at the time this local law goes into effect, private dwellings located thereon and erected without a permit issued by the department of buildings may be relocated under a permit and certificate of completion of the department of marine and aviation, provided such permit is issued within one year from the effective date of this loal law. (As amended by Local Law 71 of 1962. Effective 1-5-63).

(6). § C26-7.0 Undeveloped localities. In those parts of the city, outside the fire limits, in which a system of streets has not been constructed nor legally established, only such requirements of this title shall apply which in the judgment of the superintendent may be necessary for safety of life and health. This section shall be construed to prohibit the erection of any structures that exceed in height or area the limits fixed by this title for such structures.

(7). § C26-8.0 Structures affected. All provisions of this title shall apply with equal force to municipal and private structures, except as may be otherwise specifically provided by law.

ARTICLE 2

DEFINITIONS

(1.1). § C26-9.0 General provisions respecting definitions—a. For the purposes of this title, the words and terms listed in this article shall have the meanings herein given, except as they are defined in any other law or regulation which may in particular cases apply.

b. The use of the present tense includes the future tense; the masculine gender includes the feminine and neuter; the singular number includes the plural and the plural number includes the singular. The word "person" includes a corporation as well as an individual; "writing" includes printing and typewriting; "oath" includes affirmation; "signature" or "subscription" includes a mark made by a person who cannot write, if his name is written near to such mark.

(1.2). § C26-10.0 Aggregate.—a. The term "aggregate" shall mean inert material which is mixed with cement and water to produce concrete, consisting, in general of sand, pebbles, gravel, cinders, crushed stones, blast furnace slag, burnt shale or clay, or similar materials.

b. The term "fine aggregate" shall mean aggregate consisting of particles one-quarter of an inch or less in size.

(1.3). § C26-11.0 Alteration. The term "alteration," as applied to a building or structure, shall mean any change or rearrangement in the structural parts or existing facilities of any such building or structure, or any enlargement thereof, whether by extension on any side or by any increase in height, or the moving of such building or structure from one location or position to another.

(1.4). § C26-12.0 Amusement device. The term "amusement device" shall mean a device used to convey persons in any direction as a form of amusement.

(1.5). § C26-13.0 Anchorage. The term "anchorage" in reinforced concrete construction shall mean the embedment in concrete of a portion of a reinforcement bar, either straight or with hooks, designed to prevent pulling out or slipping of the bar when subjected to stress. The anchorage of tension reinforcement in beams includes only the embedded length beyond a point of contraflexure or of zero moment.

(1.6). § C26-14.0 Approved. The term "approved" as applied to any material device or mode of construction, shall mean approved by the board or legally approved by the superintendent under the provisions of this title or by any other authority legally designated to give approval of the matter in question.

(1.7). § C26-15.0 Apron wall. The term "apron wall" shall mean that part of a panel wall between the window sill and the support of the panel wall.

§ C26-15.1 Arc welding.—A group of welding processes wherein coalescence is produced by heating with an electric arc or arcs, with or without the application of pressure and with or without the use of filler metal. Pressure as herein used refers to pressure necessary to the welding process. (As added by Local Law 130 of 1951 in effect October 30, 1951.

(2.4.1.4.1). § C26-16.0 Area. The term "area" shall mean an open space below the ground level immediately outside of a structure, and enclosed by substantial walls.

(1.8). § C26-17.0 Area of a structure.—a. The term "area of a structure" shall mean, except in the application of the building zone resolution, the horizontal area within the exterior walls or between fire walls. Premises between fire walls shall be considered as separate structures, if the fire walls comply with article eleven of this title.

b. For the purposes of the building zone resolution the term "area of a structure" shall mean the total horizontal area including the exterior walls.

(1.9). § C26-18.0 Ashlar facing. The term "ashlar facing" shall mean facing composed of solid rectangular units of burnt clay or shale, natural or manufactured stone, larger in size than brick, with sawed, dressed or squared beds, and joints laid in mortar and used in facing masonary walls.

(1.10). § C26-19.0 Ashlar masonry. The term "ashlar masonry" shall mean masonry of natural or manufactured stone rectangular units larger in size than brick having sawed, dressed or squared beds, and the joints of which are laid in mortar with proper bond.

(1.11). § C26-20.0 A. S. T. M. The term "A. S. T. M." shall mean The American Society for Testing Materials.

(1.12). § C26-21.0 Automatic doors, shutters and windows. The term "automatic," as applied to fire doors, fire shutters, fire windows and other opening protectives, shall mean doors, shutters, windows and other opening protectives which are normally held in an open position and which close automatically upon the action of some heat actuated releasing mechanism.

(1.13). § C26-22.0 Basement. The term "basement" shall mean a story partly underground, but having at least one-half of its height, measured from finished floor to finished ceiling, above the curb level at the center of the street front.

(1.14). § C26-23.0 Bearing wall. The term "bearing wall" shall mean any wall which carries any load other than its own weight.

(1.15). § C26-24.0 Blast furnace slag. The term "blast furnace slag" shall mean the non-metallic product, consisting essentially of silicates and alumino-silicates of lime, which is developed simultaneously with iron in a blast furnace.

(1.16). § C26-25.0 Board. The term "board" shall mean the board of standards and appeals, unless specifically designated otherwise.

(1.17). § C16-26.0 Brick. The term "brick" shall mean a structural unit of burned clay or shale, formed while plastic into a rectangular prism, usually solid and approximately eight inches by three and three-quarter inches by two and one-quarter inches in size, the net cross-sectional area of which shall be at least seventy-five percent of the gross cross-sectional area. Similar structural units made of other substances, such as lime and sand, cement and suitable aggregates of fire clay which meet the strength requirements of subdivision (a) of section C26-307.0, or section C26-359.0, shall be considered as brick within the meaning of this title.

(1.18). § C26-27.0 Bulkhead. The term "bulkhead" shall mean a masonry structure above the roof of a structure enclosing stairways, shafts, tanks, elevator machinery, ventilating apparatus and other accessories to the structure, except where otherwise specifically provided.

(1.19). § C26-28.0 Buttress. The term "buttress" shall mean a masonry structure built against and bonded into a wall.

(1.20). § C26-29.0 Cabaret. The term "cabaret" shall mean any room, place or space in the city in which any musical entertainment, singing, dancing or other similar amusement is permitted in connection with the restaurant business or the business of directly or indirectly selling to the public food or drink.

§ C26-29.1 Car port. The term "car port" shall mean a structure not more than one story in height, without walls, doors or other enclosure, on at least two sides, the floor of which rests upon the ground, used exclusively for the storage or parking of not more than two motor vehicles, and which is accessory to a private dwelling. (As added by Local Law 18 of 1954 in effect April 26, 1954.)

(1.21). § C26-30.0 Cellar. The term "chimney" shall mean a story having more than one-half of its height, measured from finished floor to finished ceiling below the curb level at the center of the street front.

(11.3.1). § C26-31.0 Chimney. The term "chimney" shall mean chimneys, stacks, or smoke flues intended for the purpose of removing the products of combustion from solid, gas or liquid fuel.

(1.23). § C26-32.0 Closed Shaft. The term "closed shaft" shall mean a shaft enclosed at the top.

(1.24). § C26-33.0 Column. The term "column" shall mean an upright compression member the length of which exceeds three times its least lateral dimension.

(1.27). § C26-36.0 Combination Column. The term "combination column" shall mean a column in which a structural steel section, designed to carry the principal part of the load, is wrapped with wire and encased in concrete of such quality that some additional load may be allowed.

§ C26-36.1 Combustible occupancy permit. The term "combustible occupancy permit" shall mean a permit issued by the fire department under the provisions of part 1, of title C of chapter nineteen of the administrative code, except that such permit when issued for class C refrigerating systems containing not more than twenty pounds of refrigerant, or the transfer of carbonic acid to a container of lower pressure for use only by the operator at his own retail soda water stand, shall not be considered as a combustible occupancy permit for purposes of chapter twenty-six of the administrative code. (Section added by Local Law 77 of 1956 in effect December 14, 1956.)

(1.28). § C26-37.0 Commercial building. The term "commercial building" shall mean a structure occupied as described in subdivision c of section C26-235.0.

§ C26-37.1 Commissioner. The term "commissioner" when used in this title shall mean the commissioner of housing and building unless specifically designated otherwise. (As added by Local Law 72 of 1940 in effect May 31, 1940.)

(1.29). § C26-38.0 Concrete. The term "concrete" shall mean a mixture of cement, fine aggregate, coarse aggregate and water.

(7.4.3.3) (part). b. Average concrete. The term "average concrete" shall mean concrete where preliminary tests of the materials are omitted and where the concrete work lacks the inspection required by section C26-497.0.

(7.4.3.2) (part). c. Controlled concrete.—The term "controlled concrete" shall mean concrete where preliminary tests of the materials are made, and the concrete work is inspected in accordance with sections C26-327.0 through C26-329.0 and section C26-497.0.

(10.1.4.4.) (paragraph 1). d. Grade I concrete.—The term "Grade I concrete" shall mean concrete in which the aggregate consists of limestone, trap rock, blast furnace slag, cinders or calcareous gravel.

(10.1.4.4) (paragraph 2). e. Grade II concrete.—The term "Grade II concrete" shall mean concrete in which the aggregate consists of granite or silicious gravel.

f. Class A Concrete: The term "Class A concrete" shall mean concrete mixed in accordance with the provisions of section C26-365.0 b, 2, for which the allowable working stresses shall be those provided in section C26-365.0, table II, column A. (As added by Local Law 43 of 1947 in effect June 16, 1947.)

g. Class B Concrete: The term "Class B concrete" shall mean concrete mixed in accordance with the provisions of section C26-365.0 b, 2, for which the allowable working stresses shall be those provided in section C26-365.0, table II, column B. (As added by Local Law 43 of 1947 in effect June 16, 1947.)

(1.30). § C26-39.0 Concrete products. The term "concrete products" shall mean bricks, blocks or other units made of cement, aggregates, and water.

(1.31). § C26-40.0 Consistency. The term "consistency" shall mean the relative plasticity of freshly mixed concrete or mortar.

(1.32). § C26-41.0 Construction. The term "construction" shall mean and include alterations and repairs and operations incidental to construction.

(1.33). § 26-42.0 Core area. The term "core area" shall mean the area within the outer circumference of the hooping in columns with spiral reinforcement.

(1.34). § C26-43.0 Coursed rubble. The term "coursed rubble" shall mean masonry composed of roughly shaped stones, laid in mortar, fitting approximately on level beds.

(1.35). § C26-44.0 Crushed stone. The term "crushed stone" shall mean bedded rock or boulders, broken by mechanical means into fragments of varying shapes and sizes.

(1.36). § C236-45.0 Curb.—a. The term "curb", when used defining the height of a structure, shall mean the legally established level of the curb in front of the structure, measured at the center of such front. When a building faces one or more than one street, the term "curb" shall mean the average of the legally established level of the curb at the center of each front.

b. The term "curb," when used in fixing the depth of an excavation, shall mean the legal curb level at the nearest point of that curb which is nearest to the point of the excavation in question.

§ C26-45.1 Curb levels. Where no curb has been established a curb level shall be established by the agency empowered to fix curb levels. (As added by Local Law 25 of 1940 in effect March 29, 1940.)

§ C26-45.2 Curb level in front of multiple dwellings. When an open unoccupied space in front of any multiple dwelling is above the curb level, and also extends along the entire street lot line on any street and is not less than five feet in depth, the level of such open unoccupied space shall be considered the curb level, provided it is not more than three feet above the level of the established curb in front of the building measured at the center of such front. (Section added by Local Law 122 of 1939 in effect August 1, 1939; amended by Local Law 50 of 1942 in effect October 29, 1942.)

(1.37). § C26-46.0 Curtain Wall. The term "curtain wall" shall mean a non-bearing wall unit between piers of columns for the enclosure of the structure, but not supported at each story.

(1.38) § C26-47.0 Cyclopean or rubble concrete. The terms "cyclopean concrete" or "rubble concrete" shall mean concrete masonry in which the finer materials form a matrix for large stones and boulders.

(1.39). § C26-48.0 D. The term "D" shall mean designation.

(1.40). § C26-49.0 Dance hall. The term "dance hall" shall mean any room, place or space in which dancing is carried on and to which the public may gain admission, either with or without the payment of a fee.

(1.41). § C26-50.0 Dead load. The term "dead load", when applied to a structure, shall include the weight of walls, permanent partitions, framing floors, roofs, columns and their fireproofing, and all other permanent stationary construction entering into a structure.

(1.42). § C26-51.0 Deformed bar.—a. The term "deformed bar" shall mean a reinforcement bar with closely spaced shoulders, lugs or projections formed integrally with the bar during rolling. Wire mesh with welded intersections twelve inches or less apart in the direction of the principal reinforcing and with cross wires at least 0.135 inch in diameter (No. 10 steel wire gauge), may be rated as a deformed bar.
b. Twisted bars may be accepted as deformed bars.

(1.43) § C26-52.0 Department. The term "department" shall mean the branch office of the department of housing and buildings in each borough unless specifically designated otherwise.

(1.46). § C26-55.0 Direct band. The term "direct band" shall mean a group of bars in a four-way flat slab system covering a width approximately four-tenths of the span, symmetrical with respect to the line of centers of supporting columns.

(8.3.2.6.5). § C26-56.0 Driving to refusal. The term "driving to refusal", as used in connection with concrete filled steel piles, shall mean inability to drive a pile further under a hammer of approved adequate weight after the tube has been completely washed and blown at the bottom, and before filling with co crete.

(1.49). § C26-58.0 Effective area of concrete. The term "effective area of concrete" shall mean the area of a section which lies between the centroid of the tension reinforcement and the compression surface in a beam or slab, and having a width equal to the width of the rectangular beam or slab, or the effective width of the flange of a "T" beam.

(1.50). § C26-59.0 Effective area of reinforcement. The term "effective area of reinforcement" shall mean the area obtained by multiplying the right cross-sectional area of the metal reinforcement by the cosine of the angle between its direction and that for which the effectiveness of the reinforcment is to be determined.

(1.51). § C26-60.0 Elevator.—a. The term "elevator" shall mean a hoisting and lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction.
b. The term "elevator" excludes dumbwaiters, hoists, endless belts, conveyors, chains, buckets, and similar machines used for the purposes of elevating materials, and tiering or piling machines.

(1.52). § C26-61.0 Enclosure wall. The term "enclosure wall" shall mean an exterior non-bearing wall in skeleton construction anchored to columns, piers or floors, but not necessarily built between columns, or piers, nor wholly supported at each story.

(1.54). § C26-62.0 Faced wall. The term "faced wall" shall mean a wall faced with masonry in which the facing and backing are so bonded, or so bonded and anchored, with masonry as to exert common action under load.

(1.55). § C26-63.0 Fire door. The term "fire door" shall mean a door and its assembly, capable of resisting fire as specified in this title.

(1.56). § C26-64.0 Fire partitions. The term "fire partition" shall mean a partition provided for the purpose of protecting life by furnishing an area of exit or refuge, and having a fire resistive rating of at least three hours.

(1.57). § C26-65.0 Fire resistive materials. The term "fire resistive materials" shall mean those materials which offer a degree of resistance to the passage or to the effects of fire or heat sufficient to meet the minimum requirements of this title.

(1.58). § C26-66.0 Fire shutter. The term "fire shutter" shall mean a shutter capable of resisting fire as specified in this title.

(1.58.1). § C26-67.0 Fire tower. The term "fire tower" shall mean an interior stairway constructed and arranged as provided in section C26-294.0.

(1.59). § C26-68.0 Fire wall. The term "fire wall" shall mean a wall provided primarily for the purpose of resisting the passage of fire from one structure to another or from one area of a structure to another, and having a fire resistive rating of at least four hours.

(1.60). § C26.69.0 Fire window. The term "fire window" shall mean a window frame with sash and glazing having a fire resistive rating of three-quarters of an hour in accordance with the rules of the board.

(1.61). § C26-70.0 Fireproof partition. The term "fireproof partition" shall mean a partition, other than a fire partition, provided for the purposes of restricting the spread of fire, and having fire resistive rating of at least one hour.

(1.62). § C26-71.0 Foundation wall. The term "foundation wall" shall mean any wall or pier built below the curb level or the nearest tier of beams to the curb, which serves as a support for walls, piers, columns, or other structural parts of a structure.

(1.64). § C26-73.0 Floor area.—a. The term "floor area" shall mean any floor space within a story of a structure enclosed on all sides by either exterior walls, fire walls, or fire partitions. Adjoining rooms having openings in dividing partitions in excess of one-quarter of the length of such partitions, whether or not separated by rolling, folding, sliding or other forms of movable enclosures, shall be considered as one area.

b. The term "net area" for any floor shall mean the gross area within the exterior walls less the area occupied by enclosed stair, elevator and other permanent shafts completely enclosed in fire partitions.

§ C26-73.1 Fly-ash. The term "fly-ash" shall mean the residue from burning pulverized coal in suspension which is separated and collected from the gases of combustion after they leave the furnace. (As added by Local Law 83 of 1953 in effect May 19, 1953.)

(1.65). § C26-74.0 Footing. The term "footing" shall mean a structural unit used to distribute loads to the bearing materials.

(1.68). § C26-76.0 Garage. The term "garage" shall mean a building, shed or enclosure or any portion thereof in which a motor vehicle, other than one in which the fuel storage tank is empty, is stored, housed or kept.

§ C26-77.1 Gas welding. A group of welding processes where coalescence is produced by heating with a gas flame or flames, with or without the application of pressure and with or without the use of filler metal. Pressure as herein used refers to pressure necessary to the welding process. (As added by Local Law 131 of 1952 in effect October 30, 1951.)

(1.70) § C26-78.0 Gasoline selling station. The term "gasoline selling station" shall mean any structure or premises or any portion thereof in which volatile inflammable oil is stored or furnished to motor vehicles and in which motor vehicles are not stored.

(1.71). § C26-79.0 Gravel. The term "gravel" shall mean rounded particles, larger than sand grains, resulting from the natural disintegration of rocks.

(1.72). § C26-80.0 Gypsum block or tile. The term "gypsum block" or "gypsum tile" shall mean a solid or hollow building unit of gypsum, or of a suitable aggregate with a gypsum binder.

§ C26-81.0 Hallway.—a. The term "hallway" shall mean an enclosed hall or corridor leading to a stairway, fire tower or other required exit.

b. The term "public hallway" shall mean a corridor or hallway leading directly to a stairway, fire tower or other required exit, within a story of a structure which story is occupied by more than one tenant or lessee, or within a structure included in section C26-235.0a. (As amended by Local Law 155 of 1951 in effect November 7, 1951.)

(1.74). § C26-82.0 Height.—a. The term "height" of a structure shall mean the vertical distance from the curb level to the highest point of the roof beams in the case of flat roofs or to a point at the average height of the gable in the case of roofs having a pitch of more than one foot in four and one-half, except that in the case of structures where the grade of the street has not been legally established or where the structure does not adjoin the street, the average level of all the ground adjoining such structures shall be used instead of the curb level.

b. The term "height," as applied to walls, shall mean the distance above the base of the wall or its means of support, but shall not include the parapet if the latter is four feet or less in height.

c. The term "height," as applied to a story, shall mean the vertical distance from top to top of two successive tiers of floor beams.

(1.75). § C26-83.0 Hollow unit. The term "hollow unit" shall mean any masonry unit whose net cross-sectional area is less than seventy-five percent of its gross cross-sectional area in any plane, measured in the same plane.

(1.76). § C26-84.0 Hollow Masonry. The term "hollow masonry" shall mean masonry consisting wholly or in part of hollow units meeting the strength requirements of sections C26-308.0, C26-309.0, and C26-310.0, and in which the units are laid contiguously with the joints filled with mortar. (As amended by Local Law 121 of 1939 in effect August 1, 1939.)

(1.77). § C26-85.0 Hollow wall. The term "hollow wall" shall mean a wall built of solid masonry units so arranged as to provide an air space within the wall.

(1.78). § C26-86.0 Horizontal exit. The term "horizontal exit" shall mean the connection of any two floor areas, whether in the same structure or not, by means of a vestibule, or by an open air balcony or bridge, or through a fire partition, or fire wall.

(1.79). § C26-87.0 Human occupancy. The term "human occupancy", for the purposes of article six, ventilation, shall mean the use of any space or spaces in which any human does, or is required to live, work or remain for continuous periods of two hours or more. (As amended by Local Law 143 of 1939 in effect August 21, 1939.)

(1.80). § C26-88.0 Incombustible material. The term "incombustible material" shall mean any material which will not ignite nor actively support combustion in a surrounding temperature of twelve hundred degrees Fahrenheit during an exposure of five minutes and which will not melt when the temperature of the material is maintained at nine hundred degrees Fahrenheit for a period of at least five minutes. (As amended by Local Law 47 of 1954 in effect July 28, 1954.)

(1.81) § C26-89.0 Legal curb level. The term "legal curb level" shall mean the curb level established by the borough president.

(1.82) § C26-90.0 Lintel. The term " lintel" shall mean a structural member providing support for masonry above an opening in a wall or partition.

(1.83). § C26-91.0 Livable room. The term "livable room" shall mean any room used for informal living purposes in a residence structure and shall not include kitchens, laundry rooms, bathrooms or storerooms.

(1.84). § C26-92.0 Live load. The term "live load" shall mean all loads other than dead loads.

(1.85). § C26-93.0 Masonry. The term "masonry" shall mean stone, brick, concrete, hollow tile, concrete block or tile, or other similar building units or materials or a combination of them, bonded together with mortar.

(1.87). § C26-95.0 Motor vehicle repair shop.The term "motor vehicle repair shop" shall mean a building, shed or enclosure or any portion thereof wherein is conducted the general business of repairing motor vehicles.

(1.88). § C26-96.0 Negative bending moment. The term "negative bending moment" shall mean that moment of which the intensity is greatest at the supports.

(1.89). § C26-97.0 Negative reinforcement. The term "negative reinforcement" shall mean reinforcement so placed as to take tensile stress due to negative bending moment.

(1.90). § C26-98.0 Non-bearing wall. The term "non-bearing wall" shall mean any wall which carried no load other than its own weight.

(1.91). § C26-99.0 Non-storage garage. The term "non-storage garage" shall mean a garage in which no volatile inflammable oil, other than that contained in the fuel storage tanks of motor vehicles, is handled, stored or kept.

(1.92). § C26-100.0 Occupied. The term "occupied," as applied to any structure, shall mean, occupied or intended, designed or arranged to be occupied.

(1.93). § C26-101.0 Occupied space. The term "occupied space" shall mean any room or space which any person normally does or is required to live, work or remain for any period of time.

(1.94). § C26-102.0 Open shaft. The term "open shaft" shall mean a shaft extending through the roof of a structure and open to the outer air at the top.

(1.96). § C26-103.0 Owner. The term "owner" shall mean and include the owner or owners of the freehold of the premises or lesser estate therein, a vendee in possession, a mortgagee or receiver in possession, an assignee of rents, a lessee or joint lessees of the whole thereof, an agent or any other person, firm, or corporation directly in control of such building.

§ C26-103.1 Oxygen cutting. A group of cutting processes wherein the severing of metal is effected by means of the chemical reaction of oxygen with the base metal at elevated temperatures. In the case of oxidation-resistant metals the reaction is facilitated by the use of a flux. (As added by Local Law 133 of 1951 in effect October 30, 1951.)

(1.98). § C26-105.0 Panel length. The term "panel length" shall mean the distance in either rectangular direction between centers of two columns of a panel.

(1.99). § C26-106.0 Panel Wall. The term "panel wall" shall mean a non-bearing wall in skeleton construction built between columns or piers and wholly supported at each story. Window and other openings shall be included in the wall dimensions.

(1.100). § C26-107.0 Parapet wall. The term "parapet wall" shall mean that portion of a wall extending above the roof.

(1.101). § C26-108.0 Partition. The term "partition" shall mean a non-bearing interior wall one story or less in height.

(1.102). § C26-109.0 Party wall. The term "party wall" shall mean a wall used or adapted for joint service between two structures.

(1.103). § C26-110.0 Passageway. The term "passageway" shall mean an enclosed passage or corridor connecting a stairway, fire tower or elevator with a street or open space communicating with a street.

(1.105). § C26-111.0 Pedestal. The term "pedestal" shall mean an upright compression member, the height of which does not exceed three times its least lateral dimension.

(1.106). § C26-112.0 Pedestal footing. The term "pedestal footing" shall mean a column footing which projects less than one-half its depth from the faces of the column on all sides and the maximum depth of which is three times its least width.

(1.107). § C26-113.0 Penthouse. The term "penthouse" shall mean any closed roof structure, other than a bulkhead, which extends twelve feet or less above the roof of a structure and occupies thirty percent or less of the roof area.

§ C26-113.1 Perlite. An acid, igneous, glassy rock of the composition of obsidian, expanded by heating and divided into small spherical bodies by the tension developed by its contraction on cooling. (As added by Local Law 68 of 1949 in effect September 12, 1949.)

(8.3.2.2.) (part). § C26-114.0 Permanent water level. The term "permanent water level" shall mean sea level unless special conditions exist. If special conditions exist, the term "permanent water level" shall mean such lower level as the superintendent in his opinion may deem to represent the permanent water level.

(1.108). § C26-115.0 Pier. The term "pier" shall mean an isolated column of masonry.

(1.109). § C26-116.0 Place of assembly. The term "place of assembly" shall mean a room or space which is occupied by seventy-five or more persons and which is used for educational, recreational or amusement purposes, and shall include assembly halls in school structures; dance halls, cabarets; night clubs; restaurants; any room or space used for public or private banquets, feasts, socials, card parties or weddings; lodge and meeting halls or rooms; skating rinks; gymnasiums; swimming pools; billiard, bowling, and table tennis rooms; halls or rooms used for public or private catering purposes; funeral parlors; markets; recreation rooms; concert halls; broadcasting studios; school and college auditoriums; and all other places of similar type of occupancy. Nothing in this section shall be construed to apply to instruction rooms, libraries, lecture rooms, recreation rooms, lunchrooms or classrooms in elementary or high schools, as defined in section C26-132.0 of this code, or in colleges which are licensed to operate by the state board of regents, when such rooms are used solely and exclusively by the students of such schools or colleges.

The term "licensed place of public assembly" are used in this article shall mean any room or space which is used or occupied as a "place of assembly" as defined in this section, when the lawful use, occupancy or operation of such place is contingent upon the issuance of a license by the fire department, the police department or the department of licenses.

Whenever the words "place of assembly" are used in this chapter, such words shall be construed as if followed by the words "or any room or space which is occupied for or is intended, arranged, or designed to be occupied for such use."

Nothing in this section shall be construed to apply to any room or space used exclusively for dwelling purposes in a private dwelling as defined in section C26-122.0 of this code or used exclusively for dwelling purposes as defined in subdivision one of section four of the multiple dwelling law, nor shall this section be applicable to places of incarceration, an asylum, a convent, a monastery, a church, a synagogue, or a theatre, motion picture theatre, opera house or concert hall subject to and complying with the provisions of article thirteen of this code and which are required to obtain a license as a "licensed place of public assembly." (Section repealed and reenacted by Local Law 29 of 1943 in effect July 24, 1943.)

(1.110). § C26-117.0 Plain concrete. The term "plain concrete" shall mean concrete without metal reinforcement.

(1.111). § C26-118.0 Positive bending moment. The term "positive bending moment" shall mean that moment the intensity of which is least at or near the supports.

(1.112). § C26-119.0 Positive reinforcement. The term "positive reinforcement" shall mean reinforcement so placed as to resist tensile stress due to positive bending moment.

(1.113). § C26-120.0 Premises. The term "premises" shall mean land including improvements or appurtenances or any part thereof.

(1.115). § C26-122.0 Private dwelling. The term "private dwelling" shall mean a structure occupied exclusively for residence purposes by not more than two families.

(1.116). § C26-123.0 Protective assembly. The term "protective assembly" shall mean an opening protective including its surrounding frame, casings and hardware attachments.

§ C26-123.1 Public museum. The term "public museum" shall mean a structure owned by the City of New York and operated by an institution no part of the net earnings of which inures to the benefit of any private shareholder or individual, which maintains a supervised public education program, and which operates a structure or structures in which are preserved and exhibited objects of permanent interest in one or more of the arts and sciences available to school children and to the general public. (As added by Local Law 48 of 1953 in effect March 13, 1953.)

(1.117). § C26-124.0 Random rubble. The term "random rubble" shall mean masonry composed of roughly shaped stone, laid in mortar without regularity of coursing, but fitting together to form well-defined joints.

(1.118). § C26-125.0 Ratio of reinforcement. The term "ratio of reinforcement" shall mean a ratio of the effective area of the reinforcement cut by a section of a beam or slab to the effective area of the concrete at that section.

(1.120). § C26-127.0 Reinforced concrete. The term "reinforced concrete" shall mean concrete in which metal is embedded in such a manner that the two materials act together in resisting stresses.

(1.121). § C26-128.0 Retaining wall. The term "retaining wall" shall mean any wall designed to resist lateral pressure.

(1.122). § C26-129.0 Root of weld. The points as shown in cross-section at which the bottom of the weld intersects the base metal surfaces. (As amended by Local Law 136 of 1951 in effect October 30, 1951.)

(1.123). § C26-130.0 Rough or ordinary rubble. The terms "rough rubble" or "ordinary rubble" shall mean masonry composed of unsquared or field stones laid in mortar without regularity of coursing.

(1.26). § C26-131.0 Sand. The term "sand" shall mean small grains one-quarter of an inch or less in size resulting from natural disintegration of rocks. (Section number and heading amended by Local Law 50 of 1942 in effect October 29, 1942.)

§ C26-132.0 School. The term "school" shall mean an elementary school or a high school or a college where regular supervised fire drills are held in which pupils are trained in rapid dismissal from the building. Such fire drills shall be held several times each semester, including summer classes. (Amended by Local Law 76 of 1956 in effect December 14, 1956.)

(1.128). § C26-133.0 School structure. The term "school structure" shall mean a structure devoted entirely to school purposes and activities incidental to school use.

(1.129). § C26-134.0 Self-closing doors. The term "self-closing doors", as applied to fire doors or other opening protectives, shall mean doors which are normally kept in closed position by some mechanical device and which are closed automatically after having been opened, except as otherwise provided in section C26-8320.

(1.130). § C26-135.0 Shaft. The term "shaft" shall mean an enclosed space for the transmission of light, air, materials or persons through one or more stories of a structure which connects a series of two or more openings in successive floors or floors and roof, except as may be otherwise provided in paragraph two of section C26-262.0.

(1.131). § C26-136.0 Solid masonry. The term "solid masonry" shall mean masonry consisting of stone, brick, sand-lime or concrete brick, or other solid masonry units, or a combination of these materials, laid contiguously with the spaces between the units filled with mortar, or monolithic concrete.

(1.132). § C26-137.0 Solid structural unit. The term "solid structural unit" shall mean a building unit having a gross volume at least fifty percent greater than a brick, with a net cross-sectional area in any plane at least seventy-five percent of the cross-sectional area measured in the same plane.

(1.133). § C26-138.0 Space below grade. The term "space below grade" shall mean a space or portion thereof or a room whose height measured from finished floor to finished ceiling is more than fifty percent below the level of the nearest point of the nearest curb or whose ceiling is less than four feet six inches above such level.

(1.134). § C26-139.0 Spandrel wall. The term "spandrel wall" shall mean that part of a panel wall above the window and below the apron wall.

(15.0). § C26-140.0 Sprinkler system. The term "sprinkler system" shall mean a system of piping connected to one or more acceptable sources of water supply, which system is provided with distributing devices so arranged and located as to discharge an effective spray over the interior of the building area.

(1.135). § C26-141.0 Sprinklered. The term "sprinklered", as applied to a structure, shall mean equipped throughout with an approved system of automatic sprinklers.

Section C26-141.1 Stage. The term "stage" shall mean the raised platform with its scenery and theatrical accessories on which the performance in a theatre, concert hall, auditorium, or place of entertainment, takes place.

This definition shall not include an unenclosed raised platform paced on an open floor to elevate the performers, musicians or speakers, provided no curtain, scenery or other theatrical accessories associated with the stage are provided. A back drop of incombustible materials, or materials treated so as not to ignite or support combustion, may be provided. (As added by Local Law 58 of 1960 in effect September 21, 1960.)

(1.136). § C26-142.0 Stair exit. The term "stair exit" shall mean a direct connection of any floor area to a stairway constructed in accordance with the requirements of this title for required stairs.

(8.6.2.7.1). § C26-143.0 Steel joist.—The term "steel joist" shall mean any approved form of open webbed beam or truss nominally twenty-four inches or less in depth, produced directly by rolling, cold-forming or pressing or fabricated from rolled, cold-formed or pressed shapes by welding, pressing, riveting or expanding.

§ C26-143.0 Steel joist. — The term "steel joist" shall mean any approved form of open webbed beam or truss nominally twenty-four inches or less in depth, produced directly by rolling, cold-forming or pressing or fabricated from rolled, cold-formed or pressed shapes by welding, riveting or expanding. (As amended by Local Law 51 of 1962. Effective 10-10-62).

(1.137). § C26-144.0 Storage garage. The term "storage garage" shall mean a garage in which volatile inflammable oil, other than that contained in the fuel storage tanks of motor vehicles, is handled, stored or kept.

(1.138). § C26-145.0 Story. The term "story" shall mean that part of any building comprised between the level of one finished floor and the level of the next higher finished floor, or if there is no higher finished floor, then the term "story" shall mean that part of the building comprised between the level of the highest finished floor and the top of the roof beams. A basement shall be counted as a story. A cellar shall not be counted as a story.

(1.139). § C26-146.0 Structural clay tile. The term "structural clay tile" shall mean a hollow building unit made from burned clay, shale, fire clay or admixtures thereof.

(1.140). § C26-147.0 Structure. The term "structure" shall mean a building or construction of any kind.

(1.141). § C26-148.0 Strut. The term "strut" shall mean a compression member other than a column or pedestal.

(1.142). § C26-149.0 Superintendent. The term "superintendent" shall mean the administrative official in charge of the branch office of the department of housing and buildings a borough of the city.

(1.143). § C26-150.0 Surface water. The term "surface water" shall mean all water carried by the aggregate other than that absorbed by the aggregate particles.

§ C26-151.0 Temporary wood frame structures and tents. The term "temporary wood frame structures and tents" shall mean platforms, reviewing stands, gospel tents, circus tents, and other structures that are erected to serve their purpose for a limited time. (As amended by Local Law 85 of 1956 in effect December 20, 1956.)

(12.10.2.9). § C26-153.0 Tier. The term "tier", as used in connection with exits or seats in special occupancy structures, shall mean an orchestra floor, mezzanine, loge, balcony, gallery, or other similar level in the auditorium of such special occupancy structure in which seats are provided for the audience.

(1.146). § C26-154.0 Unsanded gypsum plaster. The term "unsanded gypsum plaster" shall mean gypsum plaster containing a maximum of thirty-five percent of sand by weight.

(1.147). § C26-155.0 Unsprinklered. The term "unsprinklered", as applied to a structure, shall mean not equipped throughout with an approved system of automatic sprinklers.

(2.4.2.18.1). § C26-156.0 Vault. The term "vault" shall mean every opening below the surface of the street, that is covered over as limited by section 82d5-1.0 through 82d5-5.0 of the code, in front of any improved or unimproved property, except cesspools and openings which are used exclusively as places for descending by means of steps to the cellar or basement floor of any building or buildings.

(1.148). § C26-157.0 Veneered wall. The term "veneered wall" shall mean a wall with masonry facing which is attached to, but not bonded so as to form an integral part of, the wall for purposes of load bearing and stability.

§ C26-157.1 Vermiculite. A micaceous mineral, or hydrous silicate, derived generally from the alteration of some kinds of mica which expand when heated. Used in the expanded form as a lightweight aggregate. (As added by

Local Law 106 of 1949 in effect December 23, 1949.)

(1.149). § C26-158.0 Welds, butt, groove, fillet length and dimensions of.—a. The term "Butt weld" shall mean a weld in a butt joint. The term "groove weld" shall mean a weld made in the groove between two members to be joined. The size of a groove weld shall be expressed in terms of joint penetration or depth of chamfering plus the root penetration.

b. The term "fillet weld" shall mean a weld of approximately triangular cross-section joining two surfaces approximately at right angles to each other in a lap joint, tee joint or corner joint. The size of an equal leg fillet weld shall be expressed in terms of leg length of the largest isosceles right-triangle which can be inscribed within the fillet-weld cross-section.

c. The term "weld length" shall mean the unbroken length of the full cross-section of the weld exclusive of the length of any craters.

d. The term "weld dimensions" shall be expressed in terms of their size and length. (As amended by Local Law 138 of 1951 in effect October 30, 1951.)

(1.151). § C26-159.0 Wall beam. The term "wall beam shall mean a reinforced concrete beam which extends from column to column along the outer edge of a wall panel.

(1.152). § C26-160.0 Water-cement ratio. The term "Water-cement ratio" shall mean the total quantity of water entering the mixture, including the surface water carried by the aggregate, expressed in terms of the quantity of cement. The water-cement ratio shall be expressed in United States gallons per ninety-four pound sack of cement.

ARTICLE 3 — ADMINISTRATION

Group 2 — Issuance of Permits

(2.1.2.1). § C26-174.0 Approval of applications. It shall be unlawful to construct any structure, or any part thereof, or any plumbing, until the application required by Sections C26-161.0 through C26-188.0, shall have been approved by the superintendent and a written permit issued by him. The superintendent shall approve or reject any application or plan, or amendment thereto, filed with him pursuant to the provisions of this title, within a reasonable time, and, if he approves, shall promptly issue a notice of such approval, and shall upon the compliance with all provisions of law relating thereto promptly issue a permit therefor.

(2.1.2.2). § C26-175.0 Approval of applications in part. The superintendent may approve and issue a permit for the construction of part of a structure, including foundations, when plans and detailed statements have been presented for such part, before the entire plans and detailed statements of such structure have been submitted or approved.

(2.1.2.3). § C26-176.0 Signature to permit. Every permit issued by the superintendent under the provisions of this article shall have his signature affixed thereto, but the superintendent may authorize any subordinate to affix such signature.

§ C26-176.1 Posting of Permit.—a. Wherever there is any construction, alteration, or demolition in progress, for which a permit is

required, on any premises, a permit card bearing the permit number, application number and the location of the premises for which issued, shall be posted in a conspicuous location on the exterior of the structure or premises where the work is in progress, so as to be visible to public inspection.

b. The commissioner may make rules concerning the information to appear on the card, the size of card, the method, location and period of display and any other related matters so as to carry out the intent of this section.

c. It shall be unlawful to display a permit card at any location other than the location for which it was issued. (As added by Local Law 14 of 1954 in effect 60 days after April 26, 1954.)

§ C26-177.0 Expiration of applications and permits by limitation.—a. Any permit issued by the superintendent under the provisions of this title, but under which no work is commenced within one year from the date of issuance, shall expire by limitation.

b. Any application for an approval which has been 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, but may be reinstated by the superintendent provided it complies with all provisions of the law in effect at the time application for reinstatement is made.

c. Any such application upon which no action has been taken by the applicant within thirty months after the date of partial disapproval shall, with its accompanying plans, be removed from the file and destroyed. (As amended by Local Law 55 of 1963, effective October 30, 1963.)

(2.1.2.5): § C26-178.0 Compliance with plans, laws and regulations.—a. It shall be unlawful to construct any structure, or any plumbing, except in accordance with the approved detailed statement of specifications and plans, for which the permit was issued, or any approved amendment thereof. A certified copy of the approved plans shall be kept at all times on the premises from the commencement of the work to the completion thereof, except that this requirement may be waived by the superintendent where he deems compliance with it is unnecessary. (Last sentence of subd. a as amended by Local Law 154 of 1939 in effect August 22, 1939.)

b. Permits for construction or equipment of a structure issued by the superintendent shall be deemed to incorporate the proviso that the applicant, his agent, employees or contractors shall use only approved materials, appliances and methods of construction and shall carry out the proposed work in accordance with the approved plans and with all requirements of this title and any other laws or regulations applicable thereto, whether specified or not.

§ C26-179.0 Adherence to diagrams. It shall be unlawful to fail to adhere strictly to the location of any new structure, or of an extension to an existing structure, as shown on the diagram filed as required by section C26-161.0 or on any approved amendment of such diagram. A survey by a duly licensed surveyor showing the location of the new structure or extension shall be filed before completion of the structure. His survey shall show the location of the structure, the elevation of the first tier of beams or of the first floor, the finished grades of the open spaces on the plot, the established curb level and the location of all other structures on the plot, together with the location and boundaries of the lot or plot upon which the structure is constructed. It shall be unlawful to reduce or diminish the area

of any lot, a diagram of which has been filed with an application to construct and has been used as basis for a permit, unless the structure for which the permit was issued complies in all respects with the requirements of this title for structures located on plots of such diminished area; provided that this requirement shall not apply to any lot the area of which is reduced by reason of any street opening or widening or other public improvement.

Where minor extensions of existing structures, or small sheds, stands, watchmen's shelters, signs and similar small structures are erected, the superintendent may waive the requirement that a survey be filed. (As amended by Local Law 94 of 1953 in effect May 22, 1953.)

(2.1.2.7). § C26-180.0 Revocation of permits. The superintendent may revoke any permit or approval issued under the provisions of this title, whenever there has been any false statement, or any misrepresentation as to a material fact in the application on which the permit or approval was based, or whenever any permit or approval has been issued in error and conditions are such that a permit or approval should not have been issued.

Group 3 — Certificates of Occupancy

§ C26-181.0 Certificates of occupancy for new structures—a. It shall be unlawful to occupy or use any structure erected after January first, nineteen hundred thirty-eight, in violation of section six hundred forty-six, subdivision a of the charter. The superintendent shall issue a certificate of occupancy, in such forms as may be authorized by the board, certifying that such structure conforms substantially to the approved plans and specifications and the requirements of the laws governing building construction applicable to structures of the class and kind of such structure.

b. A certificate of occupancy shall be issued in conformity with section six hundred forty-six, subdivision e of the charter. (Section amended by Local Law 112 of 1955 in effect December 8, 1955.)

§ C26-182.0 Temporary certificates of occupancy. The superintendent may issue a temporary certificate of occupancy for part of a structure, pursuant to section six hundred forty-six, subdivision g of the charter. Original temporary certificates of occupancy may be granted for periods of not more than ninety days and be subject to renewal by the superintendent for similar periods of not more than ninety days at his discretion. (Section amended by Local Law 112 of 1955 in effect December 8, 1955.)

(2.1.3.3). § C26-183.0 Occupancy of altered structures.—a. It shall be unlawful to occupy or use in whole or in part, for any purpose whatever, any structure altered after January first, nineteen hundred thirty-eight, which was vacant during the progress of the work of alteration until a certificate of occupancy shall have been issued by the Superintendent, certifying that the work for which the permit was issued has been completed substantially in accordance with the approved plans and specifications and the provisions of the laws governing building construction applying to such an alteration. (Section renumbered to be subd. a and amended by Local Law 33 of 1942 in effect July 2, 1942.)

b. In case such structure has been substantially altered so as to affect any existing means of egress or has been converted or altered from one class to another class or has been converted or altered so as to increase the number of living rooms or apartments in the building and such alteration does not necessitate the vacation of the building during the progress of the work, the occupancy or use of the building shall not continue more than thirty days after the completion of such alteration, unless a certificate of occupancy has been issued by the superintendent. The term "class" as used herein refers to the classification of buildings in this title and also to the terms " class and kind" as used in the multiple dwelling law when such law is affected. (Subd. b added by Local Law 33 of 1942 in effect July 2, 1942.)

(2.1.3.4), § C26-184.0 Occupancy of existing structures. The legal occupancy and use of any structure existing on January first, nineteen hundred thirty-eight, may continue, except as may be specifically prescribed by this title or as may be necessary for the safety of life, health or property. Upon written request from the owner, the superintendent shall issue a certificate of occupancy for any structure existing on January first, nineteen hundred thirty-eight, certifying, after verification by inspection, such occupancy or use of such structure, provided that at the time of issuing such certificate there are no notices of violation, or other notices or orders, pending in the department.

(2.1.3.5). § C26-185.0 Change of occupancy. It shall be unlawful to make any changes of occupancy or use of any structure if such change is inconsistent with the last issued certificate of occupancy. It shall be unlawful to make any change of occupancy in a structure, existing on January first, nineteen hundred thirty-eight, which would bring it under some special provision of the laws governing building construction, unless a certificate is issued by the superintendent certifying that such structure conforms to the provisions of the laws governing building construction for the proposed new occupancy and use and that the proposed use will not be in conflict with any provisions of the labor law, multiple dwelling law or the building zone resolution.

b. Except as herein provided, a new certificate of occupancy shall not be required where the change of use is within the same use group as listed in the amended zoning resolution. Where a portion of a building exceeding three stories in height is changed to a different use, and this portion of the building does not exceed twenty per cent of the total floor area, an amendment to the existing certificate of occupancy for such new use shall be issued by the commissioner certifying that the proposed new occupancy and use conforms to the provisions of the laws governing building construction and that the proposed use will not be in conflict with any provisions of the labor law, multiple dwelling law or the building zone resolution. (As amended by Local Law 29 of 1962. Effective 6-4-62).

(2.1.3.6). § C26-186.0 Contents of certificate of occupancy. In addition to the certification, required by this article, of compliance with the approved plans and application and with the provisions of laws governing building construction, each certificate of occupancy shall state the purposes for which the structure may be used in its several parts, the maximum permissible live loads on the several floors, the number of persons which may be accommodated in the several stories and any special stipulations of the permit.

(2.1.3.7). § C26-187.0 Affidavits accompanying applications for certificates of occupancy.—a. Applications to the superintendent for a certificate of occupancy for a structure, the plans for which were accompanied by an affidavit as required by section C26-161.0, may be accompanied by an affidavit of the licensed architect or licensed professional engineer who supervised the construction of the work.

b. In case the application for the certificate of occupancy is not accompanied by the affidavit of the licensed architect or licensed professional engineer who filed the original plans or who supervised the construction work, it shall be accompanied by the affidavit of a superintendent of construction who supervised the construction work and who has had at least ten years experience in supervising building construction work.

c. The affidavit of a licensed architect, licensed professional engineer or superintendent of construction who supervised the construction, shall state that the deponent has examined the approved plans of the structure for which a certificate of occupancy is sought, and that to the best of his knowledge and belief the structure has been erected in accordance with the approved plans, and as erected complies with the laws governing building construction, except in so far as variations therefrom have been legally authorized. Such variations shall be specified in the affidavit.

(2.1.3.8). § C26-188.0 Issuance and filing of certificates of occupancy.—a. The superintendent shall issue certificates of occupancy for a structure within ten days after written application therefor, if at the date of such application such structure shall be entitled thereto. A record of all certificates shall be kept in the department and copies shall be furnished on request and on the payment of a fee of one dollar per copy, to any person having a proprietary interest in the structure affected. (As amended by Local Law 157 of 1951 in effect November 7, 1951.)

b. Certificates of occupancy for structures erected after January first, nineteen hundred thirty-eight, shall be issued only after the floor load signs, required by section C26-343.0 have been installed.

Sub-Article 2

Enforcement

Group 1

Rules

(2.2.1.1). § C26-189.0 Authority to adopt rules.—a. The board shall have power to adopt rules to secure the intent and purposes of this title and a proper enforcement of its provisions. The board shall also have power to make rules and regulations respecting the approval of materials and methods of construction. Such rules shall be uniform in all the boroughs.

b. Where not inconsistent with specific provisions of this title, the rules adopted by the board before January first, nineteen hundred thirty-eight, by the former superintendent of buildings, and by the former board of buildings are hereby confirmed and they shall remain effective until amended or repealed.

c. Wherever in this title A. S. T. M. specifications or other standard specifications are prescribed such specifications shall govern until such time as they may be amended, modified or superseded by the board.

Group 2

Right of Entry of Officers and Employees

(2.2.2). § C26-190.0 Right of entry of officers and employees. Any officer or employee of the department, so far as may be necessary for the performance of his duties, under section six hundred forty-nine of the charter, shall have the right upon showing his badge of office to enter any structure or premises in the city.

Group 3

Approval of Materials, Appliances and Methods of Construction

(2.2.3). § C26-191.0 Approval of materials, appliances and methods of construction.—a. Except as otherwise provided in section six hundred forty-five of the charter and in section C26-4.0 of this code, the sole authority to approve materials and appliances is vested in the Board. (Subd. a. amended by Local Law 94 of 1957 in effect December 30, 1957.)

b. Whenever any materials, appliances or methods of construction have been approved by the superintendent, a record of such approval shall be kept on file in the department and shall be open to public inspection during business hours. (Subd. b renumbered from former subd. a and amended by Local Law 50 of 1942 in effect October 29, 1942.)

c. Any material, appliance or form of construction coming under the provisions of this title and approved before January first, nineteen hundred thirty-eight, may be used for the purpose for which it was approved, except so far as may be inconsistent with specific provisions of this title. (Subd. c renumbered from former subd. b and amended by Local Law 50 of 1942 in effect October 29, 1942.)

(2.2.3.1). § C26-192.0 Identification marks. Identification marks, such as grade marks, trade-marks and manufacturers' marks, for which official recognition is desired, shall be filed with the board and acceptance by it shall constitute official housing and buildings six certified copies of the approved trade-mark. (As amended by Local Law 143 of 1940 in effect November 30, 1940.)

Sub-Article 4

Projections and Construction Beyond the Building Line and Within the Curb Line

Group 1--Restrictions on Projections Beyond the Building Line

(2.4.1.1). § C26-216.0 General restrictions on projections beyond the building line. It shall be unlawful to permit the projection of any part of any structure erected after January first, nineteen hundred thirty-eight, or of any enlargement of a structure built before January first, nineteen hundred thirty-eight, beyond the building line so as to encroach upon a public street or public space, except as otherwise specifically provided in this article.

(2.4.1.2). § C26-217.0 Projections beyond building line to be removable. Any part of a structure permitted to project beyond the building line under the provisions of section C26-219.0 shall be so constructed that it may be removed at any time without causing such structure to become structurally unsafe in whole or in part.

(2.4.1.3). § C26-218.0 Structural support of projections beyond the building line.—An encroachment beyond the building line for at most twelve inches of the footings of street walls shall be permitted provided such projecting parts of footings are at least eight feet below the sidewalk level.

§ C26-219.0 Permissible projections beyond the building line.—a. Columns, pilaster and ornamental projections beyond the building line.—Columns, pilasters, and ornamental projections, including their moulding and bases, erected purely for the enhancement of the beauty of the structure from an artistic standpoint, may project beyond the building line two and one-half per cent or less of the width of the street, but in no case more than eighteen inches, however when such ornamental projections consist of a veneer covering the entire facade of an existing building or part thereof, then the projection shall not exceed more than four inches beyond the building line. (Subd. a amended by Local Law 61 of 1960 in effect September 21, 1960.)

(2.4.1.4.3) b. Ornamental balustrades projecting beyond the building line. — Ornamental balustrades, including the sills and brackets on which they rest, may project beyond the building line five percent or less of the width of the street, but in no case more than twenty-two inches, provided every part of such balustrade is at least ten feet above the sidewalk.

(2.4.1.4.4). c. Mouldings, belt courses, cornices, lintels, sills, pediments and similar projections beyond the building line. Mouldings, Belt Courses, Cornices, Lintels, sills, pediments and similar decorative projections may project beyond the building line one and one-quarter percent or less of the width of the street, but in no case more than ten inches.

(2.4.1.4.5). d. Main cornices projecting beyond the building line.—Main cornices, meaning thereby moulded projections at or near the top of the street wall, may project beyond the building line two and one-half percent or less of the width of the street or a maximum of three feet in any case, provided such main cornices are at least twelve feet above the sidewalk at every point.

(2.4.1.4.6). e. Base courses projecting beyond the building line.—Base courses may project beyond the building line one and one-quarter percent or less of the width of the street, but in no case more than ten inches; provided their maximum height above the highest point of the sidewalk is five feet.

(2.4.1.4.7). f. Rustications and quoins projecting beyond the building line. — Rustications and quoins may project beyond the building line a maximum of four inches. (As amended by Local Law 50 of 1942 in effect October 29, 1942.)

(2.4.1.4.8). g. Awnings and marquees projecting beyond the building line. — 1. Awnings and marquees may extend over the sidewalk in connection with entrances to public buildings, theatres, hotels, multiple dwellings, large department stores and similar structures of an essentially public nature, except where forbidden by section 82d6-8.0 of the code, provided such awnings or marquees are constructed of iron and glass or other incombustible materials, securely supported from the structure and properly drained.

2. All parts of such awnings or marquees shall be at least ten feet above the sidewalk, shall not extend within two feet of the curb line nor more than two and one-half feet beyond either side of an entrance. The aggregate length of all awnings or marquees on any single street front shall not exceed seventy-five percent of the length of wall on that front nor shall any single marquee exceed fifty feet in length. There shall be a clear distance of at least four feet between any two awnings or marquees on the same structure. The requirements as to length and width of awnings shall not apply on streets designated by law as "Market streets."

3. The maximum overall dimensions between top and bottom of such awnings or marquees shall be twenty-four inches.

4. Where unusual conditions are encountered, the superintendent may, at his discretion, vary the above requirements as to size and location.

5. It shall be unlawful to maintain such awning or marquee without a permit therefor issued by the superintendent. The annual fee for such permit shall be five dollars for each one hundred square feet or fraction thereof. (as amended by Local Law 157 of 1951 in effect November 7, 1951.)

6. Where the occupancy or use of a building for which occupancy or use of a marquee was permitted is changed or has been changed to an occupancy or use other than one of those stated in paragraph one of subdivision g of this section, the marquee shall be removed. This provision shall apply to all existing marquees, except those existing marquees on warehouses and markets in the established market areas of the city, as well as to all marquees, hereafter erected. The commissioner may determine which areas are established market areas. (Paragraph 6 added by Local Law 69 of 1956; approved by the Mayor November 30, 1956; effective Sixty (60) days thereafter.)

(2.4.1.4.9). h. Fire escapes and balconies to required exits.—Fire escapes and balconies to fire towers or other required exits, constructed of incombustible material, when required on the fronts of structures may project beyond the building line four and one-half feet or less, but every part of such fire escapes of balconies shall be at least ten feet above the sidewalk, except that the use of movable ladders or stairs to the sidewalk shall be permitted when they are so arranged as to be within ten feet of the sidewalk only when in actual use.

i. Letter boxes.—

1. The post office authorities and property owners are hereby given permission to attach temporarily small mail boxes, known as letter boxes, to any building or part thereof, subject to the approval of the superintendent of buildings having jurisdiction, provided that the written consent of the property owner be filed with such superintendent and that the work be done without cost to the city.

2. Application for permission to attach any such letter box must be made in writing on a form prescribed by such superintendent.

j. In existing structures (except where prohibited in section 82d6-8.0 of the code), steps leading up or down at entrances may project beyond the building line a distance equal to not more than two and one-half percent of the width of the street but in no case more than eighteen inches, provided that such steps are included between ornamental columns, pilasters, or cheek pieces at least three feet high, and the aggregate width of such steps does not exceed twenty percent of that street frontage of the building where such steps are located when such frontage is twenty-five or more feet in length, and not more than five feet in width when such frontage is less than twenty-five feet in length. (Subd. j renumbered from former subd. i and amended by Local Law 50 of 1942 in effect October 29, 1942.)

(2.4.1.5). § C26-220.0 Rules governing projections beyond the building line. The powers and duties of the superintendent, the commissioner of parks, or the borough president, within their respective jurisdictions to adopt additional rules as may be necessary with respect to the construction or disposition of parts of structures projecting beyond the building line shall remain unimpaired by the provisions of this article, except that it shall be the duty of the superintendent to adopt additional rules as may be necessary with respect to the construction of all sub-surface constructions within the curb line and all curb-cuts and driveways, the coverings thereof and entrances thereto and the issuance of all permits in reference thereto. The superintendent or the commissioner of parks may, when deemed necessary or desirable, fix further restrictions as to the extent of projections beyond the building line, except surface and sub-surface constructions and the coverings thereof within the curb line, but the authorization of projections greater than those specified in this article, is unlawful.

Group 2

Construction Outside Building Line and Within Curb Line

(2.4.2.1). § C26-221.0 General provisions. All construction between the building line and the curb line, otherwise unprovided for by law, shall conform to the provisions of this article.

(2.4.2.2). § C26-222.0 Building construction; sidewalk bridges. In connection with the erection of any large building, a bridge or bridges not to exceed seven feet in height above the sidewalk and six feet in width extending the entire length of the proposed building may be erected and maintained upon obtaining a permit from the superintendent. Where any such bridge is erected, steps leading from the sidewalk to the bridge may rest on the sidewalk of the adjoining premises.

§ C26-223.0 Hoistway opening in sidewalks. No opening in the sidewalk area on the street side of the building line, shall be constructed after July first, nineteen hundred fifty-seven, for the accommodation of any elevator or lift, whether manually or power operated, nor for any part thereof. Existing hoistway openings in the sidewalk may be continued but shall not be enlarged, provided such openings are equipped with approved type doors located flush with the sidewalk when closed. Sidewalk elevators in buildings erected before July first, nineteen hundred fifty-seven, may be relocated provided the total number of sidewalk elevators, serving the building is not increased. Relocated sidewalk elevators may not project more than five feet from the building line into the sidewalk area. (As amended by Local Law 15 of 1958 in effect May 24, 1958.)

(2.4.2.6.) § C26-224.0 Storm-doors. Storm-doors not exceeding ten feet in height, nor more than two feet wider than the doorway or entrance of any building, may be temporarily erected within the building line; providing a permit therefor shall have been obtained from the borough president having jurisdiction; but in no case shall any storm-door extend more than eighteen inches outside the building line. Such structure shall be unlawful if it is practically an extension of the building front or house front, within the building line, or an enlargement of the ground floor of any premises.

(2.4.2.8). § C26-225.0 Area; special restrictions.—a. Every area, existing on January first, nineteen hundred thirty-eight, that is open at the top, shall be enclosed with an iron railing in front and on the sides where there is an opening used for the purposes of ingress and egress. Such a railing shall be at least three feet high measured from the base and capable of sustaining a lateral weight of three hundred pounds at any part thereof; its gates, if any, shall be so constructed as to open inwardly.

b. The borough president shall have exclusive power to enforce the provisions of this section.

(2.4.2.9). § C26-226.0 Cellar steps; cellar doors. Every entrance or flight of steps, existing on January first, nineteen hundred thirty-eight, and projecting beyond the line of the street and descending into any cellar or basement story of any house or other building, where such entrance or flight of steps shall not be covered shall be enclosed with a railing on each side, permanently put up, from three to three and one-half feet high with a gate to open inwardly, or with two iron chains across the front of the entranceway, one near the top and one in the center of the railing, to be closed during the night, unless there be a burning light over the steps, to prevent accidents. Where such entrance is covered by a cellar door, such door shall be kept in good repair, and shall not be permitted to remain open, except when in actual use for ingress or egress of persons or for the loading or unloading of things out of or into such cellar or basement story.

(2.4.2.12). § C26-227.0 Drains across sidewalks.--a. It shall be unlawful to construct any drain from any building, structure, enclosure or lot of ground through or under a sidewalk, unless the material or materials, dimensions and construction thereof shall fully conform to standard specifications for such work, all of which shall be prescribed by the superintendent having jurisdiction and kept on file in his office.

b. It shall be unlawful to construct any such drain across the surface of a sidewalk, unless the material or materials, dimensions and construction thereof shall fully conform to standard specifications for such work, all of which shall be prescribed by the borough president having jurisdiction and kept on file in his office.

(2.4.2.13.1). § C26-228.0 Driveways across sidewalks.--a. General requirements.

1. It shall be unlawful to lower any curb or change the grade of any sidewalk, for the purpose of providing a driveway across such sidewalk, except upon complying with the following conditions, and upon being granted a permit by the superintendent of the borough within which the curb or sidewalk is located.

2. Application shall be made in writing by the owner of the abutting premises to the superintendent of the borough within which such premises are located. Such application shall set forth the points at which such driveway shall begin and end, as measured from the building line of the first street intersecting such curb or sidewalk.

3. In consideration of the granting of such permit, the superintendent having jurisdiction is hereby authorized to charge a fee of three dollars per linear foot of curb cut, including splay with one-half such fee for private dwelling for the privilege based on the length of curb cut to cover all expenses in connection with the inspection of the alteration of the sidewalk, and its ultimate restoration to original grade. (As amended by Local Law 56 of 1952 in effect May 15, 1952.)

4. Every such driveway shall be constructed under the supervision and subject to the direction of the superintendent having jurisdiction, and on condition that, upon failure to comply with all the terms of the permit, the privilege may be revoked and the sidewalk be restored to its original grade, at the expense of the person to whom the permit was granted, or his successor in title to the abutting property.

5. Should the vehicular or other use of such driveway, in the opinion of the superintendent having jurisdiction thereof, be or become dangerous to pedestrians, such superintendent shall give notice in writing to the owner of record of the abutting premises to discontinue such use of such driveway and to restore, within ten days, such curb and sidewalk to their original or proper condition.

6. The superintendent shall refuse a permit to lower any curb or to change the grade of any sidewalk for the purpose of providing a driveway across such curb or sidewalk, when, in his opinion, the actual or intended use of such driveway would endanger pedestrians.

(2.4.2.13.2). b. Construction.—All private driveways crossing sidewalks shall be paved with concrete or other approved materials.

(2.4.2.13.3). c. Maintenance.—In case of failure properly to maintain any part of a private driveway, that shall not be paved, repaved, or repaired according to the provisions of subdivision b of this section, the superintendent may order in writing that such work be done within the time mentioned in the order. At the expiration of such time the work may be done under the direction of the superintendent and the expenses thereof shall be a lien upon the lot fronting thereon.

(2.4.2.17). § C26-229.0 Violations. Any person who shall violate any of the provisions of this article, sections C26-222.0 through C26-228.0, shall be punished by a fine of fifty dollars for each offense. Any person who shall continue any such violation shall be punished by an additional fine of five dollars for each day such violation shall continue. Any person who shall willfully violate, or neglect or reduce to comply with any provision of this title, or any lawful regulation, order or special direction made thereunder, shall be punished by a fine of not more than fifty dollars, or by imprisonment for not exceeding thirty days, or by both.

(2.4.2.18.2). § C26-230.0 Vaults.—a. Jurisdiction.—Each superintendent is empowered to issue permits for the construction, maintenance or repair of vaults under sidewalks within his jurisdiction.

(2.4.2.18.3). b. Permits and restrictions.

1. It shall be unlawful to construct any vault under any sidewalk between the curb and the building line until a permit for such construction has been issued by the superintendent. The superintendent shall not issue any such permit.

2. Openings in the roofs of vaults between the building line and curb shall be provided with substantial covers flush in all parts with the sidewalk, of incombustible material, and so constructed and maintained as normally to be kept closed, and to prevent persons from slipping on them. When such openings are uncovered they shall be thoroughly safeguarded.

3. The repair of any wall, or the roof of any vault, or any portion thereof, to make such vault or portion thereof safe shall be permitted in cases where the removal of such vault or such portion thereof has not been ordered by the administrative authority having jurisdiction.

(2.4.2.18.4). c. Responsibility. The contractor, who shall complete or begin the construction of a vault, and the owner or person for whom the same shall be excavated or constructed, shall be severally liable to the provisions, payments and punishments of this article.

(2.4.2.18.5). d. Construction. 1. All vaults shall be constructed with either brick or other approved masonry walls.

2. All grates of vaults shall be made of iron, the bars of which shall be three-fourths of an inch wide and one-half of an inch thick, and three-fourths of an inch or less apart.

(2.4.2.18.7). e. Violations. Any person who shall violate any provisions of this section, or any notice or special direction issued thereunder, shall be punished by a fine of one hundred dollars.

Group 3—Projection Permits Revocable

(2.4.3). § C26-231.0 Projection permits revocable. Any permission, expressed or implied to construct part of a structure so as to project beyond the building line under the provisions of sections C26-216.0 through C26-234.0 is revocable at will by the council or the board of estimate.

§ C26-230.1 Sidewalk cafes.—a. Enclosures for sidewalk cafes, where permitted by the commissioner of licenses, may be provided beyond the building line, within a street, provided such enclosures are constructed of incombustible material or slow-burning plastic or other material which will not support combustion, approved by the board, and provided the sides of such enclosures do not extend more than eight feet above the sidewalk.

b. Canopies or awnings may be placed over sidewalk cafes provided they are at least eight feet clear above the sidewalk and provided they are within the limits specified by the commissioner of licenses. Such canopies or awnings shall be constructed of canvas, treated to render it fire-resistive, supported on metal frames.

c. No part of any awning or enclosure or fixture or equipment of a sidewalk cafe shall be so located as to obstruct operation of fire escape drop ladders or counterbalanced stairs or so as to obstruct any exit from a building.

(As amended by Local Law 32 of 1968 in effect May 3, 1968).

Group 4—Alterations to Projections Beyond the Building Line

(2.4.4). § C26-232.0 Alterations to projections beyond the building line.

—a. Any alteration or enlargement made to any existing part of a structure, projecting beyond the building line on January first, nineteen hundred thirty-eight, shall conform with the provisions of sections C26-216.0 through C26-234.0, so far as such provisions affect new construction.

b. Nothing herein contained shall prohibit the removal of any portion of a single projection beyond the building line without removal of all projections, provided the removal of all projections has not been directed by the council or the board of estimate or their predecessors, nor shall anything herein contained prohibit the repair of any portion of such projection necessary to make it safe.

Group 5--Existing Encroachments Beyond the Building Line

§ C26-233.0 Existing encroachments beyond the building line.--a. Such parts of structures as project beyond the building line on January first, nineteen hundred thirty-eight, may be maintained as constructed until their removal is directed by the council or the board of estimate, provided the right of the city or any of its officers to continue an action for the removal of any unauthorized projection beyond the building line or for the collection of any penalty, incurred before January first, nineteen hundred thirty-eight, in connection therewith remains unabridged.

b. With the concurrence of the borough president having jurisdiction, the commissioner of housing and buildings, and or each superintendent having jurisdiction, may, in his discretion, permit rearrangement or reconstruction of such parts of structures as project beyond the building line provided such rearrangement or reconstruction is within the limits of existing projection and provided further that the right of the city or any of its officers to continue an action for the removal of any unauthorized projection beyond the building line or for the collection of any penalty incurred before January 1st, nineteen hundred thirty-eight, in connection therewith remains unabridged. (As amended by Local Law 69 of 1951 in effect June 14, 1951.)

Group 6--Effect of Action by the Board of Estimate on Projections Beyond the Building Line

(2.4.6) § C26-234.0. Effect of action by the board of estimate on projections beyond the building line. The provisions of sections C26-216.0 through C26-234.0, do not authorize any projection beyond the building line on those streets where the removal of projections has been or may be directed by the board of estimate, except in conformity to resolutions by such board of estimate, or has been previously directed by the former board of estimate and apportionment.

ARTICLE 4--CLASSIFICATIONS

Sub-Article 1

Classification by Occupancy

(3.1). § C26-235.0 General. For the purposes of this title all structures shall be classified, with respect to occcupancy, as follows:

(3.1.1). a. Public buildings.—Public buildings are structures or parts of structures in which persons congregate for civic, political, educational, religious or recreational purposes, or in which persons are harbored to receive medical, charitable or other care or treatment, or in which persons are held or detained by reason of public or civic duty, or for correctional purposes, including among others, court houses, schools, colleges, libraries, museums, exhibition buildings, lecture halls, churches, assembly halls, lodge rooms, club houses with more than five sleeping rooms, dance halls, theatres, bath houses, hospitals, asylums, armories, fire houses, police stations, ajils, and passenger depots.

(3.1.2). b. Residence buildings, Residence buildings are structures or parts of structures in which sleeping accommodations are provided, except such as may for other reasons be classed as public buildings, including multiple dwellings as defined in the multiple dwelling law.

(3.1.3). c. Commercial buildings.—

1. Commercial buildings are structures or parts of structures which are not public buildings or residence buildings, including among others, office buildings, factory buildings, salesrooms (stores), markets, restaurants, warehouses, freight depots, car barns, stables, garages, motor vehicle repair shops, factories, laboratories, smoke-houses, grain elevators, coal pockets, central station power plants and electric sub-stations.

2. Nothing in this section shall be interpreted in any manner in conflict with the building zone resolution in so far as permitted occupancies in the various use districts are concerned.

(3.1.4) § C26-236.0 Doubtful classification. In case any structure is not specifically provided for, or where there is any uncertainty as to its classification, its status shall be determined by the superintendent.

(3.1.5). § C26-237.0 Mixed occupancy. In case a structure is occupied or used for different purposes in different parts, the provisions of this title applying to each class of occupancy shall apply to such parts of the structure as come within that class; and if there should be conflicting provisions, the requirements securing the greater safety shall apply as may be determined by the superintendent.

Sub-Article 2

Classification of Structures by Type of Construction

(3.2). § C26-238.0 General. For the purposes of this title all structures shall be classified, with respect to type of construction, as follows:

Class 1—Fireproof structures;
Class 2—Fire-protected structures;
Class 3—Non-fireproofed structures;
Class 4—Wood frame structures;
Class 5—Metal structures;
Class 6—Heavy timber structures.

§ C26-239.0 Class 1—Fireproof structures.—Class 1—fireproof structures are those in which the walls and structural members are made of incombustible material or assemblies with the following minimum fire resistive ratings: four hours for exterior walls (except panel walls, and exterior bearing walls in private dwellings thirty-five feet or less in height), fire walls, party walls, piers, columns, other structural members which carry walls (except lintels) and girders carrying columns; three hours for other girders, fire partitions, floors including their beams and girders, beams, roofs and floor fillings, and required stairway enclosures other than in schools and structures less than one hundred feet in height; two hours for exterior panel walls in all structures and exterior bearing walls in private dwellings thirty-five feet or less in height and required stairway enclosures in schools and structures less than one hundred feet in height. Permanent interior partitions shall be constructed of incombustible materials. The degree of fire resistance of other construction features in fireproof structures and the materials acceptable for the purpose shall be in accordance with the provisions of article eleven of this title. (As amended by Local Law 58 of 1957 in effect October 25, 1957.)

§ C26-240.0 Class 2—Fire-protected structures.—Class 2—Fire protected structures are those in which the walls and structural members are made of incombustible materials or assemblies with the following minimum fire resistive ratings: three hours for bearing walls and exterior walls* (except panel walls and bearing walls in residence structures not exceeding 35 feet in height), structural members in walls or which support walls or columns, interior columns in public and commercial structures, shafts (except as otherwise provided in section C26-646.0) and for bearing walls in residence structures not exceeding 35 feet in height all floors and the roof may be one hour; one hour for exterior panel walls, except that in structures other than private dwellings where openings are required to be protected, the fire resistive rating of exterior panel walls shall be two hours. Permanent interior partitions shall be constructed of materials or assemblies having a fire resistive rating of one hour. The degree of fire resistance of other construction features in fire-protected structures and the materials acceptable for the purpose shall be in accordance with article eleven, fire resistive construction. (Repealed and re-enacted by Local Law 106 of 1949 in effect December 23, 1949.)

*So in original. Evidently intended to be "are".

§ C26-241.0 Class 3—Non-fireproof structures.—a.—Class 3—non-fireproof structures are those which are made of incombustible materials or assemblies of materials inadequate to meet the fire resistive rating requirements of class 1 or class 2 structures, or in which the exterior walls are of masonry or reinforced concrete and the interior framing is partly or wholly of wood or unprotected iron or steel. The exterior walls of such structures shall be made of incombustible materials or assemblies of materials with a fire resistive rating of at least one hour when walls or* non-bearing, two hours when walls are non-bearing and protection of openings is required, and three hours when they are bearing walls; the floor above the cellar or basement and columns below such floors shall be constructed of incombustible materials or assemblies of materials having a fire resistive rating of three hours (except in residence structures three stories and basement or less in height and in other structures not over four stories or forty feet in height); shafts and required stairway enclosures shall be made of incombustible materials or assemblies having a fire resistive rating of at least two hours (except that in structures not over four stories of forty feet in height such shafts and required stairway enclosures may be made of incombustible materials or assemblies having a fire resistive rating of at least one hour). The exterior walls if of masonry shall be as provided in sections C26-412.0 through C26-467.0.

b. This section shall not be construed as applying to private dwellings of forty feet and four stories or less in height (except as to exterior walls). (As amended by Local Law 33 of 1948 in effect May 25, 1948.)

c. Exterior walls of private dwellings of class 3, non-fireproof construction may be constructed of incombustible material having a fire resistive rating of at least one hour, provided the building does not exceed one story in height and that the building is separated by at least four feet from any lot line and from any other building. (Subd. c as added by Local Law 183 of 1953 in effect December 26, 1953.)

Exterior walls of central station power generating plants where located at least 30 feet distant from common lot line may be of incombustible materials without specified fire resistive rating and may have interior steel without fireproofing. (Paragraph added to Subd. c. by Local Law 59 of 1960 in effect September 21, 1960.)

(3.2.4). § C26-242.0 Class 4—Wood frame structures.—Class 4—Wood frame structures are those structures in which the structural parts and materials are of wood, or other combustible materials, or are dependent upon a wood frame for support, including construction having an incombustible veneer or an incombustible covering such as corrugated iron or corrugated asbestos cement composition sheets. All columns, footings or other supports of the first floor framing shall be of incombustible materials.

§ C26-243.0--Class 5--Metal or fireproofed (fire-retardant pressure impregnated) wood structures.--Class 5--Metal or fireproofed (fire-retardant pressure impregnated) wood structures are those structures in which the structural frame work is of metal or fireproofed (fire-retardant pressure impregnated) wood and in which the walls are of metal, flat or corrugated cement asbestos composition sheets of incombustible material other than masonry, and which are without sufficient fire resistive protection to withstand the fire tests required for the other classes of structures, and in which the roofs are of incombustible material or of fireproofed (fire-retardant pressure impregnated) wood.

Fireproofed (fire-retardant pressure impregnated) wood must meet the performance test requirement as specified in paragraph C26-331.0 to C26-339.0 inclusive.

All fireproofed (fire-retardant pressure impregnated) wood shall be clearly identified by impressing on both faces the type and grade of treatment and name of manufacturer.

The thickness of fireproofed structural lumber shall be the same as that specified for untreated lumber. Fireproofed wood shall not be exposed to the weather. (As amended by Local Law 1 of 1959 in effect January 7, 1959.)

(3.2.6). § C26-244.0 Class 6--Heavy timber construction.--a. Class 6 Heavy timber construction structures are those structures in which: the exterior walls are of masonry or reinforced concrete with a fire resistive rating of at least three hours and the interior framing above grade floor is of wood structural members having no beam or girder less than six inches in the least dimension and not less than ten inches in depth and wood posts or columns not less than eight inches in any dimension; floors are of splined or tongued and grooved plank not less than three inches in thickness covered with one inch flooring laid crosswise or diagonal or of planks at least four inches thick set on edge close together with broken joints and spiked at intervals of not more than eighteen inches. (as amended by Local Law 50 of 1942.)

b. Shafts and required stairways shall be enclosed in materials or assemblies having a fire resistive rating of at least two hours.

c. Wherever structural steel is used, it shall be protected as prescribed for similar uses under section C26-240.0.

d. The construction of the floor immediately over the basement or cellar and all floor construction below it, including columns, shall be as prescribed in section C26-240.0.

e. Wooden structural members supported by masonry or reinforced concrete walls shall have at least eight inches of masonry between the end of the member and the outer face of the wall or, in the case of two wood structural members from opposite sides, at least eight inches of masonry between the ends of the beams.

f. Roofs shall be the same as floors, except that planks shall be at least two and one-half inches thick and beams supporting the roof shall be at least six inches in smallest dimension.

(3.2.7). § C26-245.0 Mixed construction. No building nor portion thereof shall be required to conform to the details of a type of construction higher than that type which meets the requirements of this title based upon occupancy, size and location even though portions of the construction materials or assemblies in the building conform to a higher type of construction.

ARTICLE 5
GENERAL BUILDING RESTRICTIONS

Sub-Article 1

Restrictions as to Location

(4.1.1). § C26-246.0 Fire limits established.--a. All of the city shall be inside the fire limits; except those portions of D, E, F and G area districts restricted to uses permitted in residence districts as fixed by the building zone resolution and amendments thereto prior to January first, nineteen hundred thirty eight, and such D, E, F and G area districts restricted to uses permitted in residence districts as may thereafter be established; and except those portions of the borough of the Bronx included within a line running one hundred feet south of Eastern boulevard from the junction of Eastern boulevard and the Bronx river easterly and northerly to one hundred feet north of Pelham Parkway, thence one hundred feet north of Pelham Parkway to one hundred feet east of Boston Post Road, thence one hundred feet west of Broadway from the Yonkers city line to the Harlem River, thence by the Harlem River, the Hudson River and the Yonkers city line to the point of beginning; and except the Borough of Richmond. (As amended by Local Law 47 of 1940 in effect May 14, 1940.)

b. Nothing herein contained shall place outside the limits any area which was within the fire limits on January first, nineteen hundred thirty-eight. (As amended by Local Law 47 of 1940 in effect May 14, 1940.)

(4.1.2). § C26-247.0 Construction within the fire limits. Within the fire limits it shall be unlawful to construct frame structures of wood or other combustible materials, except as otherwise specifically provided in this title.

(4.1.3). § C26-248.0 Frame construction outside of the fire limits. Outside of the fire limits the only frame structures of wood or other combustible materials which may be constructed after January first, nineteen hundred thirty-eight, shall be such as are otherwise specifically provided for in this title and the following:

1. (a). A structure to be occupied exclusively for residence purposes by not more than two families having--

(1). A maximum of eight livable rooms per family when such structure covers eighty percent or less of the area of the plot on which it is erected and is so located that the combined distances from side lot lines is at least six feet and the distance from a side lot line is at least two feet, except that where a building is contiguous to another distance from the opposite side lot line or less, the superintendent may permit a single family dwelling to be erected three feet or more from the lot line on one side and two feet or more on the other side if the latter side is not contiguous with the building on the adjoining lot.

(2). A maximum of ten livable rooms per family when such structure covers more than fifty percent and not more than sixty percent of the width of the plot on which it is erected and it is located at least twenty-five feet distant from the nearest lot line.

(3). A maximum of twelve livable rooms per family when such structure covers not more than fifty percent of the width of the plot on which it is erected and is located at least fifty feet from the nearest lot line.

(b). The exterior wall or walls of any frame structure distant less than three feet from a lot line shall be of masonry or veneered in accordance with the rules of the board, or of stud construction with the space between studs filled with four inches of masonry laid in cement mortar or with four inches of concrete covered on the exterior with metal lath and Portland cement plaster at least seven-eighths of an inch thick and on the interior with materials as approved for one side of one-hour fire-resistive construction. Cement plaster, where used on the exterior surface of a structure, shall be of a one to three mixture. If veneered with masonry, such exterior walls shall be protected with protective assemblies having a fire-resistive rating of three quarters of an hour, except that glazing of windows and doors may be one-quarter of an inch thick plate glass with no light exceeding three hundred sixty square inches in area. (As amended by Local Law 9 of 1951 in effect January 15, 1951.)

2. (a). Two frame structures such as are permitted in clause one of paragraph a of subdivision one of this section may be erected contiguously, but if so erected the exterior walls of the structure shall be separated from the lot line by a space of at least four feet on each side, and the party wall shall be an unpierced masonry wall, or an unpierced stud partition with studs at least four inches by two inches with beams staggered so as to provide at least four inches of approved masonry between beams for the full thickness of wall and with the space between studs filled with masonry laid in cement mortar or with concrete, and covered on both sides with incombustible materials as approved for one hour fire-resistive construction. (As amended by Local Law 9 of 1951 in effect January 15, 1951.)

§ C26-248.0 Frame construction outside the fire limits—2. b) Such party walls shall extend through the roof at least two feet, except that in roofs pitched at an angle of twenty degrees or more from the horizontal, such party walls may stop at the top of the roof boards provided no combustible material passes through the party wall and the junction of roof and wall is thoroughly fire-stopped. (As amended by Local Law 56 of 1963, effective October 30, 1963.)

3. One story stables or garages on the same plot with a one or two family residence structure, provided such stables or garages are six hundred square feet or less in area and fifteen feet or less in height, and their exterior walls are distant at least three feet from the lot lines if built of approved masonry or masonry veneered in accordance with rules of the board or spaces between studs are solidly filled with approved masonry materials.

4. In the borough of Richmond, a frame structure erected to be used for business purposes other than garages, motor vehicle repair shops or gasoline service stations, provided that such structure shall not exceed two stories in height or more than three thousand square feet in area, and provided further that such structure shall not cover more than eighty percent of the width of the plot on which it is erected and that it is located at least four feet from the lot line on either side.

5. A frame structure other than one of those previously described, if approved by the superintendent, provided that:

(a) Such structure shall not be used for commercial or industrial purposes;

(b) Such structure shall not be used as a place of assembly;

(c) Such structure be forty feet or less and three stories and basement or less in height and of not more than fifty-five hundred square feet in area, occupied by a club, association or other social or non-profit recreational-use structure, having no sleeping rooms, except those in the living quarters of the resident custodian and his immediate family and except sleeping rooms for not more than four employees, located below the third story;

(d) Every wall and other part of such structure be located thirty feet or more from the nearest boundary line of the plot on which it is erected and there be no other structure between such structure and the nearest boundary line unless such other structure is at least thirty feet distant from the subject structure.

(4.14). § C26-249.0 Separation of frame structures. Except as otherwise specifically provided in this article, frame structures of wood or other combustible materials shall have clearance of at least six feet from all other such frame structures upon the same plot.

§ C26-250.0 Enlargement of wood frame structures.--a. Any wood frame residence structure erected before January first, nineteen hundred thirty-eight may be altered or enlarged without changing the class of construction and in accordance with sections C26-248.0, C26-249.0, C26-255.0 and C26-256.0, if such structure is to be occupied after such alteration or enlargement, exclusively as a one or two-family residence and contains at most eight livable rooms per family. The requirements of this section shall apply to all buildings where central heating equipment or approved gas or electric space heaters are or are to be installed. The requirements of this section affecting the installation of a heating system shall not apply where all year occupancy has been established before April twenty-fourth, nineteen hundred fifty-nine, as evidenced by the owner's affidavit and by the existence of a masonry chimney, and where exterior walls are of dry wall construction, or plastered in good condition, or are properly fire-retarded prior to the installation of a heating system. (Subd. a. amended by Local Law 38 of 1960 in effect June 17, 1960.)

b. Other wood frame structures erected before January first, nineteen hundred thirty-eight, when located outside of the fire limits, may be enlarged provided that after enlargement they are within the limitation as to size and occupancy prescribed in sections C26-248.0 and C26-254.0.

c. Any wood frame structure erected before January first, nineteen hundred thirty-eight, may be enlarged provided the new extensions are all Class 1, 2 or 3 construction, and provided further that the structures after alteration are within the limits of height and area prescribed in section C26-254.0, for Class 1, 2 or 3 structures, respectively.

d. Nothing in this section shall be construed to permit the enlargement of any wood frame structure erected before January first, nineteen hundred thirty-eight, within the fire limits, occupied exclusively as a private dwelling, to exceed the limits authorized as follows:

1. For the purpose of erecting a flat roof thereon, any structure already exceeding twenty-five feet in height may be raised to a height of thirty-five feet or less.

2. A one-story and basement structure may be increased one additional story in height.

3. Any such structure may be extended either on the front or rear to a depth of fifteen feet or less and not more than the width of the structure and not more than two stories and basement in height.

4. If any such structure has an extension of less width than the main structure, the extension may be increased in width to the full width and height of the main structure.

5. Any such structure may have bay windows of wood placed on any story, except when such bay windows would increase the width of the structure to more than eighty-five percent of the width of the lot.

6. The size of such structure after alteration shall be within the limitation specified in sections C26-248.0 and C26-254.0.

(4.1.6) § C26-251.0 Repair of damaged structures.--a. Within the fire limits a frame structure of wood or other combustible materials erected before January first, nineteen hundred thirty-eight, which in the judgment of the superintendent is damaged from any cause to an amount more than one-half its value exclusive of foundations or is in need of structural repairs to an amount greater than one-half its value exclusive of foundations, shall be demolished.

b. All other structures which in the judgment of the superintendent have been damaged from any cause to an amount one-half of their value, or less, exclusive of foundations, may be restored to their previous condition; if damaged more than one-half of such value the structure shall be completely demolished or reconstructed in accordance with the requirements of this title.

c. If the owner of the structure damaged or in need of repairs is dissatisfied with the decision of the superintendent as to the amount of such damage or the need for repairs, the amount of such damage or repairs shall be determined by competent surveyors. One surveyor shall be appointed by the superintendent, one by the owner, and, in case these two disagree, one shall be selected by them jointly. Each surveyor appointed by either the superintendent or the owner shall be a licensed professional engineer or a licensed architect, and if a third is appointed, he shall be a licensed professional engineer, licensed architect, or a builder of at least ten years' experience. The owner of the property surveyed shall pay a fee of twenty-five dollars each for the services of the surveyor appointed by him and for the third surveyor, if any. The report of the survey shall be reduced to writing and when signed by any two of the surveyors, shall be conclusive. Any construction upon a structure, that is the subject of survey, shall be unlawful until after the decision of the surveyors has been rendered.

d. If the owner of the structure damaged or in need of repairs is dissatisfied and elects to proceed under the provisions of subdivision c of this section, he may do so only within ninety days of the date of notice of the superintendent's decision. (Subd. d. added by Local Law 80 of 1955 in effect June 30, 1955.)

(4.1.7). § C26-252.0 Moving of structures. It shall be unlawful to move a frame structure of wood or other combustible materials from outside the fire limits to any point within such limits to any point within such limits.

(4.1.8). § C26-253.0 Unlawful maintenance, occupation or use. It shall be unlawful to maintain, occupy or use any wood frame structure erected after January first, nineteen hundred thirty-eight, in violation of any provision of this title.

§ C26-253.1 Combining one-family dwellings. Where two separate, existing one-family dwellings of any class of construction are combined into one two-family dwelling, the street wall of the building shall include the entire width of at least one livable room of each dwelling unit. (As added by Local Law 127 if 1953 in effect June 30, 1953.)

Sub-Article 2

Restrictions as to Height and Area

(4.2.1). § C26-254.0 Height and area limits.--a. The maximum heights and areas of structures between exterior walls or between exterior walls and fire walls shall be within the limits fixed by the following table, according to the kind of occupancy to be provided for. Exterior wall thicknesses shall be included in calculating gross area. (Subd. a amended by Local Law 126 of 2953 in effect June 30, 1953.)

Use classification	Class 1 Fireproof		Class 2 Fire Protected			Class 3 Non-Fireproof			Class 4 Wood Frame		Class 5 Metal		Class 6 Heavy Timber		
	Height	Area in square feet	Height	Area in square feet	No. of street fronts	Height	Area in square feet	No. of street fronts	Height	Area in square feet	Height	Area in square feet	Height	Area in square feet	No. of street fronts
(1) Public buildings—churches (only).	Unlimited	Unlimited	40 ft and not more than 3 occupied stories	7,500 12,000 15,000	1 2 3	30 feet not more than 2 stories	5,000 6,000	1 2 or 3	1 story	600	1 story	2,500	40 feet not more than 2 stories	6,000 8,000	1 2 or 3
(2) Public buildings — other than churches, hospitals, asylums and places of incarceration and amusement.	Unlimited	Unlimited	40 feet and not more than 3 occupied stories	7,500 12,000 15,000	1 2 3	30 feet not more than 2 stories	5,000 6,000	1 2 or 3	1 story except as provided in Section C26-248.0 subdivision 5	600	1 story	2,500	35 feet not more than 2 stories	6,000 8,000	1 2 or 3
(3) Public buildings — other than (1) and (2). Hospitals, asylums and places of incarceration and amusement only.	Unlimited	Unlimited	40 feet and not more than 3 occupied stories	7,500 12,000 15,000	1 2 3	20 feet not more than 1 story	5,000	1, 2 or 3	1 story	600	1 story	600	20 feet not more than 1 story	6,000	1 2 or 3
(4) Commercial buildings — other than garages, motor vehicle repair shops and gasoline stations.	Unlimited	Unlimited	75 feet and not more than 6 stories 50 feet and not more than 4-story	7,500 12,000 15,000 10,000 14,500 17,500	1 2 3 1 2 3	50 feet not more than 4 story 30 feet not more than 2 story	7,500 12,000 15,000 10,000 14,500 17,500	1 2 3 1 2 3	2 stories only as provided in Section C26-248.0 subdivision 4	as provided in Section C26-248.0 subdivision 4	30 feet, 1 story	15,000	65 feet, 5 stories 40 feet, 3 stories	7,500 12,000 15,000 10,000 14,500 17,500	1 2 3 1 2 3
(5) Commercial buildings — garages, motor vehicle repair shops and gasoline selling stations.	Unlimited	Unlimited	2-story	7,500 12,000 15,000	1 2 3	1-story	7,500 12,000 15,000	1 2 3	1 story only as permitted in Section C26-248.0 subdivision 3	as permitted in Section C26-248.0 subdivision 3	20 feet, 1 story	5,000	1 story	10,000 15,000 18,000	1 2 3
(6) Residence buildings.	Unlimited	Unlimited	100 feet and not more than 9 stories	12,000 15,000 20,000	1 2 3	75 feet not more than 6 stories	3,000	1, 2 or 3	35 feet 2-story and attic without human occupancy, except that single family dwellings may be forty feet, three stories and except as otherwise provided in section C26-248.0	2,500	1 story	2,500	75 feet, 6 stories	3,000	1, 2 or 3

(Subd. a. as amended by Local Law 126 of 1953 in effect June 30, 1953.)

b. The limits of area for business and garage structures, except Class 5 metal structures, may be increased one hundred percent when approved sprinkler systems are installed.

c. Class 2, Class 3 and Class 6 business and garage structures of greater total area may be constructed provided they are divided by fire walls into areas within the tabular limits.

d. Public buildings of Class 3 construction, whose tabular height limitation is twenty feet, may be erected to a height of thirty-five feet if having only one occupied story.

e. Class 3 residence structures of greater area than three thousand square feet may be constructed provided they are divided into units of area of three thousand square feet or less, by walls or partitions having a fire resistive rating of at least three hours.

f. Class 5 business structures when used for manufacturing purposes or for the storage of materials of an inflammable or highly combustible nature shall be separated by at least fifteen feet from any lot line. In other cases the building shall be located at least four feet from the nearest lot line.

g. Coal pockets and grain elevators, within the fire limits, shall be Class 1 or Class 2 structures.

h. Class 6 structures exclusively for the storage or handling of building construction materials may, in the discretion of the superintendent, exceed forty feet, three stories in height.

i. For the application of tabular restrictions on Class 4 residence structures erected on ground whose elevation is three or more feet above the curb level, the height of a building shall be measured from the average level of such elevated ground minus three feet when such building is situated on a lot or plot not more than fifteen feet above the legal curb level, and has not less than ten feet on all sides or at least ten feet at front and at rear and to the limits of the lot or plot on the two sides.

j. Central power generating plants of entirely incombustible construction shall not be limited as to height and area. (Subd. j. added by Local Law 59 of 1960 in effect September 21, 1960.)

(4.2.2). § C26-255.0 Increase in height of existing structures.—a. It shall be unlawful to increase the height of any structure erected before January first, nineteen hundred thirty-eight, the height of which is equal to or less than the tabular height for like occupancy, so as to exceed the corresponding tabular height.

b. It shall be unlawful to increase the height of any structure erected before January first, nineteen hundred thirty-eight, the height of which exceeds the tabular height for like occupancy.

(4.2.3). § C26-256.0 Increase in area of existing structures.—a. It shall be unlawful to increase the area of a structure so as to exceed the corresponding tabular area, unless the enlarged structure is divided by fire walls into areas within the tabular limits.

b. It shall be unlawful to increase the area of any structure erected before January first, nineteen hundred thirty-eight, the area of which exceeds the tabular area for like occupancy, unless the existing and additional areas are separated by fire walls and the additional area is within the tabular limits or is subdivided by fire walls into areas within the tabular limits.

(4.2.4). § C26-257.0 Fire protection in structures other than those of Class 1 and Class 2 construction. Structures erected after January first, nineteen hundred thirty-eight, altered or converted to be used as garages, motor vehicle repair shops, or gasoline service stations, shall have the partitions, columns and girders unless of fireproof construction, and all wood floor and roof construction covered and protected on all sides with fire retarding materials or assemblies having a fire resistive rating of at least one hour and in such manner as may be prescribed by the rules of the board, except that when such buildings are one story or less in height, and are without basement or cellar, such protection shall be unnecessary for the roof construction.

§ C26-257.1 Open type parking garage structures.—a. Structures, which are used exclusively as garages for the commercial parking or storage of passenger motor vehicles having a capacity not exceeding nine persons per vehicle, except for the sale of gasoline and oil, as herein provided, on the street level and which when completed are without enclosure walls for fifty per cent or more of the area on at least two sides of the garage at each parking level, may be constructed according to the provisions of this section. Each of the two sides that are without enclosure walls for fifty per cent or more of the area, shall have a minimum length of fifty feet.

b. Open type parking structures in which the cars are parked mechanically by means of a parking machine in such manner that no person other than the operator of the parking machine, and the parking mechanism is permitted above the street level shall herein be referred to as mechanized parking garages.

c. No parking shall be permitted more than four feet below curb level in open type parking garages unless that portion of the building below grade meets the requirements for class 1 or class 2 construction.

d. Automobile repairs or sale of automobile accessories shall be unlawful in open type parking garages.

e. The enclosure and spandrel walls of such structures may be omitted, except on any side which faces and is located within fifteen feet of a lot line other than a street line or within fifteen feet of another building. Where enclosure or spandrel walls are required by the provisions of this section, they shall be of incombustible construction having a fire resistive rating of at least two hours and the structural supports of such walls exclusive of bracing, shall be constructed or enclosed in material having a fire resistive rating of at least two hours. Spandrel walls that are not required by the provisions of this section shall be constructed of incombustible materials. Enclosure walls that are not required by the provisions of this section shall comply with the requirements for enclosure walls according to the class of construction. Where enclosure and spandrel walls are omitted, no glass, tarpaulins or other enclosing material shall be permitted, except that adequate curbs and guard rails, acceptable to the superintendent, shall be provided at such openings in exterior walls.

f. Open type parking structures shall conform to the requirements for class 1, fireproof or class 2 fire protected structures, or class 3 non-fireproof structures, except as otherwise provided in this section.

g. Open type parking garage structures of class 3, non-fireproof construction, in addition to complying with the requirements for that class of structure, except as otherwise permitted in this section, shall also comply with the following requirements.

1. All construction, including structural members, partitions, stairs, floors and roof construction, including flooring, shall be of metal, concrete masonry, or a combination thereof, or other incombustible materials acceptable to the superintendent except that floors and roofs may be surfaced with materials meeting the requirements of section C26-605.0 to section C26-608.0, inclusive.

2. Open type parking garages of class 3, non-fireproof construction, meeting the requirements of this section may be erected to a height of not exceeding eight parking levels nor more than 60 feet and to an area not exceeding 30,000 square feet on each level. In no case shall the building extend more than two hundred feet in depth from the nearest lot line bordering on a street. (Paragraph 2 of Subd. g. amended by Local Law 2 of 1958 in effect March 20, 1958.)

3. Open type parking garages may be constructed to any area if divided by fire walls into areas not exceeding those specified herein and if conforming to the specified heights.

4. When the floor or roof deck is constructed of steel and is used for parking, the minimum thickness of steel shall be 3/16 inch, except that those portions of the floor or roof deck not subject to vehicular loads may have a minimum thickness of no. 12 Birmingham wire gage unless adequately reinforced to support the design loads. Gratings or opening in the floor or roof shall not be permitted except for stairs, piping, manlifts, or parking machines and in the ramp flooring.

h. Open type parking garages of class 1, fireproof construction, and class 2, fire protected construction, meeting the requirements of this section may be erected to a height not exceeding ten parking levels, nor more than 75 feet, and to an area not exceeding 30,000 square feet on each level.

i. All floor areas and all structural parts shall be designed for a minimum uniformly distributed live load of 75 pounds per square foot, except that the secondary members of those spaces where vehicular loads cannot be applied shall be capable of supporting a uniformly distributed lie load of not less than 50 pounds per square foot and such members shall be relieved from the requirements for concentrated loadings as provided in section C26-345.0. All other floor areas accessible to vehicular loading shall be designed for the concentrated loads, specified in section C26-345.0; except that in mechanized parking garages in which the car is not operated under its own power, that portion of the floor area which supports wheel loads may be designed for minimum concentrated loads of 1,500 pounds, provided the car is parked in such manner as to prevent impact and the size and arrangement of such floor area prohibits jacking of the car for removal of repair tires or any other operation that would cause an impact load or load concentration in excess of 1,500 pounds.

j. Open type parking garage structures of class 2, fire protected construction, may be erected to areas not exceeding twice those specified herein for class 3 structures of corresponding height.

k. Open type parking garages in which cars are parked under their own power by a person in the car, but no passengers other than the car operators are permitted above the street parking level shall be constructed with at least two stairways remote from each other and the distance from any point of a level to a stairway shall not exceed 150 feet. Where no persons other than garage personnel are permitted above the street level, no stair enclosures shall be required, except as provided herein for the roof level in buildings not exceeding ten parking levels or 75 feet in height. Where fire walls are provided to avoid exceeding the areas herein specified, at least one stairway shall be provided on each side of the fire wall or walls. All required stairs shall continue to the roof and where not otherwise required to be enclosed, shall be enclosed at the roof with a bulkhead constructed of metal, concrete or masonry or a combination thereof, or other incombustible materials acceptable to the superintendent, and the well openings shall be adequately protected by railings and toe boards or equivalent safeguards.

l. Mechanized parking garages as defined in this section, not exceeding ten parking levels or 75 feet in height, in which cars do not operate under their own power above the street parking level, shall be provided with fire access stairs so located that at least two stairs shall be accessible from any point in every parking area and every point of a parking area shall be within a distance of 150 feet from a stair. The fire access stairs shall be not less than 22 inches wide, constructed of incombustible materials, having an inclination of not more than 60 degrees to the horizontal. Such stairs shall extend from the street parking level to the roof with an unobstructed landing at each parking level and with a rise of not more than 15 feet between landings. The fire access stairs shall be protected throughout to a height of not less than three feet with a wire mesh screen of not less than no. 10 U.S. gage, having openings of not more than one and one-quarter inches in any dimension, or with other rigid, incombustible guards. Hand rails shall be provided on the stairs and floor openings in every tier and shall be protected with adequate railings and tow guards acceptable to the superintendent.

m. In the open type parking garages where no passengers other than car operators are permitted above the street level, if the building does not exceed ten parking levels or 75 feet in height and in other open type parking garages not exceeding two parking levels in height, shafts may be open and unenclosed, but a roof of incombustible material at least three feet above the adjoining roof level shall be placed over shafts, other than over fire access stairs and parking machine areaways in mechanized parking garages.

n. In all other garage structures, the number, location and enclosure of stairs, ramps and elevators shall be as required for buildings of that use, height and class of construction.

o. The sale of gasoline and oil shall be permitted only on the street floor of open type parking garages, provided that sales are made only for cars using

the parking facilities of the garage. The area for the sale of gasoline and oil shall be located at a car entrance or exit from the garage and shall be arranged and limited in size so as to serve only those cars using the parking facilities of the garage. The area for the sale of gasoline and oil shall be located at a car entrance or exit from the garage and shall be arranged and limited in size so as to serve only those cars using the parking facilities of the building. The area used for such purpose shall be completely separated from the garage area by a partition having a fire resistive rating of least one hour shall be constructed over such area. The openings between such area and the area used for garage shall be protected by automatic shutters or fireproof self-closing doors having a fire resistive rating of at least one hour, and the floor of such area shall be pitched to the sidewalk with a slope of not less than one-quarter inch per foot. The gasoline dispensing pumps shall be located at least nine feet from the street line and the use of portable pumps is prohibited.

p. In open type parking garages not exceeding ten parking levels or 75 feet in height and not more than 30,000 square feet in area no standpipe shall be required, but the following first aid fire extinguishing equipment shall be provided:

In other than mechanized parking garages, for each 2,500 square feet of parking level area, and in addition, in the area used for the sale of gasoline and oil:

One 2-1/2 gal. unit of fire protection for Class "A" fires, and

One 2-1/2 gal. unit or equivalent of fire protection for Class "B" fires.

Such first aid fire extinguishing equipment shall be located as required by the fire commissioner on each parking level. In mechanized parking garages, one 2-1/2 gal. unit of fire protection for Class "A" fires, and one 2-1/2 gal. or equivalent unit of fire protection for Class "B" fires shall be located on each parking level near the fire access stairs and on each parking machine. When necessary to prevent freezing, extinguishers shall be enclosed in approved heated cabinets constructed of steel or other incombustible materials acceptable to the superintendent and the location of the cabinet shall be indicated by a red electric light of not less than 50 watts.

q. The provisions of section C26-649.0 and C26-651.0 shall not apply to open type parking garages not exceeding ten parking levels or 75 feet in height.

r. Open type parking garages shall comply with all pertinent provisions of this code except as otherwise provided by this section. (As amended by Local Law 56 of 1957 in effect August 29, 1957.)

§ C26-257.2 Height of fences. In other than residence use districts as established by the zoning resolution, fences may be erected throughout the city to a maximum height of ten feet. In residence use districts, it shall be unlawful to erect any fences, whether of masonry, steel, wood or any other material, to a height of more than six feet above the ground except that fences used in conjunction with non-residence buildings and public playgrounds excluding buildings accessory to dwellings, may be erected to a height of fifteen feet. Higher fences may be approved by the superintendent where required for the enclosure of public playgrounds, school yards, parks and similar public facilities. As added by Local Law 4 of 1955 and amended by Local Law 56 of 1956 in effect October 19, 1956.)

ARTICLE 6

VENTILATION

(5.1.1). § C26-258.0 Ventilation required.—a. Structures or parts of structures, including those portions of multiple dwellings used for business purposes, constructed after January first, nineteen hundred thirty-eight, shall be provided with ventilation in rooms and spaces as prescribed in this article and in accordance with rules of the board.

b. In the application of these provisions, any room or space or portion of which more than fifty percent of its story height, between floor and ceiling, is below the level of the nearest point of the nearest curb, shall be considered as having insufficient ventilation for use as living quarters where any person or persons may sleep or be domiciled and such use shall be unlawful.

c. Systems of mechanical ventilation installed to comply with the provisions of this article shall be kept in continuous operation at all times during the normal occupancy of the structure.

d. In the application of this article, stationary windows and stationary sash shall be construed as wall area and shall be given no credit as means of ventilation.

§ C26-259.0 Design and installation of means of ventilation.—a. Design and installation. The design and installation of the means for ventilation or air conditioning shall be as required by this article and is prescribed in the rules of the department.

b. Fire protection. Where a mechanical ventilating system is installed to ventilate the business or public portions of a structure other than water closet compartments and the ventilating system is used to ventilate spaces on more than one floor by means of recirculation of air whether or not the system of ventilation is required by law, the fans of the system shall be arranged to shut down automatically by means of an approved thermostatic device or other adequate fire detecting devices approved by the board whenever the temperature of the air in the system exceeds 125 degrees Fahrenheit. For this purpose, an approved thermostatic device which cannot be set to operate at a temperature in excess of 125 degrees Fahrenheit, shall be located in the system at a suitable point in the return air duct, ahead of the fresh air intake. The thermostatic device shall be either of a type that is manually reset, or the control system shall be so arranged that some manual operation is required to restart the fan after the thermostat has operated. Where such ventilating systems are installed in buildings equipped with automatic sprinklers or manual or automatic fire alarm systems located on the same floor or floors as the ventilating system, provision shall be made to stop the fans automatically when the sprinkler or fire alarm system operate.

c. Where a mechanical ventilating or air conditioning system with recirculation of air from one space to another is used to ventilate a lobby or passageway from the stairs or elevators leading to a street or leading to the exterior of a building, an effective means of detecting and controlling the spread of smoke in the ventilating or air conditioning system shall be provided. Smoke detecting equipment shall not be required where a separate ventilating system is provided for the lobby, so constructed that no air is recirculated from the lobby to spaces outside of the lobby. Also, in any

public building or part of a public building as defined in section C26-235.0, except schools in which regular, supervised fire drills are held, where a ventilating system or air conditioning system with recirculation of air from one space to another is used to ventilate spaces on more than one story, means of detecting and controlling the spread of smoke shall be provided. The installation of the smoke detecting equipment shall be in accordance with the rules of the board, or in the absence of such rules, in accordance with the rules of the department.

Smoke detecting devices shall be located in the main supply duct on the downstream side of the filters, so located as to operate reliably in case of smoke in any part of the air stream. The sensitivity of the smoke detecting device shall be such that a reduction of less than four per cent in light beam, or a maximum of thirty-six per cent total light cut-off. Devices shall be of a type and be so installed as to minimize the possibility of operation due to accumulation of dust, deterioration of the equipment, fluctuation in electric current supply or to any other condition in system operation not associated with fire or smoke. Smoke detection equipment shall be arranged so that audible or visual signals will indicate any condition which would interfere with proper operation of the smoke detecting equipment. The owner shall have such equipment inspected at least semi-annually and maintained in proper operative condition. Smoke detector devices shall be approved by the board. Where the requirements of this section as to sensitivity are not applicable as a standard for a type of smoke detecting device, the board shall establish equipment may be used when approved by the board. The smoke detecting devices shall control the spread of smoke by stopping the ventilating fans. (As amended by Local Law 35 of 1957. Approved by the Mayor June 20, 1957, in effect sixty (60) days thereafter.)

(5.1.3) § C26-260.0 Where special ventilation is required.—Where excessive heat may be created to the detriment of the occupants, or where steam, gases, vapor, dust or other impurities in the air, which may be injurious to health, may be generated in the course of commercial or other activities, rooms shall be ventilated in such manner as to prevent harm to any person therein.

(5.1.4.1) § C26-261.0 Rooms in residence structures constructed after January first, nineteen hundred thirty-eight.—a. Windows required.—

1. Living rooms shall have one or more windows opening directly upon a street or other public space, or upon a court the same lot or plot as the structure and conforming to the requirements of section C26-269.0, provided that the width of such street or open space shall be at least the minimum required by section C26-269.0, except as otherwise specifically stated in this section.

2. Windows in each room shall have an area between stop beads of at least one-tenth the floor area of the room. At least fifty percent of the required window area shall be available as clear ventilating area.

Subdivision b of section C26-261.0 of the administrative code of the City of New York is hereby amended to read as follows:

§ C26-261.0 b. Minimum dimensions of rooms.—Living rooms shall have a minimum clear width of six feet in any part, a minimum clear floor area of sixty square feet, and a minimum clear ceiling height of eight feet for the minimum area; except that in any alteration to a building, which building was completed before January 1, 1948, the minimum clear ceiling height of seven feet for a minimum area shall be permitted provided however that the alteration shall have been completed prior to July 1, 1965. (As amended by Local Law 34 of 1965, effective February 23, 1965.)

(5.1.4.3). c. Alcove rooms.—Residence building occupied by two families or less, may have living rooms without windows as prescribed in subdivision a of this section, provided that every such room opens, without obstruction, directly into another room which has one or more windows opening directly to the outer air as prescribed in subdivision a of this section, of at least one-tenth of the combined area of the two rooms, and that the opening between such rooms is sixty square feet or more in area.

(5.1.5). § C26-262.0 Ventilation of toilets. Every bathroom, toilet room or other room containing one or more water-closets or urinals, placed in any structure after January first, nineteen hundred thirty-eight, shall be ventilated in at least one of the following ways:

(5.1.5.1). 1. Windows opening to outer air.—By one or more windows, opening to a street or to a yard or court of lawful dimensions on the same lot or plot. Such window or windows shall have a clear area between stop beads of at least ten percent of the floor area. At least fifty percent of the required area shall be clear ventilating area but every window shall be at least three square feet in area and at least one foot in width.

(5.1.5.2). 2. Windows opening on vent shafts or courts.—

(a). By a window of the size specified in paragraph one of this section opening on a vent shaft which extends to and through the roof, or into a court of lawful dimensions and which has a cross-sectional area of at least one-fifth of a square foot for every foot of height, but at least nine square feet and unless such shaft opens to the outer air at the top, there shall be a net area of fixed louvre openings in the skylight equal to the required shaft area.

(5.1.5.3) 3. Individual vent flues or ducts.

(a). By an individual vent flue or duct extending independently of any other flue or duct to and above the roof and having a cross-sectional area of at least one square foot or for one or two water-closets or urinal fixtures and one-third of a square foot additional for each additional water-closet or urinal fixture.

(b) Vent flues or ducts passing through two or more successive floors or through one or more floors and the roof shall run in a shaft or shafts constructed as prescribed in sections C26-638.0 through C26-647.0.

(c) Each flue or duct shall be equipped with an automatic closing fire damper where such flue or duct enters the shaft enclosure and, such flue or duct shall be equipped at its upper termination, with a wind-below ventilator cap. Such damper and cap shall be designed in accordance with the rules of the board.

(d) When two or more such flues or ducts are enclosed in a single shaft, each shall be covered with fire-retarding materials as prescribed by the rules of the board.

(5.1.5.4). 4. Skylights.—By a skylight in the ceiling, having a glazed surface of at least three square feet and arranged so as to provide fixed ventilating openings of at least one and one-half square feet to the outer air above the roof of the structure or into a court or yard of lawful dimensions, for one or two waterclosets or urinal fixtures and on square foot additional for each additional watercloset or urinal fixture.

(5.1.5.5). 5. Mechanical exhaust ventilation.

(a) By some approved system of mechanical exhaust ventilation of sufficient capacity to exhaust at least forty cubic feet of air per minute per watercloset and per urinal for public toilet rooms, and at least twenty-five cubic feet per minute per private interior bathroom.

(b) Separate exhaust flues shall be provided for every two hundred fifty feet of height of structures, and such flues shall be of approved construction.

(5.1.5.6) 6. Openings into interior bathrooms and water-closet compartments.—Interior bathrooms and water-closet compartments shall have fixed openings from adjacent rooms or corridors, or from other approved sources, ample to provide a sufficient inflow of air to make exhaust ventilation effective. (As amended by Local Law 50 of 1942 in effect October 29, 1942.)

(5.1.5.7). 7. Use of pipe shafts for ventilation.—It shall be unlawful to use pipe shafts as ventilating shafts.

(5.1.6). § C26-263.0 Ventilation of inside locker rooms. Inside locker rooms and other similar inside rooms shall be provided with exhaust ventilation giving at least two changes of air per hour.

(5.1.7). § C26-264.0 Ventilation of refrigerating plants. Refrigerating plants shall be ventilated in accordance with the provisions of title C of chapter nineteen of the code.

(5.1.8). § C26-265.0 Ventilation of inside cooking spaces.—a. Inside spaces where cooking of any kind is done shall have a mechanical exhaust ventilation of three cubic feet of air per minute for each square foot of floor area, but in any case at least one hundred fifty cubic feet of air per minute. Such exhaust shall be collected in a sheet metal flue connected to an independent common flue in a fireproof shaft. Such flues shall be of No. 16, U.S. gage sheet steel, or terra cotta, and shall be connected to a separate fan.

b. When two or more such flues are enclosed in a single shaft, each shall be covered with fire-retarding materials as prescribed by the rules of the board.

(5.1.9). § C26-266.0 Index for ventilation. Spaces above or below grade, with or without windows, designed for human occupancy only, except for special occupancy structures provided for in section C26-749.0, or as otherwise prescribed in sections C26-261.0 or C26-262.0 shall have ventilation either from windows or from mechanical means or from both, in accordance with the following index and requirements: (First paragraph as amended by Local Law 99 of 1953 in effect June 12, 1953.)

1. Cubic foot contents per person plus ten times floor area per person in square feet plus one hundred times the entire masonry window openings per person in square feet equals index.

(5.1.9.1) 2. Rooms with windows.—In rooms with windows:

(a). If the index is less than 300, there shall be supplied an amount of fresh air equal to two and one-half cubic feet per minute per square foot of floor area.

(b). If the index is between 300 and 520, there shall be supplied an amount of fresh air equal to two cubic feet per minute per square foot of floor area, and an air exhaust of one and one-half cubic feet per minute per square foot of floor area.

(c). If the index is between 520 and 850, there shall be supplied an amount of fresh air equal to one and one-half cubic feet per minute per square foot of floor area and an air exhaust of one and one-quarter cubic feet per minute per square foot of floor area.

(d). If the index is between 850 and 1,650, there shall be required an air exhaust of one cubic foot per minute per square foot of floor area.

(e). If the index is above 1,650, mechanical ventilation shall be unnecessary.

(f). In order to be credited as such under the provisions of this article, a window shall open directly upon a street or other open public space or upon a court, located on the same lot or plot, and conforming to the requirements of section C26-269.0 for courts.

(g). Show windows and other stationary windows shall be considered as wall area in calculating the index.

(5.1.9.2). 3. Rooms without windows.—In rooms without windows:

(a). If the index is below 850, the requirements shall be the same for rooms with windows.

(b). If the index is between 850 and 1,650 there shall be supplied an amount of fresh air equal to one cubic foot per minute per square foot of floor area, and an air exhaust of one cubic foot per minute per square foot of floor area.

(c). If the index is over 1,650, there shall be supplied an amount of fresh air equal to one-third cubic foot per minute per square foot of floor area, and an air exhaust of one-third cubic foot per minute per square foot of floor area.

(d). Interior partitions shall have transoms or equivalent openings, and when partitions occur thirty feet or more away from a window or similar opening the room so formed shall have ventilation based upon the index without windows.

4. Ventilation for school structures.—School structures shall be ventilated in accordance with the following requirements:

a. In classrooms and other rooms of instruction, and administrative rooms, where the index is above 1,650, no mechanical ventilation is required. Classrooms and other rooms of instruction amd administrative rooms, where the index is below 1,650, shall have a supply of outdoor air of fifteen cubic feet per minute per occupant and mechanical exhaust. Where windows are used at the source of supply air, mechanical exhaust shall be fifteen cubic feet per minute per occupant. When outdoor air is supplied by mechanical means, the exhaust shall be at least 80 per cent of the supply.

b. Lockers, wardrobes or wardrobe rooms shall be ventilated, as specified in section C26-263.0 of the administrative code and where these spaces are include in or are adjacent to a classroom, the exhaust air from the classroom under regulation jointly determined by the Board of Education and the Commissioner of Health may be used for such ventilation.

c. Auditoriums, assembly rooms, and other rooms where there are more than 75 occupants, shall have a supply of outdoor air of not less than fifteen cubic feet per minute per occupant, and mechanical exhaust. Where windows are used as the source of the supply air, mechanical exhaust shall be at least fifteen cubic feet per minute per occupant. When outdoor air is supplied by mechanical means, the exhaust shall be at least 80 per cent of the supply.

d. In rooms where there is danger of large concentrations of toxic substances, or where strong odors or overheating is likely to occur, special ventilating systems, with mechanical exhaust adequate to relieve these conditions, shall be provided. The exhaust from these rooms shall be independent of the exhaust systems serving other parts of the building. (Par. 4 added by Local Law 36 of 1946 in effect December 6, 1946.)

(5.1.10). § C26-267.0 Ventilation of garages.—a. Spaces below grade with or without windows, designed for live storage of five or more vehicles propelled by gasoline engines or other internal combustion engines and operated within the storage space under their own power, shall have provisions for at least four changes of air exhaust per hour by mechanical means, with provision for a corresponding air inflow from an uncontaminated source. Two changes of the four shall be taken from near the floor.

b. Spaces above grade with or without windows, designed for the same purpose, shall have provision for at least four changes of air per hour by mechanical means or, shall have adjustable openings near the floor on all outside and court walls. Adjustable opening shall measure at least six inches by four inches and be within six inches above the floor. Such opening shall be placed between wall columns, and shall be placed sixteen feet or less apart where columns do not occur. Such spaces shall also be subject to the requirements of section C26-260.0.

c. Elevator pits below floor levels shall have mechanical exhaust ventilation taken from near the bottom of the pits.

(5.1.11). § C26-268.0 Human occupancy. Plans for structures, designed for human occupancy, and filed with the department have designed thereon the number of persons which the rooms and various spaces are planned to accommodate and shall contain a simple description of the system of mechanical ventilation, if any, to be installed in the structure. One and two family dwellings are exempted from the requirements of this section.

(5.1.12). § C26-269.0 Courts. a. In structures erected after January first, nineteen hundred thirty-eight, a court required by subdivision a of section C26-261.0, shall have a width at every point of at least one inch for each foot that such point is distant from the lowest part of such court, and in no case shall such width be less than three feet, except that in structures of not more than 30 feet in width the minimum width of a court shall be not less than three feet and, except as otherwise specifically provided herein for one-family dwellings. Such a court shall be open and unobstructed to the sky for the required widths from its lowest point, except for ordinary projections such as window sills, belt courses and similar ornamental projections to a maximum extent of four inches. When a court is located on the side of a lot or plot, the lot line shall be deemed an enclosure of such court, but when a court opens on a street or open public space, such street or open public space may be considered as part of that court. (As amended by Local Law 35 of 1939 in effect May 2, 1939.)

b. In one-family structures, erected after January first, nineteen hundred thirty-eight to a height of not more than two stories and twenty-seven feet, the court required by subdivision a of section C26-261.0, may be less than four feet in width but shall in any case be two feet or more in width, provided there is a public space or street or a court of at least two feet in width on the opposite side and cross-ventilation from one side to the other is provided for by windows on both sides.

(5.1.13). § C26-270. Structures on the same lot or plot. If more than one structure is placed on any lot or plot after January first, nineteen hundred thirty-eight, or, if any structure is placed on the same lot or plot with a previously existing structure, the several structures, may, for the purposes of this article, be considered as a single structure.

(5.1.14). § C26-271.0 Effect of alterations upon structure ventilation. It shall be unlawful to alter any structure in a manner which would reduce the size of any room or the amount of window space below the requirements of section C26-261.0, or which would create any additional room unless such additional room is made to conform to the requirements of section C26-261.0, except that such rooms may be of the form to the requirements of section C26-261.0, except that such rooms may be of the same height as existing rooms in the same story. It shall be unlawful to enlarge any structure or to diminish the lot or plot on which such structure is located so as to reduce the dimensions of any court below the requirements of section C26-269.0.

ARTICLE 7

MEANS OF EGRESS

Sub-Article 1

General Egress Requirements

§ C26-272.0 Application of means of egress requirements. Unless otherwise specifically stated, the provisions of this article shall apply to all structures erected after January first, nineteen hundred thirty-eight; except factories coming under the provisions of the labor law, provided such factories comply with the requirements for exit lights and lighting of stairs and exit passages as specified in subdivision f of Section C26-279.0, residence structures three stories or less above any basement in height and occupied by two families or less, and structures included under section C26-715.0, except vertical extension to any structure erected before January first, nineteen hundred thirty-eight; provided: first, that such structure is capable of sustaining the live and dead loads of the additional stories; second, that such structure was approved as conforming to such laws governing exits as were in effect at the time such structure was erected; third, that such structure, after the addition of the vertical extension, will conform to such laws as were in effect at the time of the erection of such original structure; and fourth, that such auxiliary fire protection as the superintendent may deem necessary is provided. Also the provisions of this article shall not apply to the exits from those parts of class A multiple dwellings which are used or occupied, or which are arranged, intended or

designed to be occupied for residence purposes, when the exits from such parts come under the provisions of the multiple dwelling law; but where the exits serve parts of the building used for other than residence purposes, the provisions of the multiple dwelling law and of this article whichever are most restrictive shall apply. The exits from cellars of multiple dwellings shall comply with this article. Notwithstanding the foregoing provisions of this section, nothing herein contained shall impose any additional requirements on any occupancy or use in an existing class A multiple dwelling where such occupancy or use conforms with present law on October first, nineteen hundred fifty-six, unless such occupancy or use is changed or extended thereafter. (As amended by Local Law 54 of 2958, approved by the Mayor October 1, 1958, in effect June 1, 1959.)

(6.1.2.1). § C26-273.0 Required exits.--a. Kinds of required exits.

1. Every structure erected after January first, nineteen hundred thirty-eight, shall have such means of egress, consisting of interior stairways, fire towers, horizontal exits, ramps, escalators of party wall balconies, including the necessary hallways and doorways, as may be otherwise required.

2. Structures exceeding three stories above any basement in height, occupied as dwellings by one or two families, shall be provided with one stairway at least three feet in width. Such stairway shall be enclosed in fire-retarding partitions with a fire resistive rating of at least one hour, and all openings shall be protected by fireproof self-closing doors or stationary sash with a fire resistive rating of at least three-quarters of an hour. Such stairway shall lead directly to the street and to the roof. In lieu of an enclosed stairway as described herein, a regulation fire escape may be erected on the front or rear of the structure, provided such fire escape meets the requirements of this article for fire escapes.

3. Ramps may be used in place of stairways provided such ramps are constructed with level platforms or landings where a ramp changes direction, and also provided that such ramps conform to section C26-290.0 as to the width and to subdivision h of section C26-292.0 as to enclosure. When the entrance doors are electrically-operated or are provided with a wicket door, ramps in lieu of required stairways may also be used in two-story structures used exclusively for garage purposes provided that such ramps are separated by fireproof partitions from the floor space through which such ramps pass, and provided that such ramps are located in conformity with subdivision d of section C26-273.0.

4. All ramps shall have a maximum pitch of one foot in eight and shall be provided with non-slip surfaces.

5. A stairway escalator moving only in the direction of egress from the structure may be considered as a means of egress provided that the following requirements are met:

(a) Enclosed stairways or fire towers complying with the provisions of this article shall be so located that every point in any floor area above the grade or one story below the grade shall be within a distance of one hundred feet from such a stairway or fire tower;

(b) The width of the stairway escalator shall be at least forty-eight inches between balustrades and the moving tread shall be at least forty inches in width;

(c) The stairway escalator shall be enclosed in accordance with the provisions of this article applying to interior stairways or fire towers;

(d) The stairway escalator shall comply with the provisions of section C26-291.0;

(e) The materials entering into the construction of the stairway escalator shall be incombustible except;

(1). Wheels, which may be of slow burning material,

(2). The hand-rail, which may be of flexible material, including rubber,

(3). A veneer of one-tenth inch of wood when attached directly to and backed up by metal or other incombustible material;

(f). Any mechanical or electrical equipment required for the operation of the stairway escalator and located within its enclosure shall be arranged and protected to the satisfaction of the superintendent to prevent the escape of fire or smoke into the stairway enclosure;

(g). The capacity of a stairway escalator shall be computed in accordance with subdivision a of section C26-292.0;

(h). An electric switch, which will arrest the movement of the escalator, shall be provided at each such escalator.

(6.1.2.2.1). b. Number of exits required.—1. Required exits from rooms.—

(a). Every room having an occupancy of more than seventy-five persons shall have at least two doorways. Such doorways shall be remote from each other, and shall lead to an exit or exits. (Paragraph 1 of Subd. b. amended by Local Law 57 of 1958 in effect October 10, 1958.)

(6.1.2.2.2.). 2. Required exits from the ground floor.—Unless otherwise provided every ground floor area having direct exit by doorways to a street and having an aggregate area exceeding twenty-five hundred square feet or an occupancy of more than seventy-five persons shall have at least two means of egress. Every point in such area shall be within one hundred fifty feet of a means of egress. Every point in such area shall be within one hundred fifty feet of a means of egress, but one of such means of egress from stores may be by way of a basement passageway connecting with the main hallway of the structure. In structures used exclusively for school purposes and in which regular supervised fire drills are held, the maximum distance of any point in a ground floor area from a means of egress shall be one hundred eighty feet.

(6.1.2.2.3). 3. Required exits from floor areas.—

(a). Every floor area above or below the ground floor shall have at least two required means of egress available to all the occupants of such area, except as provided in paragraph four of subdivision b of this section, and except:

(1). That in structures over seventy-five feet high and with a floor area of twenty-five hundred square feet or less, at least one fire tower shall be provided;

(2). That in structures with a floor area of twenty-five hundred square feet or less and seventy-five feet or less in height, only one required stairway need be provided when the occupancy on any floor above grade is one person for each fifty square feet or more of floor area and the egress facilities conform to the provision of section C26-292.0.

(3). That in structures two stories in height with four thousand square feet or less of floor area in the second story, only one exit shall be required, when the maximum distance of travel to such exit is one hundred feet and the second floor level is seventeen feet or less above the sidewalk level and the egress facilities conform to the provisions of section C26-292.0, and the occupancy of the second floor does not exceed fifty persons. (Paragraph (3) amended by Local Law 79 of 1956 in effect December 14, 1956.)

(b). One of the required stairways shall be an interior stairway. A fire tower may be substituted for one of the required stairways, where more than one such stairway is required.

(c). When a floor area receives the discharge from an intermediate or mezzanine floor, such floor area shall have sufficient means of egress to provide for the total occupancy of such floor area and the mezzanine area.

(d). Where floor levels are occupied by more than one tenant, each tenant shall have direct access to at least two means of egress properly located and adequate for the occupancy served. (As amended by Local Law 155 of 1939 in effect August 22, 1939.)

(6.1.2.2.4). 4. Required exits from intermediate or mezzanine floors.—

(a). When the area of an intermediate or mezzanine floor exceeds twenty-five hundred square feet or fifty percent of the area of the floor immediately below, and such floor below is utilized in conjunction with and connects with such intermediate or mezzanine floor, such intermediate or mezzanine floor shall be treated as a separate floor area.

(b). When the area of an intermediate or mezzanine floor is less than twenty-five hundred square feet or less than fifty percent of the area of the floor immediately below, and such floor below is utilized in conjunction with and connects with such intermediate or mezzanine floor, the means of egress shall either comply with subdivision d of section C26-273.0, or be such that any point on such floor shall be within fifty feet of a stairway.

(6.1.2.2.5). 5. Required exits from mixed occupancy structures.—

(a). In structures two or three stories in height, occupied on the first floor for commercial purposes and by one or two families above the first floor, which structures do not require a combustible occupancy permit from the fire department, the required means of egress may be a single stairway enclosed in the first story in partitions having a fire resistive rating of at least one hour and without any opening to the commercial occupancy on the first floor. Where a combustible occupancy permit is required, a single stairway, similarly enclosed, shall be permitted, provided that the commercial occupancy is also separated from the residence occupancy by ceilings having a fire resistive rating of at least one hour.

(b). In case of failure to meet such conditions, a second means of egress shall be required. Such means may be a fire escape, and in the discretion of the superintendent such a fire escape may be located on the rear of the structure.

(c). When any part of a building occupied as a dwelling is used for garage purposes, the means of egress shall comply with the foregoing requirements and the building shall conform in all respects with the provisions of section C19-67.0 of the code.

(6.1.2.3). c. Number of occupants.—

1. The minimum number of persons to be provided for in any floor area shall be the number which can be accommodated within the net floor area at the rate of one person:

(a). For every ten square feet in dance halls, restaurants, lodge rooms and places of assembly, and floor area used for restaurant purposes in a club provided forty per cent or less of the net floor area of such club is used for such purposes;

(b). For every ten square feet in rooms used for dining purposes, three hundred square feet in area or less, comprising twenty-five per cent or less of the net area of any floor in hotels or clubs;

(c). For every fifteen square feet in court rooms, classrooms and lecture rooms in schools and colleges;

(d). For every twenty-five square feet in reading rooms, markets, first floor and basement sales areas in stores and laboratories and studios, in schools and colleges;

(e). For every fifty square feet in billiard rooms, bowling alleys, golf schools, archery ranges and rooms put to similar uses;

(f). For every sixty square feet in work rooms, and in store sales area above the first story.

(g). For every one hundred square feet in show rooms, office buildings, hospitals and preparation rooms of laboratories in schools and colleges;

(h). For uses specifically provided for and also for uses other than those specifically provided for in this section, the number of occupants on any floor shall be within the capacity of the minimum requirements for the means of egress. The exits from each floor shall be adequate in all cases for the maximum number of persons occupying a floor. (As amended by Local Law 152 of 1951 in effect November 7, 1951.)

2. The net floor area for the purposes of this article shall be determined in accordance with section C26-73.0.

3. The requirements for means of egress from any floor area more than one story below the grade level, except areas used exclusively for mechanical equipment, shall be double the requirements based on the above occupancy factors for areas above grade.

4. Prior to the occupation of any structure erected or altered after January first, nineteen hundred thirty-eight, the unauthorized occupancy for each floor of such structure, as stated in the certificate of occupancy, shall be permanently posted under glass and maintained in the main entrance hall of such structure.

(6.1.2.4). d. Location of required means of egress.—1. The required means of egress shall be so located that every point in any floor area above the grade shall be within a distance of one hundred twenty-five feet of an exit door opening on an enclosed stairway or fire tower, except as otherwise provided for in this subdivision. When approved by the superintendent, floors in which at least ninety-five percent of the floor area lies within the areas described by radii of one hundred twenty-five feet from the stair of fire tower doors serving such floors, shall be exempted from this limitation, except that the travel distance and radii of one hundred twenty-five feet noted in this subdivision may be increased to one hundred fifty feet in buildings fully equipped with an approved automatic sprinkler system.

2. The required means of egress shall be so located that every point on any floor which is one or more stories below grade shall be within a distance of one hundred feet of an enclosed stairway.

3. In any floor area, whether subdivided or not, the maximum distance fron any point along the natural and unobstructed line of travel to an enclosed stairway or fire tower shall be one hundred fifty feet. When approved by the superintendent, gymnasium, locker rooms, cafeterias, swimming pools, and libraries, in structures used exclusively for school purposes in which regular supervised fire drills are held, shall be exempted from this limitation. Corridors, hallways or aisles shall be provided to give reasonably direct and unobstructed travel to the exit doorways opening on the enclosed stairway and fire tower.

It shall be unlawful to pass through more than one adjoining room to reach such a corridor, passageway, or aisle. (Paras. 1, 2 and 3 of subd d. amended by Local Law 57 of 1958 in effect October 10, 1958.)

4. Exits shall be remote from one another.

5. The means of egress serving any floor shall be located in such a manner as to further the rapid exit of the occupants.

6. Places of public assembly and dance halls, located in structures coming under the classification of section C26-237.0 shall have means of egress separate from any other parts of such structures.

7. It shall be unlawful to erect a fire escape on the rear of any structure as a required means of egress, unless there shall be access from the lower termination of such fire escape to the street through a fire-proof passage or to the yard or court of an adjoining building from whence there is egress through such building to the street. Access to such yard or court of such adjoining building may be by a gate or door through an intervening fence, or if this is impracticable the superintendent may accept access by a ladder to the top of such fence or by such other means as he may deem adequate. Egress to an adjoining property by means of a gate or door through a fence shall be unacceptable unless the written consent of the owner of such property is obtained and filed with the superintendent. Where any fire escape is over the roof of a structure or any portion of a structure, or where such roof is used as a means of egress from a fire escape, such roof shall be of fireproof construction except that in the case of a roof constructed before January first, nineteen hundred thirty eight, the underside of such roof need only be fire retarded with metal lath and three-quarter inch cement plaster.

SECTION C26-273.0 Subd. 5, d**(Added).

8. Storage garages and other spaces having a gasoline pump, shall have a minimum of two exits remote from each other. These exits shall be so arranged that one exit is located at the street wall and the second exit is located not less than two-thirds the depth of such storage garage or space away from the street wall. The second exit shall lead directly to the street, or to the street by either a fire passage having a four hour fire rating with one and one-half hour fireproof self-closing doors at all interior openings, or open yard or court not less than ten feet wide with all openings at passage level protected by a fireproof, self-closing assembly.
(Paragraph 8 added by Local Law 12 of 1961, approved by Mayor February 24, 1961, in effect July 1, 1961.)

**So written in original. Evidently intended to be Section C27-273.0, "Subd. d."

(6.1.2.5). e. Boiler room ladders required.—

1. Every structure, except private residences, in which steam boilers or apparatus using or producing steam, gas or vapor are placed below the curb level, in addition to the primary interior stairway readily available from the areas containing such equipment, shall have stationary iron ladders or stairs from such areas leading directly to a manhole through the sidewalk or other outside exit, unless a second separate and available exit is provided by an enclosed stair or horizontal exit. Such manhole shall be arranged in such manner as to be readily opened from the inside. (As amended by Local Law 69 of 1940 in effect May 31, 1940.).

2. A primary stairway shall be unnecessary when the room containing such boiler and mechanical equipment is less than three hundred square feet in area

and such room is completely separated from the structure by unpierced fire walls, fire partitions or fireproof partitions, provided that such boiler is a low pressure boiler.

3. Required exit doors from high pressure boiler rooms shall open outwardly.

(6.1.3). § C26-274.0 Width and arrangement of aisles.—a. Where more than three hundred chairs are temporarily employed in a place of assembly, such chairs shall be secured together as units of at least five chairs so as to maintain at all times minimum aisle widths of three feet where the aisle begins and increasing in width toward the exits in a ratio of one and one-half inches to five running feet. There shall be fourteen or less seats in any row between aisles, and seven or less seats in any row between an aisle and the wall, partition or railing. Where exits, corridors, passages and cross-over aisles are provided at both ends of any aisle, such aisle shall be uniform in width; such uniform width shall be at least three feet plus three quarters of an inch for each five running feet in such aisle.

b. Where an exit opens directly from a floor area without an intervening enclosed hallway, there shall be provided an aisle, adjacent to such exit, at least twice the required width of the exit doorway and extending to the nearest cross-aisles with a minimum length of ten feet from such doorway in each direction.

(6.1.4). § C26-275.0 Minimum head room in required stairways and cross-over passages. The minimum head room in stairways and crossover passages shall be eighty-three inches in the clear between the floor, landing or tread, and any projection below the general ceiling level.

§ C26-276.0 Inadequate exits for existing structures. Except as provided in article nineteen of this title, every structure elected before January first, nineteen hundred thirty-eight, which is unprovided with exit facilities as prescribed in section C26-273.0, and in which the exit facilities are in the opinion of the superintendent, inadequate for the safety of the occupants, shall be provided with such means of egress, consisting of fire-escapes or such other means of egress or fire protection, as such superintendent shall direct. If the owner or agent of any structure affected by an order issued under this section shall, after service has been made upon him, and within seven days, Sundays and holidays excluded, file a written appeal with such superintendent, such superintendent shall appoint a board of survey as provided for in section C26-196.0, upon whose findings a new order shall be based and issued. (As amended by Local Law 60 of 1947 in effect August 1, 1947.)

(6.1.6). § C26-277.0 Reduction of required means of egress by alterations forbidden. It shall be unlawful to alter any structure, whenever erected, in such a manner as to reduce the means of egress to less than is required under the provisions of section C26-273.0. Additional means of egress installed in any structure erected before January first, nineteen hundred thirty-eight, shall conform to the requirements of section C26-273.0, unless such means of egress are installed in conformity with the requirements of section C26-276.0 or sections C26-302.0 through C26-304.0.

(6.1.7). § C26-278.0 Effect of change in occupancy or use upon means of egress. Structures changed from one class of use or occupancy to another shall

comply with the requirements for means of egress, which apply to the new use or occupancy. When strict compliance with the provisions of this article is impractical the superintendent may, in his discretion, approve such means of egress as in his judgment will accomplish the same purpose.

§ C26-279.0 Designation of required means of egress.—a. The location of each required means of egress on every floor of every structure shall be clearly indicated by exit signs. Such signs shall be placed at an angle with the exit doorway if such placement shall be required for such signs to serve their purpose adequately. These signs shall be of a phosphorescent material, approved by the Board of Standards and Appeals, which after exposure to normal lighting conditions shall be capable of remaining visible in total darkness for a period of at least eight hours. They shall also be washable, non-toxic, non-radioactive, and if subjected to fire must be self-extinguishing when the flame is removed. Except for illuminated signs, these signs shall have a phosphorescent background and opaque text.

Where means of egress are required to be indicated by an illuminated sign, there shall be either (1) an illuminated exit sign with the lettering thereon made of the aforesaid phosphorescent material, or (2) a supplemental exit sign made of the aforesaid phosphorescent material with an opaque text, and placed adjacent to or as close as possible to such illuminated sign.

b. In long corridors, in open floor areas and in all other situations where the location of the means of egress may not be readily discernible or understood by the occupants, directional signs shall be provided and maintained to serve as guides from all portions of the floor or corridor. These signs shall be of a phosphorescent material, approved by the Board of Standards and Appeals, which after exposure to normal lighting conditions shall be capable of remaining visible in total darkness for a period of at least eight hours. They shall also be washable, non-toxic, non-radioactive, and if subjected to fire must be self-extinguishing when the flame is removed. Except for illuminated signs these signs shall have a phosphorescent background and opaque text.

Where a directional sign is required to be illuminated there shall be either (1) an illuminated directional sign with the lettering, indicator, symbol or other device thereon made of the aforesaid phosphorescent material, or (2) a supplemental directional sign with the same lettering, indicator, symbol or device as appears on the illuminated sign, but opaque, on a background made of the aforesaid phosphorescent material and placed adjacent to or as close as possible to such illuminated sign.

(As amended by Local Law 6 of 1967 in effect January 1, 1968).

c. When more than four lights are required, exit and directional signs shall be illuminated through circuits separated from the general lighting and power service and such circuits shall be taken off ahead of the main switchboard.

d. The location, type, size and general character of such exit and directional signs shall be uniform and as approved by the superintendent.

e. Nothing herein contained shall be construed as requiring exit signs or lights over doorways of the main entrance or entrances to structures or parts of structures used exclusively for religious services. (Subd. e added by Local Law 45 of 1954 in effect July 13, 1954.)

Section 1. Subdivision f of section C26-279.0 of the administrative code of the City of New York, as amended by local law thirty-eight of nineteen hundred fifty-nine, is hereby amended to read as follows:

f. The red exit lights required by the provisions of section 272 of the labor law, and lights for stairways and exit passages shall be kept lighted at all times when the building is occupied. Exit lights shall be not less than 75 watt bulbs, if incandescent or made up of two bulbs each of 40 watts incandescent, or 20 watts in fluorescent lighting, or the equivalent in electro-luminescent panel lighting. Such lights shall be powered from an electric circuit separated from all other circuits and shall be taken off on the power supply side of the main switchboard ahead of all other circuits. The provisions of this subdivision f shall apply to all existing buildings or parts of buildings which are required to conform to the exit requirements of the labor law. (Subd. f amended by Local Law 85 of 1961 in effect December 29, 1961.)

(6.19). § C26-280.0 Lighting of required means of egress. All stairways, fire towers, hallways, passageways and other required means of egress, together with all areas to which the public has access, shall be equipped with adequate artificial lighting facilities. Such lighting facilities shall be used when adequate natural light is unavailable. Emergency lighting facilities shall be provided subject to the approval of the superintendent. When more than four lights are required, the emergency lighting shall be provided through circuits separated from the general lighting and power service and such circuits shall be taken off ahead of the main switchboard.

(6.1.11). § C26-282.0 Exits to be kept clear. It shall be unlawful to obstruct or to reduce the clear width in any manner of any doorway, hallway, passageway, stairway or other means of egress required by this article except as may be otherwise specifically herein provided for.

Sub-Article 2

Exit Doors

(6.2.1). § C26-283.0 Width of doorways of required means of egress.--a. The minimum aggregate width of exit doorways from any room or floor area to a hallway, stair, or other required means of egress and the minimum width of an exit doorway, leading from a floor to a stair shall be six inches for each twenty-five persons or fraction thereof accommodated thereby, except that where only one exit is provided the minimum width of the exit doorway shall be thirty-six inches for fifty persons or less and forty-five persons, and except that in structures used exclusively for school purposes in which regular supervised fire drills are held, one doorway thirty-nine inches in width shall be permitted for each forty-four inches of required width of stairway, hallway or passageway on which such door opens.

b. The maximum clear width of a single exit doorway shall be forty-four inches, and the minimum thirty-six inches, except that exit doorways in structures used exclusively for school purposes in which regular supervised fire drills are held and from rooms or spaces occupied by not more than twenty persons shall be not less than twenty-eight inches in width. Also doors on the

street floor, serving as exits from a stairway, hallway or passageway may be not less than twenty-eight inches in width. The minimum width of an exit doorway leading from a floor to a required stair shall be not less than the width determined by the stair capacity. The required width of doorways shall be divided into substantially equal units.

c. The minimum aggregate width of exit doorways from any stairway, hallway or passageway shall be the required width for such stairway, hallway or passageway, except as otherwise specifically stated in this section.

d. The width of the doorway shall be the clear width between stops. (As amended by Local Law 126 of 1952 in effect October 20, 1952.)

(6.2.2). § C26-284.0 Hanging of doors from required means of egress.—a. Doors to stairs and fire tower enclosures, and doors from rooms and areas occupied by more than fifty persons, shall open in the direction of egress for the full width of such door.

b. Doors serving as required means of egress, except as may otherwise be provided for in this title, shall open outwardly and shall be so hung and arranged that when opening or opened such doors shall not reduce the widths of the hallways or passageways or the required widths of stairs or stair landings or other means of egress. In structures used exclusively for school purposes, doors of rooms for instruction may swing in either direction. The maximum projection beyond the building line for doors opening directly on the street shall be eighteen inches.

c. It shall be unlawful to allow the swing of a door opening on a stairway to overlap the top step.

§ C26-285.0 Door fastenings on required means of egress. The fastenings on doors serving as required means of egress shall be such that the doors may be readily opened from the inside without the use of keys, except that it shall be unlawful to use draw bolts in places of assembly. Where draw bolts are used on required exit doors, the bolts shall be kept opened at all times when the building is occupied. The doors of rooms where persons are under legal restrain and the doors of rooms or floor areas unoccupied by human beings shall be exempted from the requirements of this provision. (As amended by Local Law 43 of 1957 in effect July 9, 1957.)

(6.2.4). § C26-286.0 Operating devices of doors and windows in required means of egress.—a. Self-closing and automatic doors and windows on required means of egress shall be equipped with such devices as may be required under the conditions of operating to close, and maintain in a closed condition, the doors and windows to which such devices are attached, except that easily released door holders may be used elsewhere than in basement passageways located in structures used exclusively for school purposes, provided that regular supervised fire drills are held.

b. Self-closing and automatic doors and windows and their operating devices shall at all times be maintained in working order. It shall be unlawful to so obstruct, hold, or block open any such door or window as to interfere with or prevent its operating as a self-closing or automatic fire or smoke cut-off.

(6.2.5.1). § C26-287.0 Revolving doors.—a. Classification of revolving doors. Revolving doors shall be classified as follows:

1. Type A revolving doors are those in which the individual wings are maintained in the normal revolving position, and which are so designed and constructed that each wing is independently supported

and such wing is provided with a safety release incorporated in such support, which safety release is so designed that simultaneous outward forces exerted by persons of ordinary strength on both sides of the door pivot will cause such wings instantly to fold back on themselves, like the leaves of a book, in the direction of egress and will provide two outside passageways, thereby permitting easy egress through the vestibule.

2. Type B revolving doors are those in which individual wings are maintained in the normal revolving position by races, or similar devices, and which doors are so designed and constructed that the braces which hold the wings in their normal position support two or more interconnected wings and may be released by simple mechanical means, thereby permitting the individual wings to be collapsed so as to permit free egress through the vestibule.

b. General requirements for revolving doors.

(6.2.5.2.1).—1. Construction of revolving doors. The requirements for the construction of revolving doors and their enclosures shall be at least equal in fire resisting qualities to the requirements applying to all other doors and frames similarly located. At least one push bar shall be provided on each wing of a revolving door.

(6.2.5.2.2).—2. Glazing of revolving doors. Any glass installed in the wings or the enclosures of revolving doors shall be at least one-quarter inch thick plate glass.

(6.2.5.2.3).—3. Speed regulation of revolving doors. Every revolving door on a required means of egress shall be so constructed and maintained that the rate of its revolving speed during actual use shall be fifteen revolutions or less per minute. Any means for so regulating such speed shall not interfere with the normal operation and use of such doors, and the failure of such regulatory means shall not interfere with the normal operation and use of such doors.

(6.2.5.2.4).—4. Floor covering within enclosures of revolving doors. It shall be unlawful to place mats or other floor covering within the enclosure of revolving doors, unless such mat or other floor covering is permanently secured to the flooring and unless such mat or other floor covering is at least one-half inch thick and is placed in the sinkage.

(6.2.5.3). c. Use of revolving doors permitted. Type A revolving doors may be used, except as provided in subdivision d of this section, as a required means of egress, in accordance with the following provisions:

1. Doors with a diameter of five feet six inches may be used to the total required width of exits serving a ground floor area only, when such area is twenty-five hundred square feet or less and when the occupancy is one hundred persons or less.

2. Doors with a diameter of six feet may be used to the total required width of exits when such doors serve a ground floor area only, and when the occupancy is two hundred persons or less.

3. Except as otherwise provided in paragraphs one and two of this section, doors with a diameter of six feet six inches or more shall be used.

4. Seventy-five per cent or less of the total required width of street exit doors may consist of revolving doors, except as otherwise provided in paragraphs one and two of this section; and except that where there are practical difficulties, the superintendent may approve in office building occupancy structures of Class 1, fireproof structures, or Class 2, fire-protected structures, such greater percentage of revolving door exits to total required exits as in his opinion will result in a safe condition without increasing interference with free egress from the structure.

5. Fifty percent or less of the total required width of street exit doors may consist of revolving doors where any one or more of such doors is not in accordance with the description of Type A revolving doors under subdivision a of this section, and is not in accordance with the provisions of subdivision b of this section.

6. Revolving doors shall be credited as a required means of egress only to an extent equal to the minimum clear unobstructed width of the passageway through the vestibule when the leaves are in a collapsed position.

(6.2.5.4). d. Use of revolving doors forbidden. It shall be unlawful to use revolving doors as required means of egress from assembly halls, asylums, auditoriums, churches, dance halls, motion picture theatres, schools, theatres, hospitals, or from any room or space within a building where more than three hundred persons congregate for purposes of amusement or worship.

(6.2.5.5). e. Existing revolving doors.

1. Type A revolving doors, installed before January first, nineteen hundred thirty-eight, in accordance with the requirements of the then existing laws, may be retained as required means of egress, except where otherwise prohibited.

2. Type B revolving doors installed before January first, nineteen hundred thirty-eight, may be retained as required means of egress, except where otherwise prohibited, when, in the opinion of the superintendent, no dangerous exit condition exists. If such a dangerous exit condition is deemed by the superintendent to exist, Type B doors shall either be replaced by Type A revolving doors, or be supplemented by one or more swinging doors at least two feet four inches wide located adjacent to the Type B revolving door, as such superintendent may direct.

(6.2.6). § C26-288.0 Special locking of exit doors. Nothing in this title shall prevent the superintendent, where conditions in his judgment warrant, from approving the installation on exit doors, from a bank, trust company, jewelry store, or any other store devoted to a single similar use where articles of unusual value or monies in large quantities are kept, of a locking device which may be operated electrically from the interior of the building and which shall be used only in an emergency.

Sub-Article 3

Passageways and Hallways

(6.3.1). § C26-289.0 Passageways in required means of egress.—a. The minimum width of a passageway serving a single required stairway shall be equal to the minimum width of the stairway emptying into such passageway.

b. The minimum width of a passageway serving two or more required stairways, except as provided in subdivision b of section C26-292.0 shall be sixty-nine percent of the aggregate width of the stairways emptying into such passageway.

c. A maximum of five elevators may discharge into a passageway five feet one inch or more wide, but when the number of elevators exceeds five, the width of the passageway shall be increased in accordance with the following table:

Number of elevators	Width of passageway in feet
6 to 10 inclusive	7-1/2
11 to 15 inclusive	9-1/2
16 to 20 inclusive	10-3/4
21 to 25 inclusive	12
26 to 30 inclusive	13

Where the number of elevators exceeds thirty, the width of the passageway shall be increased one foot for each additional five elevators or fraction thereof.

d. Passageways shall be maintained the full width throughout without projections or obstructions of any kind.

e. It shall be unlawful to place show windows or openings to any store, office, subway or similar space, except show windows or doors entirely beyond any passageway doorway and extending at most eight feet in from the building line, in the enclosure walls surrounding corridors and passageways leading from any required stairs, fire tower or elevators to the street. Provided, however, except for passageways from fire towers, that stores, showrooms, or storage spaces, adjoining such corridors or passageways when protected by an automatic wet sprinkler system and where the use of such spaces does not require a fire department combustible permit, and provided further, that offices, banks, spaces not used for storage and such other space incidental to the main use of the building, including toilet rooms, whether or not protected by sprinklers, may open on such corridors or passageways with such openings as follows:

(1) Door openings three feet eight inches or less in width, when protected by fireproof self-closing doors having a fire resistive rating of at least one hour with glazing permitted as specified for doors in stair enclosures, except that door openings five feet six inches or less in width may be provided with self-closing doors of structural glass or other incombustible material when protected by automatic or self-closing fire door assemblies having a fire resistive rating of at least one and one-half hours and approved automatic sprinkler protection on the room side of such door openings, in front of and adjacent to the automatic door.

(2) Show windows three feet or less in depth when protected by automatic sprinklers, glazed with polished plate or wired glass one-quarter of an inch thick, and backed with fire partitions in which all door openings are three feet eight inches or less in width and are provided with and protected by fireproof self-closing doors having a fire resistive rating of at least one and one-half hours with glazing of such doors permitted as specified for doors in stair enclosures, except that openings eight feet or less in width and height may be provided in such partitions when protected by automatic fire protective assemblies having a fire resistive rating of three hours and approved automatic sprinkler protection in front thereof and adjacent thereto on the room side of such openings.

Any one length of show window shall not exceed eight feet and shall be separated from adjoining show windows or door openings by fire partitions. The minimum distance between any openings, except stairhall and elevator door openings, shall be three feet. Show windows and door openings, except stairhall and elevator door openings, in any one section of wall shall not exceed in total width fifty per cent of the length of such wall except where such length of wall does not exceed eight feet. (Subd. e amended by Local Law 63 of 1954 in effect October 8, 1954.)

f. It shall be unlawful to use ground floor lobbies, corridors and passageways serving as required means of egress for the storage, display or sale of combustible merchandise, except that an area twenty-five square feet or less may be used for the sale of newspapers and magazines, and an area of fifty square feet or less may be used for the sale of tobacco and candy, provided that the required clear width of such lobby, corridor or passageway is not in any way reduced.

g. A permanent information booth or desk constructed of incombustible material, and which is incidental to the main use of a building may be provided in the lobby, corridor or passageway leading from any required stairs or elevators to the street but shall in no way obstruct or interfere with the required clear width of such lobby, corridor or passageway and shall not exceed thirty-six feet in area. (Subd. g. added by Local Law 63 of 1954 in effect October 8, 1954.)

(6.3.2). § C26-290.0 Hallways in required means of egress.—a. The minimum clear width of a hallway leading to an exit shall be forty-four inches for the first fifty persons to be accommodated, except as otherwise provided in this section, and such width shall be increased six inches for each additional fifty persons or fraction thereof to be accommodated.

b. Where the occupancy is less than fifty persons, the required minimum clear width may be reduced two inches for each ten persons less than fifty.

c. Public hallways shall be enclosed with fireproof partitions unless otherwise specifically provided in this chapter. (Paragraph c as added by Local Law 151 of 1951 in effect November 7, 1951.)

(6.3.3). § C26-291.0 Outlets from passageways and exits on required means of egress.—a. Outlet from exits at grade which do not open upon public streets, shall lead to a street through a passageway or open court enclosed in accordance with paragraph one of subdivision h of section C26-292.0.

b. The lowest level of a passageway leading to the street shall be three feet or less below the level of the sidewalk at the termination of such passageway, except that for occupancies of one hundred fifty or less, the lowest level of such passageways may be eight feet.

c. Exit passageways in school structures may be provided from open courts to the streets, if the level of such passageways is six inches or less below the level of the general floor immediately below the curb level, and if the side walls and roof of the passageway are of fire resistive construction having a four-hour rating, and if the openings from the passageway into the structure are limited to two exits with a maximum aggregate of ten feet of openings on each side measured between stops, and such exits are equipped with self-closing protective assemblies having a fire resistive rating of at least one hour, and if such exits are so arranged that the doors cannot swing into the clear area of the passageway. The difference in level between such passageways and the sidewalk shall be adjusted by stairways or ramps.

Sub-Article 4

Required Stairways

(6.4.1.1). § C26-292.0 Interior required stairs.—a. Width of interior required stairs.

1. Every required stairway shall have a minimum clear width of forty-four inches throughout its length, including hallways, landings and platforms within the stair enclosure, except that hand-rails may project a maximum of three and one-half inches, and strings may project on one or both sides a maximum of one inch to a height of six inches or less above the nosing, and except as provided in subdivision a of section C26-273.0, respecting escalators, and subdivision b of section C26-292.0.

2. The aggregate width of required stairs serving as exits from any story shall be sufficient to accommodate at one time the total number of persons occupying or permitted to occupy the story served by such stairs in accordance with the following limitations:

(a) Dance halls, ballrooms, banquet halls, cabarets, restaurants, exhibition halls, museums, meeting halls, assembly halls, bowling alleys, funeral parlors, passenger depots, court rooms, bath houses, auditoriums used for religious purposes as provided in section C26-719.0, auditoriums in school structures and in public museums conforming to section C26-720.0, gymnasiums in school structures, places of assembly as defined in section C26-116.0, except those included in subdivision b, television studios with audiences as defined in section C26-770.1 provided the floors used for such occupancies shall be 24 inches, except that an allowance of 40 persons may be made for twenty inches of stair width added to one or more 24 inch units of stair width. Where there are more than 720 occupants on any floor at least three stairs shall be provided and where there are more than 1,280 occupants on any floor, at least four stairs shall be provided. The aggregate width of exits and stairs shall be divided into substantially equal units. Where there are two exits or stairways, they shall be on opposite sides of the space or floor. Where there are three exits or stairways, the third shall be remote from the other two. (Para. a. amended by Local Law 25 of 1961, in effect April 27, 1961.)

(b) Hospitals, asylums, jails, libraries, class rooms and lecture rooms in schools, fire houses, police stations, offices, showrooms, stores, markets, warehouses or storage spaces, garages, laboratories, power stations, billiard rooms, swimming pools, studios, libraries, dwellings other than private dwellings, or multiple dwellings, or any other use not specified in item (a) hereof immediately preceding--30 persons per unit of stair width. The unit of stair width for such uses or occupancies shall be 22 inches, except that an allowance of 15 persons may be made for 12 inches of stair width added to two or more 22-inch units of stair width. (Par. b. amended by Local Law 25 of 1961, in effect April 27, 1961.)

(c) The provisions of this section shall not apply to special occupancy structures or parts of such structures coming under the provisions of article 13 of this title unless so provided in article 23. Where a story is occupied in part for uses or occupancies listed under subdivision a and in part for uses or occupancies listed under subdivision b, the width of stairs shall be computed separately for the uses not under the same subdivision but any excess stair capacity remaining from the use or occupancy specified in item (a), may be used for the use or occupancy coming under item (b). The width of a stair shall not be diminished between the floor served by such stair and the outlet of the stair at the street or grade level.

(d) When a horizontal exit, complying with the requirements of section C26-296.0, is provided, the stairs may be proportioned on the basis of one-half of the total number of persons to be accommodated; when the building is fully equipped with an approved automatic sprinkler system, the stairs may be proportioned on the basis of two-thirds of the total number of persons to be accommodated; and if both a horizontal exit and an approved sprinkler system are provided, the stairs may be proportioned on the basis of four-tenths of the total number of persons to be accommodated. The doors of horizontal exits shall have an adequate width as required by section C26-283.0 to accommodate the number of persons permitted in the area served by a horizontal exit, less those persons accommodated by the capacity of the stairs area. In school structures four stories or less in height the stairs may be proportioned on the basis of one-third the total number of persons to be accommodated, provided th the floor areas are divided into at least three fire areas and are provic with two horizontal exits. (Para. 2 of Subd. a. repealed and re-enacted by Local Law 111 of 1955 in effect December 8, 1955.)

3. In computing the capacity of required stairways, the maximum depth of landings and platforms shall be deemed to be the width of a single run of the stairway which is attached to such landings or platforms.

4. Where the occupancy of a mezzanine floor, as determined in accordance with subdivision c of section C26-273.0, is twenty-five persons or less, the stairways serving such mezzanine, except stairways which also serve the floors of the structure generally, may be thirty inches in width.

(6.4.1.2). b. Width of required stairways in structures of limed area.

1. Where the gross ground area of a structure is four thousand square feet or less and the occupancy above the first floor in accordance with subdivision c of section C26-273.0, is fifty persons or less, the minimum width of required stairways shall be three feet, except as provided with respect to escalators in subdivision a of section C26-273.0.

2. If, in such structures, two stairways exit into a common passageway at the street level, and if the passageway between the stairway nearest the street and the sidewalk is without steps, the width of the corridor may be three feet eight inches.

c. Limitation on stair passageway and landing dimensions. The minimum width of stair passageways and stair dimensions shall be equal to the width of the required stair. The maximum width of any stair passageway shall be the width of the required stairs plus twelve inches; the maximum length of any landing at any floor level shall be the sum of the width of the required stair plus the width of the widest door opening on such landing plus twelve inches for each unit of stair width and the maximum length of any intermediate landing shall be the width of the required stair plus twelve inches for each unit of stair width. Where a stair of greater width than that required by subdivision a of this section is provided the minimum and maximum widths of the stair and passageways shall be as though the provided width of stair were the required width. It shall be unlawful to increase the area enclosed by partitions surrounding required stairs so that any of the maximum dimensions of stair passageways or landings herein specified is exceeded. (Subd. c repealed re-enacted by Local Law 111 of 1955 in effect December 8, 1955.)

(6.4.1.4). d. Dimensions of treads and risers for required means of egress. The treads and risers of required stairs shall be so proportioned that the product of the number of inches in the tread, exclusive of nosing, and the number of inches in the riser, shall be between seventy and seventy-five, but the maximum height of any riser shall be seven and three-quarter inches, and any tread, exclusive of nosing, shall be at least nine and one-half inches wide; provided that in schools the proportions and dimensions of treads and risers may, in the discretion of the superintendent, be adjusted to suit the age of the persons for whom the school is intended. Risers and treads, other than winding treads, shall be of uniform width and height in any one flight. It shall be unlawful to use winders, except that in the discretion of the superintendent, winders may be used for stairs of an ornamental character which have a minimum width of seven inches at any point and a maximum average width of ten inches. Steps or stairs in lines of travel shall have at least two risers in any change of level.

(6.4.1.5). e. Spiral stairs. It shall be unlawful to use spiral stairs as required means of egress, except when such spiral stairs serve an intermediate or mezzanine floor having an area of two hundred square feet or less.

(6.4.1.6). f. Landings and vertical rise on required means of egress.

1. The vertical rise of any flight of stairs serving as a required means of egress between floors, landings or platforms, in straight runs of stairs, shall be forty-eight inches or more, except that when stairs are permitted to be three feet wide in accordance with subdivision b of section C26-292.0, such distance shall be forty-two inches or more.

2. The distance between risers on landings, or platforms, in straight runs of stairs, shall be forty-eight inches or more, except that when stairs are permitted to be three feet wide in accordance with subdivision b of section C26-292.0, such distance shall be forty-two inches or more.

(6.4.1.7.1). g. Construction of required stairways.

1. Materials for required stairways. Stairs and stairways serving an exit shall be constructed of incombustible material or assemblies throughout, except in frame and non-fireproof structures forty feet or less in height and occupied by fifty or less persons above the first story. The treads and landings shall be constructed and maintained in such manner as to prevent persons from slipping thereon.

(6.4.1.7.2). 2. Strength of required stairways. Stairs, platforms, landings and stair halls shall be of sufficient strength to sustain safely a live load of at least one hundred pounds per square foot.

(6.4.1.7.3). 3. Support for treads, landings and platforms in required stairways.—When treads, landings or platforms in required stairways are of slate, marble, stone or composition, such treads, landings and platforms shall be supported for their entire length and width by a solid steel plate of suitable thickness, securely fastened.

(6.4.1.8.1). h. Enclosure of required stairways.

1. Fire resistive ratings for enclosures of required stairways.

(a). Required stairways in public buildings, in structures used for film studios, in structures containing occupancies requiring fire department combustible occupancy permits, and in all Class 1, fireproof structures, except school structures, shall be enclosed with partitions or walls having a fire resistive rating of at least three hours.

(b). Required stairways in all Class 2, fire-protected structures, all Class 3, non-fireproof structures and all Class 6, heavy timber construction structures except residence buildings three stories or less above any basement in height and in other structures at most four stories or forty feet in height, shall be enclosed with walls or partitions having a fire resistive rating of at least two hours, except as otherwise prescribed in this section.

(c) Interior required stairways which are not required to be enclosed in walls having a minimum fire resistive rating of at least two hours, shall be enclosed with fire resistive partitions having a rating of at least one hour.

(d) All doors opening on required stairways shall have a fire resistive rating of at least three-quarters of an hour. Such doors shall be self-closing and shall be normally closed. It shall be unlawful to fasten open any such door.

(6.4.1.8.2). 2. Opening in enclosure of required means of egress.—(a) It shall be unlawful to open any pipe; elevator or other shafts, chases, panel boards, toilet rooms, slop sinks, closets, or openings other than exit doorways with fireproof self-closing doors, into the enclosures of required stairways or crossovers used in connection with such stairways, except as provided in subdivisions e and g of section C26-289.0 and except that, where approved, automatic fire windows may be installed in the exterior walls of such enclosures. Elevator shafts on the ground floor are exempted from this provision. (Subsec. 2 (a) amended by Local Law 62 of 1954 in effect October 8, 1954.)

(b) Unless otherwise prescribed in this title, in structures having a maximum height of five stories or sixty-five feet, exterior window openings or exterior door openings in required stairways may be provided with non-fireproof windows or doors, provided that such stairways are located thirty feet or more from the nearest lot line. (As amended by Local Law 70 of 1940 in effect May 31, 1940.)

(c) Nothing in this section shall be construed to prohibit other openings or stairhalls in multiple dwellings where such openings are permitted under the multiple dwelling law in structures six stories or less in height.

(d). Where a required stairway serving the upper floors of a structure is continued in the same enclosure to one or more floors below grade, the portion of such stairway above grade shall be separated from the portion below grade by a fireproof partition. Such partition shall have a fireproof self-closing door swinging in the direction of egress from the floors below grade, and such partition shall be so arranged as not to interfere with the platform serving the upper floors. Structures used exclusively as schools, in which the uses of the basement require frequent circulation, regular fire drills are held under supervision, and exit signs are provided, are exempted from the requirements of this provision.

(6.4.1.9). i. Service or ornamental stairways. Unenclosed service or ornamental stairways may be constructed under the following conditions:

1. Such stairways shall be so placed as not to obstruct or interfere with the function or use of the required means of egress nor to be a part of such means of egress.

2. Not more than two adjoining stories in any structure may be connected by an open well, unenclosed stairway or escalator.

(6.4.1.10). j. Exterior stairways as required means of egress.

1. Exterior stairways, where permitted as required means of egress under section C26-276.0, shall be constructed of incombustible materials and shall conform in all other respects, except as to enclosures, to the requirements for interior stairs.

2. Such exterior stairs shall be connected to each story which they serve by means of self-closing fire doors or automatic fire windows with a clear minimum exit opening of three feet in height and thirty inches in width. The window and door openings on the course of, below or within ten feet horizontally of such exterior stairways, shall be equipped with self-closing fire doors or automatic fire windows. Such stairways shall be protected throughout to a height of five feet either with netting made of wire at least 0.135 inches in diameter, No. 10 U.S. steel wire gage, such netting having a maximum mesh of one and one-quarter inches, or with other rigid guards.

(6.4.1.11). k. Termination of required stairways at grade and roof. Every required stairway shall lead in a continuous enclosure to street level. Such stairways serving the uppermost floor of a structure shall continue to the roof, except as hereinafter provided, as follows:

1. Every required stairway terminating at the level of a setback roof shall be extended to such setback roof through a bulkhead or fireproof passageway, or such stairway shall be carried to a required hallway or stairway provided with fire doors unequipped with locks, and such fire doors shall be arranged to open from either side.

2. When the roof of a structure has a slope exceeding one foot in ten, the required stairways shall be connected in the top story by a fireproof passageway enclosed in construction having a fire resistive rating at least equal to the fire resistive rating of the required stairway enclosures connected by such construction, except that in schools three stories or less in height with such roof slopes, such connection of stairways may be omitted.

§ C26-292.0 k. 3. All required stairways shall continue to the roof, except that in structures two stories or less in height, the stairways from the second floor to the roof may be omitted, provided that partitions enclosing stairhall are fire resistive and all openings from the stairhall to the interior of the structure are protected with one-hour self-closing fireproof doors, and a ladder from the head of each required stairway to a scuttle opening in the roof is furnished. Such ladders shall be set at an angle of seventy degrees or less. (As amended by Local Law 32 of 1965 effective February 23, 1965.)

4. In structures used exclusively for school purposes where pupils are trained in rapid dismissals by means of regular supervised fire-drills, the number of stairways to the roof may be one-half of the above requirements, provided that such stairways to the roof are so distributed as to furnish access to the roof from different sections of the structure and are accessible from each side of a horizontal exit. Stairways leading to the roof may, in the discretion of the school authorities, be provided with locked wire mesh gates.

5. It shall be unlawful to terminate more than two required stairways in a common corridor or lobby on the ground floor, except as provided in section C26-294.0, and except that in structures used exclusively for school purposes where pupils are trained in rapid dismissal by means of regular supervised fire drills and in which eight or more stairways otherwise complying with the provision of section C26-292.0, are provided, a maximum of four such stairways may terminate in a common corridor or lobby directly at an entrance on the ground floor, but the width of such common corridor or lobby shall be equal to the combined width of the stairways leading to such exits.

(6.4.1.12). l. Hand-rails in required stairways.

1. Required exit stairs shall have walls or well-secured balustrades or guards on both sides with hand-rails on both sides. Required hand-rails on the rake of stairs shall be between thirty and thirty-four inches high from the tread to the top of the rail, measured in line with the riser. Balustrades on the level shall be at least thirty-four inches from the floor or landing level to the top of the rail.

2. A minimum unobstructed finger clearance of one inch shall be maintained at all points. When the width of a flight of stairs serving as a means of egress is eighty-eight inches or more, an intermediate hand-rail shall be substantially supported and shall terminate at the upper end in a newel or standard at least six feet high. The ends of hand-rails shall be turned back against the walls or newels and such ends shall be finished without any projections which would act as obstructions.

(6.4.1.13). m. Space under required stairs.

1. Where the space between the soffit and the floor is less than five feet high, such space shall be enclosed without openings for the full width of the stairs.

2. Where stairs are built in whole or in part of combustible materials, it shall be unlawful to use any space under such stairs.

Sub-Article 5

Fire Towers

SECTION C26-293.0 (AMENDED)

§C26-293.0 Fire towers required. At least one required means of egress in every public and business building seventy-five feet or more in height, shall be a fire tower, except in schools five stories or less in height where regular supervised fire drills are held and except in such schools more than five stories in height where a special fire department access stair is provided, as prescribed in section C26-295.0.

The requirements of this section shall not apply to mixed occupancy buildings where not more than fifty percent of the building is used for public or business uses, and all such uses are located below the seventy-five foot level. (Amended by Local Law 23 of 1961, in effect April 27, 1961.)

(6.5.2). § C26-294.0 Construction and arrangement of fire towers.—a. The enclosing walls of fire towers shall be of incombustible materials or assemblies having a fire resistive rating of at least four hours. Such walls shall be without openings, except for doors serving as means of egress.

b. At each story served by a fire tower, access to the stairways of such fire tower shall be provided through outside balconies or fireproof vestibules. Such balconies or vestibules shall be at least three feet eight inches in width and shall have unpierced floors of incombustible materials and shall be provided with substantial guard railings at least four feet high, without any openings greater than eight inches in width.

c. Such balconies or vestibules of fire towers shall be level with the floors of the structure and the platforms of the stairs connected by such balconies. Such balconies or vestibules shall be separated from the structure and the stairs by self-closing fire doors capable of being opened from both sides without the use of a key.

d. Balconies or vestibules of fire towers shall open on a street or yard, or on a court open vertically to the sky for its full height, having a minimum net area of one hundred five square feet and a minimum dimension of seven feet. The opening from the vestibule to the street, yard or court shall have a minimum area of eighteen square feet and a minimum dimension of two feet six inches. It shall be unlawful to leave openings in the court walls surrounding an interior fire tower, other than the openings from the vestibules, within fifteen feet of the balcony, except that self-closing fire windows may be used if such windows are at least ten feet from the balcony, provided that the area of the court is at least twelve feet by twenty-four feet.

e. Fire towers shall terminate at the grade level and shall exit directly to the street independently of corridors serving other stairways, except when the fire tower terminates in the ground floor corridor outside of the inner vestibule and within ten feet of the building line.

f. Doors opening into fire towers may be constructed with observation panels made of polished plate or wire glass, one quarter of an inch thick, if such glass is set with a three-quarter inch rabbet. Such glass shall have a maximum area of sixteen square inches. Doors shall be capable of being opened from the occupied side without the use of a key. The following sign shall be posted on each such door on the side facing the occupied area, in letters at least two inches in height: "EXIT ONLY—NO ACCESS TO OTHER FLOORS." (Subd. f amended by Local Law 33 of 1958 in effect July 8, 1958.)

g. Fire tower stairs shall comply in all other respects with the requirements of section C26-292.0.

(6.5.3). § C26-295.0 Special fire department access stair. Where an omission of fire towers in school buildings of more than five stories in height is permitted under section C26-293.0, a special stairway shall be erected as follows: Such stairway shall be of incombustible material. Such stairway shall extend from the ground to the top story and roof, and such stairway shall have an opening to each floor, to the roof and to the street or open yard through a fireproof passageway, if such fireproof passageway is necessary. The stairway shall be thirty-six inches or more in width and shall be arranged to provide a continuous wellhole twelve inches wide through its entire height. The stair enclosure construction shall be as required for exit stairways in similar buildings. The door assemblies at each floor and roof shall be of one hour rating and such assemblies shall be equipped with fireproof self-closing doors having dead locks operated by knobs on the stair side and by a standard fire department key on the corridor side. A skylight, as required over stair enclosures extending to the roof, shall be provided and such skylight shall be equipped with ventilating louvres of a clear ventilating area of twenty-four square feet or more. An adequate lighting system on a separate circuit controlled by a switch immediately inside the entrance door at the ground level shall be provided for the illumination of the entire stairway.

Sub-Article 6

Horizontal Exits

(6.6.1). § C26-296.0 General requirements for horizontal exits. A horizontal exit shall comply with the following requirements:

1. The spaces connected by a horizontal exit shall be either public spaces or spaces occupied by the same tenant.
2. The clear floor space on either side of the horizontal exit shall be sufficient to contain the total number of occupants of both of the connected spaces, allowing at least three and one-half square feet of floor space per occupant.
3. There shall be at least one interior enclosed stairway or fire tower on each side of the horizontal exit.
4. Every horizontal exit shall be equipped on one side with a fireproof self-closing door capable of being opened from either side without a key, and in addition an opening in a fire wall must be equipped on the opposite side, with an automatic fire door. Such automatic fire door shall be without a lock and shall be so arranged as to be held open with a fusible link device. In a public school structure, however, where regular supervised fire drills are conducted, the automatic fire door may be omitted and the fireproof self-closing door may be double-acting.

The proportioning of stairs in accordance with paragraph two of subdivision a of section C26-292.0 shall be permitted only when the self-closing door of the opening protective assembly opens in the direction of travel from the floor area horizontal exit. Nothing in this subdivision shall be construed as prohibiting exits from areas on both sides of a fire wall or fire partition through separate horizontal exits, each serving only one side. (Subd. 4 as amended by Local Law 7 of 1951 in effect January 8, 1951.)

5. Vestibules or open air balconies, when used, shall conform to the requirements for vestibules and open air balconies of fire towers.

6. Bridges shall be constructed of incombustible material, shall have solid floors and shall have substantial railings at least four feet high.

7. Doorways or windows opening on vestibules, balconies or bridges and door or window openings on the course of, below or within ten feet horizontally of such bridges, shall be equipped with fireproof self-closing doors or automatic fire windows.

8. The maximum gradient to take up the difference in levels between connected floor areas shall be one foot in ten.

(6.6.2). § C26-297.0 Horizontal exits on floors sixteen or more stories above the ground.—a. When horizontal exits are provided on floors sixteen or more stories above the ground, at least one passenger elevator shall be provided on each side of the horizontal exit in addition to the required stairway or fire tower.

b. Required elevators shall be kept manned and ready for use at all times during the normal occupancy of the building.

Sub-Article 7

Fire Escapes

(6.7.1). § C26-298.0 Construction of fire escapes. When fire escapes are used as a means of egress under the provisions of Section C26-276.0, such fire escapes shall be constructed of incombustible materials and shall be of sufficient strength to sustain safely a superimposed load of one hundred pounds per square foot. Fire escapes used as a means of egress shall have balconies at each story. Such balconies shall be at least thirty-six inches wide in the clear and at least fifty-four inches long, and shall be provided with staircases extending to the ground level with a maximum riser of eight inches and a minimum width of treads of eight inches exclusive of nosings. Fire escape staircases shall be at least twenty-two inches in width. If fire escapes are located on a street front of a structure, the superintendent may permit the use of a drop ladder or a counter-balanced stair from the lowest balcony, provided that the height of such balcony above the sidewalk is sixteen feet or less.

§ C26-298.1 Fire-escapes: certain requirements. Drop ladders where permitted shall be provided with guides and hooks of a type satisfactory to the department. All fire escapes unless of non-corrodible material shall be painted and shall be maintained in good condition and free from rust and corrosion. Notice shall be given to the superintendent by the owner prior to the painting of fire-escapes whether or not such painting is done to remove a violation. (Section C26-298.1 added by Local Law 82 of 1941 in effect October 4, 1941.)

(6.7.2). § C26-299.0 Party wall balconies. Party wall balconies may be used as an auxiliary means of egress on structures erected before January first nineteen hundred thirty-eight, if the property on both sides of such party and fire wall is under the same ownership and the type of occupancy of both buildings is the same and such balcony is extending to pass a plain glass glazed opening accessible as an emergency exit on either side of such party and firewall.

(6.7.3). § C26-300.0 Removal and obstruction of party wall balconies.—a. Each of the owners of adjoining structures, commonly served by party wall balconies serving as a required means of egress, shall maintain that portion of each such balcony which is on his property, and each such owner shall maintain egress normally unobstructed and unimpeded, from each such balcony to and through his structure except as otherwise provided for in this section.

b. It shall be unlawful for the owner of a structure on which there is a party wall balcony serving as a required means of egress from an adjoining structure, to remove such party wall balcony or any portion thereof or to prevent, eliminate or obstruct egress from such party wall balcony to and through his structure, unless and until such owner has had erected or has obligated himself to erect on the structure deprived of such required means of egress, a legal fire escape or other means of egress approved by the superintendent.

Sub-Article 8

Obstruction of Means of Egress

(6.8). § C26-301.0 Obstruction of means of egress. It shall be unlawful to place any obstruction in front of, in or on any required means of egress.

§ C26-301.1. Obstruction of certain means of egress. Fire-escapes, exterior stairways, their drop ladders and counterbalanced stairs shall be kept entirely clear of flower boxes, flower pots, chairs, pails and other obstructions. No projecting sign or other projection shall be so placed as to interfere with the free operation or use of any fire-escape drop ladder or any counterbalanced stair, nor shall any projecting sign or other projection be placed within ten feet of the course of a fire-escape or outside iron stairway. (As added by Local Law 83 of 1941 in effect October 4, 1941.)

Sub-Article 9

Special Egress Requirements for Structures of a Public Character

(6.9.1). § C26-302.0 Provisions for public safety under unusual conditions respecting means of egress.--a. Where unusual conditions occur in structures of a public character such as hotels, restaurants, railroad depots, public halls, club houses with more than eight sleeping rooms, churches, ball parks, stadia, opera houses, concert halls, theatres and other similar structures, used or intended to be used for public assembly, amusement or instruction, and business structures, including department stores, where large numbers of people congregate and where such conditions are not covered by the provisions of either article seven or article thirteen of this title, or where in theatres or opera houses or concert halls the auditorium including the balconies are separated from all public portions of the building by walls having a three hour fire resistive rating with openings protected by one and one half hour fireproof self-closing doors and where the public space provided is not less than four times that required by section C26-739.0 and so arranged as to provide for greater ease of exit, and where the capacity of the emergency stairs and passageway exceed that required in section C26-731.0 by twenty per cent, the passageway leading to the normal exits are separated by a partition constructed of wired glass and/or other incombustible materials so as to provide an effective smoke barrier and this partition is protected by two lines of sprinkler heads on the public space side, the commissioner shall have the power to require the provision of such halls, doors, stairways, seats, passageways, ventilation, lighting and heating as he shall deem necessary to facilitate egress in case of accident or fire and furnish adequate protection for the public in such cases. (Subd. a. amended by Local Law 105 of 1959, in effect November 25, 1959.)

b. In all places of public assembly for which a license is required, the fire commissioner shall enforce all provisions of law relating to protection against fire and panic, obstruction of aisles, passageways and means of egress, standees, fire-prevention and fire extinguishing appliances, and fire prevention.

(6.9.2). § C26-303.0 Obstruction of aisles and passageways unlawful. Aisles, halls, foyers, promenades, vestibules and passageways and other parts of such structures of a public character which are used as means of egress, shall be kept free from camp stools, chairs, sofas and miscellaneous furniture or other obstructions. It shall be unlawful to allow any person to stand in or occupy any portion of such spaces during any performances, service, exhibition, lecture, concert, banquet, dance or other public assembly, except when the number of such standees has been included in the number of persons for whom means of egress has been provided from such tiers, and when the space occupied by such standees is enclosed with tape or cord so erected and of such material that it can be easily broken by persons passing in a direct line of egress.

(6.9.3). § C26-304.0 Enforcement of special egress requirements for structures of a public character. When unusual conditions exist, the superintendent may, at any time, serve a written or printed notice upon the owner, lessee or manager of any such structure of a public character, directing any act or thing to be done or provided in or about such structures and their appliances and facilities, such as halls, doors, stairs, passageways, windows, seats, aisles, fire walks, fire apparatus and fire escapes, as he may deem necessary to carry out the purposes of sections C26-302.0 and C26-303.0.

Sub-Article 10

Egress requirements for fireproof multiple dwellings converted to business use (Sub-Article 20 added by Local Law 134 of 1952 and amended by Local Law 17 of 1955 in effect February 25, 1955.)

§ C26-304.1 Egress requirements for fireproof multiple dwellings converted to business use.—a. Existing fireproof multiple dwellings as defined in the multiple dwelling law converted to business use in whole or in part, shall comply with all of the egress requirements of sections C26-272.0 through C26-304.0, where applicable for such business use, except that an interior enclosed stair, extending from the roof to the street, not less than thirty-six inches in width, may be substituted for a fire tower and except that the minimum width of a stair used as required means of egress shall not be less than twenty-eight inches. Access to at least two means of egress shall be provided from all parts of each floor above the street floor, by means of a public hallway. The number of occupants of any floor shall be limited to the capacity of the stairs to which such floor area has access. For each stair less than thirty-six inches in width not more than twenty-six persons shall be permitted to occupy a floor served by such a stair and for each stair thirty-six inches or more in width, but less than forty-four inches in width, not more than thirty-six persons shall be permitted to occupy a floor served by such a stair. The number of persons permitted on a floor served by a stair forty-four inches or more in width shall be determined as provided in section C26-292.0. Exterior fire-escapes shall not constitute required means of egress. Existing wood doors, wood flooring and wood trim may be retained in hallways leading to exits provided that the partitions enclosing the hallways are constructed of incombustible material having a one hour fire resistive rating and all doors are made self-closing. Where wood is used in a hallway leading to an exit, the hallway shall be provided with a sprinkler system complying with the rules of the department.

b. Where only part of a fireproof multiple dwelling is converted to business use the egress from such business portions shall comply with the requirements set forth in this section. Any floor area used in part for business shall be considered as used entirely for business in determining the egress requirements under this ection, unless the business area is separated from the residence portion of the floor by fireproof partitions with all openings in such partitions protected by fireproof self-closing doors. Where a stair is used jointly by both the business and residence parts of a floor and such parts are separated by fireproof partitions, the number of persons permitted on the business portion of a floor served by such a stair shall be one-half the number permitted for stairs serving an area used entirely for business.

c. In fireproof multiple dwellings converted to business use, only one handrail shall be required when the width of the stair is less than forty-four inches. Treads, risers and platforms that were lawful at the time of erection of such multiple dwellings may be retained without change.

d. The lighting of hallways leading to exits, and of stairs, shall be on an independent circuit taken off the main line ahead of the general lighting and power circuits.

e. An additional exit and directional sign shall be provided as required by the superintendent.

f. There shall be provided in the bulkhead roof over each stair extending into the uppermost story of the building and serving as required means of egress, a skylight complying with the requirements of section C26-641.0. Windows in the side of the bulkhead may be provided instead of a skylight as provided in such section.

g. Where the partitions, doors, use of combustible material, exits, and all other construction on any floor, except the stairs and fire towers, comply with the requirements of this code for buildings occupied for business purposes, public hallways leading to exits shall be required only where a floor is occupied by more than one tenant.

h. In those fireproof hotels and other fireproof multiple dwellings coming under the provisions of section 67 of the multiple dwelling law, where part of the building is converted to business use, the sprinklers that may be required by the provisions of this section may be omitted provided the building complies with the applicable provisions of section 67 of the multiple dwelling law. The number of occupants permitted in the business portions of such buildings shall be limited as provided in subdivisions a and b of this section. Access to at least two means of egress, remote from each other, shall be provided from those parts of a floor used for business, where the floor is above the street floor as well as where otherwise required by the interior enclosed stairs, fire towers, or exterior stairs, complying with subdivision j of section C26-292.0 where permitted by the superintendent, or a horizontal exit complying with sections C26-296.0 and C26-297.0. An interior enclosed stair conforming to the requirements of section 67 of the multiple dwelling law may be substituted for an interior enclosed stair that would be required by the provisions of this code, provided the stair, lobby and passage from stair to street are used exclusively for egress or entrance purposes, except that spaces for uses accessory to the multiple dwelling use, such as registration, information and mail desks and similar accessory uses may be provided at the street floor level in the passage from the stair to the street. Spaces used for restaurant, florists, and similar purposes, shall not be permitted in or to open on lobbies or stair enclosures serving as required means of egress unless conforming to the requirements of section C26-289.0. An interior enclosed stair may be substituted for a fire tower as provided in subdivision a of this section. Exterior fire escapes shall not constitute required means of egress from the business portions of such buildings and the occupants of the business parts shall not be required to pass through one means of egress to reach another means of egress.

i. The provision of this section shall not apply to those fireproof multiple dwellings where the business use and occupancy were approved prior to the enactment of this law, provided no such use or occupancy is changed to another use, altered or extended. No such business use or occupancy shall be changed to another use, altered or extended unless the floor or floors on which such changes are made, comply with the provisions of this section.

j. Business as used in this section means any use which would make a structure or part of a structure a commercial building as defined in subdivision c of section C26-235.0. (Section added by Local Law 134 of 1952 and amended by Local Law 17 of 1955 in effect February 25, 1955.)

ARTICLE 8

LOADS

Sub-Article 3

Loads

Group 1

General Load Requirements

(7.3.1). § C26-340.0 General. Structures and all parts thereof shall be of sufficient strength to support safely their imposed live loads in addition to their own dead load; and, in any event, all structures shall be designed to support at least the minimum live loads specified in this title; the superintendent shall have authority to fix live loads for structures not covered by the provisions of this title.

(7.3.1.1). § C26-341.0 Allowance for partition loads.—a. Provision shall be made for a uniformly distributed load of twenty pounds per square foot to be added to the dead loads of floors in office and public buildings where partitions, other than light wood or metal partitions, are not definitely located in the design, and in other beams or girders; except that, in non-fireproof structures, the superintendent may reduce such added dead loads for partitions, to twelve or more pounds per square foot, where such partitions are not definitely located in the design.

b. In all cases, the added dead load provided for shall be stated on the plans filed with the superintendent. The weight of definitely located partitions shall be included in the calculation of dead loads.

(7.3.1.2). § C26-342.0 Allowance for weight of cinder filling. Cinder filling shall be assumed to weigh sixty pounds per cubic foot.

Live Loads

(7.3.2.1). § C26-343.0 Live loads to be posted. The live load for which each floor or part of a floor in a commercial or industrial structure is designed shall be certified by the superintendent and shall be indicated on a small scale floor plan suitably framed under glass and permanently affixed to the structure in a conspicuous location in a public hall or corridor in each floor. The maximum wheel load of any vehicle, including its load, which may be stored, or brought into the structure shall be stated on the floor load signs posted in garages. The occupants of the structure shall be responsible for keeping the actual loads within the certified limits. Where areas of the same floors are posted for use with different loads, such areas shall be separated by partitions or by such definite physical divisions as may be required by the superintendent, except in cases where the major portion of the floor loading consists of fixed, permanent equipment, and when an easily legible plan of at least one-eighth inch to the foot scale and indicating clearly the various load areas is framed under glass and posted in a conspicuous location in each story affected, partitions or other definite physical divisions shall not be required. The superintendent may require additional indication of load area boundaries by means of signs suspended from the ceiling if deemed necessary.

(7.3.2.2.1). § C26-344.0 Live loads for human occupancies.—a. Live loads for residences and sleeping quarters.—For private dwellings, multiple dwellings, bedroom floors in hotels and club houses, private and ward room floors in hospitals, dormitories, and for similar occupancies, including corridors, the minimum live load shall be taken as forty pounds per square foot uniformly distributed.

(7.3.2.2.2). b. Live loads for office space.—For office floors, including corridors, the minimum live load shall be taken as fifty pounds per square foot uniformly distributed.

(7.3.2.2.3). c. Live loads for places of assembly other than theatres and halls.—For classrooms with fixed seats, including aisles and passageways between seats,for churches with fixed seats, for reading rooms, and for classrooms not exceeding nine hundred square feet of floor area with movable seats, the minimum live load uniformly distributed shall be taken as sixty pounds per square foot, provided that such movable furniture consists, in addition to the instructor's equipment, of individual seatings with or without attached desks arranged as required under section C26-273.0, subdivision c, paragraph 1, item (c). (Subdivision c. as amended by Local Law 120 of 1941 in effect December 31, 1941.)

(7.3.2.2.4). d. Live loads for theatres and assembly halls.—For the seating space in theatres and assembly halls with fixed seats, including the passageways between seats, except as provided in subdivision e of this section, the minimum live load shall be taken as seventy-five pounds per square foot uniformly distributed.

(7.3.2.2.5). e. Live loads for public spaces and congested areas.—The minimum live load shall be taken as one hundred pounds per square foot, uniformly distributed, for corridors unless otherwise provided for in this section, and for halls, lobbies, public spaces in hotels, stores, restaurants, shops and office buildings, for skating rinks, grand stands, gymnasiums, dance halls, lodge rooms, stairways, fire escapes and exit passageways, and other spaces where groups of people are likely to assemble. This requirement shall be inapplicable to such spaces in private dwellings, for which the minimum live load shall be taken as in subdivision a of this section.

(7.3.2.3). § C26-345.0 Live loads for industrial or commercial occupancies and for garages. In designing floors for industrial or commercial purposes and for all garages other than those previously mentioned, the live load shall be assumed to be the maximum caused by the use which the structure or part of the structure is to serve. The following loads in pounds per square foot uniformly distributed, shall be taken as the minimum live loads permissible for the occupancies listed, and loads at least equal shall be assumed for uses similar in nature to those listed in this section.

Floors to be used for:

1. The display and sale of light merchandise; incidental factory work is not more than twenty-five percent of the floor area 75
2. Factory work, wholesale stores, storage, and stack rooms in libraries.120
3. Stables 75
4. Garages for private passenger cars only 75
   When there is floor area sufficient for the accommodation of two or more cars, the design of floors for such garages shall make provision for a concentrated load of two thousand pounds at any one point.
5. Garages for all types of vehicles, other than garages exclusively used for private passenger cars, and for mixed car usage:
   For floor construction 175
   For beams, columns and girders 120
   (First sentence of subdivision 5 as amended by Local Law 129 of 1939 in effect August 1, 1939.)
   The design of floors for such garages shall also make provision for the heaviest concentrated loads to which the floors may be subjected but in all cases these loads shall be assumed to be at least six thousand pounds concentrated at any point.
6. Trucking spaces and driveways within the limits of a structure 175
   The design of floors for such trucking spaces or driveways shall also make provision for the heaviest concentrated loads to which they may be subjected, but in all cases these loads shall be assumed as at least twelve thousand pounds concentrated at any point. (Subdivision 6 amended by Local Law 148 of 1939 in effect August 21, 1939.)

(7.3.2.4). § C26-346.0 Live loads for sidewalks. The minimum live load for sidewalks shall be assumed to be three hundred pounds per square foot uniformly distributed. Driveways over sidewalks shall be designed for the heaviest concentrated loads to which they may be subjected, but in all cases these loads shall be assumed as at least twelve thousand pounds concentrated at any point.

(7.3.2.5). § C26-347.0 Roof loads. Roofs having a rise of three inches or less per foot of horizontal projection shall be proportioned for a vertical live load of forty pounds per square foot of horizontal projection applied to any or all slopes. With a rise of between three inches and twelve inches per foot, inclusive, a vertical live load of thirty pounds on the horizontal projection shall be assumed. If the rise exceeds twelve inches per foot, no vertical lie load need be assumed. If the rise exceeds twelve inches per foot, no vertical live load need be assumed, but provision shall be made for a wind force of twenty pounds per square foot of roof surface acting normal to such surface on one slope at a time.

§ C26-347.1 Roof loads for awnings, canopies, patio covers, marquees and other similar structures. Awnings, canopies and patio covers when constructed of aluminum alloy, steel or other approved structural materials, shall be so designed and constructed as to withstand a superimposed vertical live load of twenty pounds per square foot distributed uniformly over the area of the horizontal projection of the minor structural covering.

Where access for workmen is provided the structures shall be designed to support the weight of a man 250 pounds,

Marquees shall be designed for a 30 lb. per square foot live load.

(As amended by Local Law 49 of 1965 in effect May 5, 1965).

(7.3.2.6). § C26-348.0 Reduction of live loads.—a. In structures intended for storage purposes all columns, piers or walls and foundations may be designed for eighty-five per cent of the full assumed live load. In structures intended for other uses the assumed live load used in designing all columns, piers or walls and foundations may be as follows:

one hundred per cent of the live load on the roof,

eighty-five per cent of the live load on the top floor,

eighty per cent of the live load on the next floor,

seventy-five per cent of the live load on the floor next below.

On each successive lower floor, there shall be a corresponding decrease in the percentage, provided that in all cases at least fifty per cent of the live load shall be assumed.

b. Girder members, except in roofs and as specified in the following subdivision, carrying a designed floor load the equivalent of two hundred square feet or more of floor area may be designed for eighty-five per cent of the specified live loads.

c. In designing trusses and girders which support columns and in determining the area of footings, the full dead loads plus the live loads may be taken with the reductions figured as permitted above.

Group 3

Wind Pressure

(7.3.3.1). § C26-349.0 General requirements for wind pressure. All structures or parts of structures, signs and other exposed structures shall be designed, in accordance with the requirements of this title and the rules of the board, to resist, in the structural frame, horizontal wind pressure from any direction.

(7.3.3.2). § C26-350.0 Wind pressure in structure over one hundred feet in height. When the height of a structure is over one hundred feet, the assumed wind pressure shall be twenty pounds per square foot of exposed surface from the top of the structure down to the one-hundred-foot level.

(7.3.3.3). § C26-351.0 Wind pressure in structures one hundred feet high or less, narrow structures and special types of structures. All structures one hundred feet high or less, shall be investigated as to the need for wind bracing, but, in general, wind pressure in such structures may be neglected. All structures, two hundred feet or less in height, in which the height is more than two and one-half times the least width, mill buildings, shops, roofs over auditoriums or drill sheds, and structures of similar character, shall be designed to withstand an assumed wind pressure of twenty pounds per square foot on the upper fifty per cent of their height.

§ C26-352.0 Wind pressure in tank towers, stacks and other exposed structures. Tank towers, stacks and other exposed structures on the tops of buildings shall be designed to withstand an assumed wind pressure of thirty pounds per square foot of gross exposed projected area, except as provided in section C26-352.1. (As amended by Local Law 13 of 1947 in effect February 7, 1947.)

§ C26-352.1--Wind pressure on isolated chimneys. Isolated chimneys shall be designed to withstand an assumed wind pressure of thirty pounds per square foot of area. The area to be used in calculating total wind pressure shall be considered as two-thirds of the projected area for round chimneys and five-sixths of the projected area for octagonal chimneys, and the full projected area for square chimneys. The projected area shall in all cases be the diameter of the circumscribed circle multiplied by the height of the chimney, or section of chimney, under consideration. (As added by Local Law 13 of 1947 in effect February 7, 1947.)

(7.3.3.5). § C26-353.0 Stability. The overturning moment due to wind pressure shall not exceed seventy per cent of the moment of stability of the structure as measured by the dead loads in the columns, unless the structure is securely anchored to the foundation. Anchors shall be of sufficient strength to carry safely the excess overturning moment without exceeding the working stresses prescribed in sections C26-354.0 through C26-375.0, and in sections C26-510.0 through C26-527.0.

NEW YORK PLASTERING LAW--LAWS OF 1911--CHAPTER 156.

ARTICLE 4-a. SUPERVISION AND REGULATION OF PLASTERING

§ 60. Supervision of plastering by building department.--The building department of every city of the first class shall have jurisdiction over all plastering except where it conflicts with the duties of any other department or conflicts with any law conferring on any other department supervision of any portion of plastering. For each purpose there shall be appointed on each building department in a city of the first class by the head thereof a sufficient number of inspectors to perform such work as is necessary in the enforcement of this article who, in addition to such qualifications as may be required by the civil service law, shall be competent plasterers of at least ten years' practical experience.

§ 61. Three coat work required on lath.--All plastering on tenements, apartments, hospitals, schools and other public buildings when on lath shall be known as three coat work, namely, scratch coat, brown coat and finish.

§ 62. Key space.--All ceilings, stud partitions and furred walls in tenements, apartments, hospitals, schools and other public buildings where plastered with lime on wood lath shall have not less than three-eighths space between laths. All grounds and jambs shall mean *not less than seven-eighths from the stud.

*So in original. Should read "be."

§ 63. First coat or scratch coat.--First or scratch coat shall be of first quality to be scratched thoroughly to make a key to retain second coat; and shall be thoroughly dry or set before applying second coat.

§ 64. Second coat.—Second coat or brown mortar shall be of first quality. All browning must be straight, true with no unevenness or irregularity of surface.

§ 65. Finishing.—When white mortar, or any other material of a like character, is used to finish coat, it shall be laid on regular and troweled to a smooth surface showing neither deficiencies nor brush marks.

§ 66. Cornices or covers.—All cornice or coves shall be run straight, true and smooth.

§ 67. Patent plasters.—When patent plasters, such as ivory, acme, windsor, etcetera, are used, lathing, if of wood lath shall not be less than one-quarter inch key space. First coat shall be thoroughly scratched to make key to retain second coat, and shall be set before second coat is applied.

§ 68. Nothing in this article contained shall effect the multiple dwelling law and the enforcement of the provisions thereof by the city of New York. (As amended by L 1941, ch. 687, § 6, effective April 23, 1941.)

Section 2. This act shall take effect January first, nineteen hundred and twelve.

Group 10—Plastering

(8.4.10.1). § C26-457.0 General plastering requirements.—Plastering shall be performed in accordance with the requirements of sections sixty through sixty-eight of the general city law and with the requirements of this title.

(8.4.10.2). § C26-458.0 Combustible lath.—a. It shall be unlawful, in the case of structures exceeding three stories in height, to apply combustible lath on wood studs more than two stories in advance of the scratch coat plastering. (As amended by Local Law 24 of 1940 in effect March 29, 1940.)

b. It shall be unlawful to run combustible lath through from room to room. (As amended by Local Law 24 of 1940 in effect March 29, 1940.)

c. Wood lath shall be between one and one-quarter and one and five-eighths inches wide and between five-sixteenths and three-eighths of an inch thick. (As amended by Local Law 24 of 1940 in effect March 29, 1940.)

d. The quality of wood lath shall permit use without waste and shall be of the grade of at least No. 2 lath with small and loose knots, wane and other defects limited. (As amended by Local Law 24 of 1940 in effect March 29, 1940.)

e. Wood lath and other combustible lath shall be solidly nailed at every bearing. (As amended by Local Law 24 of 1940 in effect March 29, 1940.)

f. It shall be unlawful to apply vertical or diagonal lathing. Ceiling lath shall run in one direction only. (As amended by Local Law 24 of 1940 in effect March 29, 1940.)

g. The joints or walls and ceilings shall be broken at least every eighth lath in the case of wood lath, and as required by the rules of the board in the case of other combustible lath. (As amended by Local Law 24 of 1940 in effect March 29, 1940.)

NOTE.—See rules of the Board of Standards and Appeals on USES OF INSULATING FIBRE BOARD following Section C26-462.0.

(8.4.10.3). § C26-459.0 Metal lath.—a. Metal lath shall weigh at least three pounds per square yard and shall be galvanized or painted for interior use and either galvanized or of non-corroding metal for exterior use.

Expanded metal reinforcing with integral flameproof paper backing shall weigh not less than 2.2 lbs. per square yard exclusive of paper and the maximum mesh opening shall be 1-1/8" x 2-1/2" from centre point to centre point of the bridges and shall be expanded from no lighter metal than 23 gauge. (As amended by Local Law 92 of 1939 in effect May 26, 1939.)

b. Woven lath with a maximum mesh opening of one-half inch may be made of wires as fine as No. 20 steel wire gauge, and shall be painted or galvanized. (As amended by Local Law 92 of 1939 in effect May 26, 1939.)

c. Welded lath shall be made of galvanized wire of No. 16 steel wire gauge, or larger, with a maximum mesh opening of two by two inches, or equal weight per yard if mesh is finer, but in any case at least No. 20 steel wire gauge. (As amended by Local Law 92 of 1939 in effect May 26, 1939.)

d. Expanded sheet metal and wire lath shall be of a type suitable to form a key sufficient to retain the plaster firmly. (As amended by Local Law 92 of 1939 in effect May 26, 1939.)

e. Metal lath shall be lapped at least one inch on abutting edges. Where metal lath finishes against masonry walls, the lath shall be extended at least three inches on the surface of such walls and securely fastened. (As amended by Local Law 92 of 1939 in effect May 26, 1939.)

f. Metal lath shall be kept at least three-eighths of an inch away from sheathing or other solid surfaces. (As amended by Local Law 92 of 1939 in effect May 26, 1939.)

g. Metal lath without stiffeners shall be tied or laced to metal supports at least every six inches with No. 18 steel wire gauge galvanized, soft annealed wire, and all lath with stiffeners at least at eight-inch intervals; at lap joints horizontally, between the studs, a similar tie shall be provided. The ends of all tie wires shall be twisted tight with a double turn and bent flush with the face of the lath. (As amended by Local Law 92 of 1939 in effect May 26, 1939.)

h. Metal lath fastened to wood furring or studs shall be attached at least at six-inch intervals with four-penny nails or one-inch roofing nails or No. 14 steel wire gauge wire staples, and to wood joists by at least six-penny nails, one and one-quarter inch roofing nails, or one-inch No. 14 steel wire gauge wire staples. Laps between the studs or joists shall be securely tied or laced as required under the preceding paragraph. Stiffened metal lath on wood studs or joists shall be nailed or stapled at least at eight-inch intervals, and the laps between studs similarly tied or laced. (As amended by Local Law 92 of 1939 in effect May 26, 1939.)

§ C26-460.0 Furring and studding for metal lath and plaster partitions and ceilings.—a. Furring or studding for metal lath and plaster partitions or ceilings shall have a maximum spacing for varying weights of lath as given in the following schedule:

Maximum spacing of studding or furring inches.
Nailed-on work

Types of Metal Lath:	Walls and partitions	Ceilings
Expanded metal lath:		
3.4 pounds per square yard, plastered one side	16	16
3.4 pounds per square yard, plastered one side	16	16
Flat rib metal lath:		
2.75 pounds per square yard, plastered one side	16	16
3.4 pounds per square yard, plastered one side	19	19
3/8-inch rib metal lath:		
3.4 pounds per square yard, plastered one side	24	24
Bar ribbed expanded metal lath:		
3.4 pounds per square yard, plastered one side	24	24
4.0 pounds per square yard, plastered one side	24	24
Sheet lath:		
4.5 pounds per square yard, plastered one side	24	24

Tied-on Work

	Solid partitions	Hollow and double partitions	Suspended ceilings
Expanded metal lath:			
3.4 pounds per square yard	16	12	
3.4 pounds per square yard	16	13-1/2	13-1/2
Flat rib metal lath:			
2.75 pounds per square yard	16	16	12
3.4 pounds per square yard	19	19	19
3/8-inch rib metal lath:			
3.4 pounds per square yard	24	24	24
4.0 pounds per square yard	24	24	24
Bar Rib expanded metal lath:			
3.4 pounds per square yard	24	24	24
4.0 pounds per square yard	24	24	24
Sheet lath:			
4.5 pounds per square yard	24	24	19
Woven wire lath:			
No. 20 steel wire gage, 1/2-inch mesh, plastered on one or two sides	12	12	12
No. 18 steel wire gage, 1/2-inch mesh, plastered on one or two sides	16	16	16
No. 19 steel wire gage, 2-1/2 mesh to inch, plastered on one or two sides	16	16	16
No. 16 steel wire gage, 2-inch mesh, plastered on one side	12	16	12
No. 20 steel wire gage, 1/2-inch mesh V- stiffened 8 inches center mesh, plastered on one side	16	16	12
No. 16 steel wire gage, 2-inch mesh, galvanized welded wire fabric with integral backing and horizontal stiffening, members spaced not more than five inches on centers, plastered on one side	16	16	16

b. Furring or studding for partitions plastered on one or two sides shall consist of channels of the following sizes, or angles, tees or flats of equivalent sectional area:

Maximum height in feet	Minimum thickness in inches	
	Of partitions	Of channels
12	2	3/4
14	2	1
14	2-1/4	3/4
16	2-1/4	1
18	2-1/2	1

c. The furring or studs shall be securely fastened on top and bottom and, wherever necessary, shall be braced at intermediate points.

d. In the case of heavy ornamental ceiling work, special provision shall be made to sustain the load. (As amended by Local Law 53 of 1948 in effect July 1, 1948.)

§ C26-461.0 Suspended ceilings.—Suspended ceilings shall comply with the following minimum requirements as to material and construction. When required by the superintendent, details of the method of supporting suspended ceilings shall be submitted to the department for approval.

1. Hangers for suspended ceilings. Hangers for suspended ceilings shall comply with the following requirements:

(a) Class 1—Fireproof structures:

(1) Hangers for suspended ceilings in new fireproof structures shall be placed to line in either direction with a maximum spacing of five feet on centers. Such hangers shall extend through the floor arches and shall be formed of two pieces of one-inch hot rolled channels, weighing not less than six-tenths of a pound per linear foot, or three-sixteenths by one inch flat bars, at least seven inches long, bolted, riveted or welded together to form a tee and punched to receive three-eighths inch diameter bolts at the lower end and coated with asphaltum. Other types of hangers may be used if approved by the board as corrosion-resistant, durable, and having strength and rigidity adequate for ceiling hangers. Where ceilings weigh less than four pounds per square foot and are constructed as dry ceilings without plastering, flat bars used as hangers may be one-eighth inch by one inch in size.

When hangers are installed for suspended ceilings in existing fireproof structures, they shall be attached directly by steel bridging in each bay anchored into the haunch of the beams supporting the floor or roof construction above, or as approved by the superintendent; however, the steel bridging in alternate bays may be replaced by a hanger, one inch by three-sixteenths of an inch, hooked over the reinforcing wire strength to safely support the ceiling and be anchored into the haunches of the beams at least two and one-half inches on each side. (Subd. (1) of subd. 1 (a) amended by Local Law 103 of 1955 in effect November 4, 1955.)

(b) Class 2—Fire protected structures. Hangers for suspended ceilings in class 2 fire protected structures shall be installed in conformity with requirements for class 1 structures wherever possible or as approved by the superintendent.

(c) Hangers for suspended ceilings in new non-fireproof construction, except where the ceilings are constructed in conformance with paragraphs 2 (d) of this section, shall be flat metal bars at least one-inch by three-sixteenths of an inch placed not more than five feet on centers, and be bent around three sides of the supporting joist and nailed to the joist. In new non-fireproof construction, hangers may also be attached to the joist by means of two (2) one-quarter-inch diameter through bolts which shall be at least two inches above the bottom of the joist. In existing non-fireproof construction, except where the ceilings are constructed in conformance with paragraph (d) of subdivision two of this section, where it is impractical to use bent hangers or through bolts as described above, each hanger shall be nailed to the joist with two (2) two and one-quarter-inch barbed anchor nails (overall dimension), which are one-quarter-inch in diameter, with oval head, which shall be at least two inches above the bottom of the joist. Purlins to which ceiling is attached shall be placed not in excess of five feet on centers. (Par. (c) of subd. 1 as amended by Local Law 19 of 1951 in effect January 30, 1951.)

2. Purlins for suspended ceilings.

(a) Purlins shall be either hot or cold rolled steel channels or angles and the maximum spans and spacings for the respective weights and materials shall be as shown in Table 1, except where the ceilings are constructed in conformance with paragraph 2(d) of this section.

Table 1

Maximum spacing in both directions	Size purlins required	Weight per foot
5 feet	1-1/2-inch hot rolled channel	....1.05 pounds
5 feet	1-1/2-inch by 1-1/2-inch by 1/8-inch angle	.1.23 pounds
4 feet	1-1/2-inch hot rolled channel	.0.85 pounds
3 feet	1-1/2-inch cold rolled channel	.0.475 pounds

Purlins shall be bolted to each hanger with three-eighths (3/8) inch diameter stove bolts or equivalent.

(b) When purlins are attached to beams, girders or trusses, approved anchors or clips shall be used. All purlins not supported directly by hangers shall be fastened with approved metal clips to cross pieces at most four feet on centers.

(c) Purlins for lightweight ceilings. For lightweight ceilings weighing four (4) pounds or less per square foot, constructed dry without plastering, purlins may be one and one-half (1-1/2) inch cold rolled channels weighing 0.475 pounds per linear foot spaced four (4) feet or less on center. (As amended by Local Law 26 of 1954 in effect Aprifl 26, 1954.)

(d) In other than class 1 and class 2 structures, and except for ceilings in special occupancy structures, wood purlins may be used to support suspended ceilings. They shall be adequate to support the ceilings, with stresses not exceeding the limitations of section C26-270.0, and shall be at least two inches by three inches, nominal size. They shall be straight, in as long lengths as practical, and shall be spaced not more than sixteen inches apart, center to center. The wood purlins when constructed in conformance with this paragraph may be hung by galvanized steel hangers, not smaller than number fourteen Birmingham Wire Gage (0.83 inch) thick by one inch wide, with holes not more than one-quarter inch in diameter, located to receive the nails, and such hangers shall be spaced not more than five feet apart along each purlin. The hangers shall be nailed to each supporting beam and purlin by at least two galvanized roofing nails, not less than one and three-quarter inches long and number eleven United States Steel Wire Gage (.1205 inch) in thickness. Cross braces at least two inches by three inches in size shall be provided across the top of the purlins, not provided between the supporting beams and the purlins to provide rigidity for the application of lath and plaster. Such stiffeners may be of wood and wood stiffeners left in place shall not be closer than eight feet apart along each purlin. When this type of construction is used, cross-furring shall not be required. Where wood purlins are used as provided herein, the space between the ceiling and floor or roof above shall be divided into areas of two thousand square feet or less by firestops extending from the ceiling to the underside of the floor or roof boards above. Firestopping shall consist of one-half inch plaster boards on both sides of two inch by three inch, or larger, studs, spaced not more than sixteen inches apart, with tight joints, or any construction approved for a one hour partition, securely fastened in place. (Subd. 2 amended by Local Law 19 of 1951 in effect January 30, 1951.)

3. Cross furring for suspended ceilings.—For purlins spaced as shown in table 1 above, the maximum size and spacing of the cross furring shall be as shown in table 2. (This cross furring table applies to plastered ceilings varying in weight from six to twelve pounds per square foot depending upon the type of plaster used.)

Table 2

Maximum span of cross-furring	Size	Weight per foot	Maximum Spacing	Attachment of cross furring to purlin
5 feet	1-inch chan.	0.600#	13-1/2 inches	No. 8 gage hairpin wire clips. 2 strands of no. 16 gage galvanized annealed wire, or equivalent.
4 feet	1-inch chan.	0.410#	13-1/2 inches	
3 feet	3/4-inch chan.	0.300#	13-1/2 inches	

4. Cross furring for lightweight ceilings. When ceilings attached to cross furring weigh less than four (4) pounds per square foot and are constructed dry without plastering, hangers shall be not more than five (5) feet center to center supporting purlins, and cross furring shall be at least 3/4-inch cold rolled channels spaced not more than sixteen (16) inches center to center; except that the board may approve, in a specific case, spacing of cross furring in excess of sixteen (16) inches on centers but not to exceed twenty-four (24) inches on centers. (As amended by Local Law 16 of 1954 in effect April 26, 1954.)

§ C26-461.1 Plastic light diffusers.—a. Plastic light diffusers suspended below and associated with lighting fixtures shall not be construed as suspended ceilings.

b. Plastic diffuser shall be a special compound plastic developed for light diffusion, with a fire rating classification as self-extinguishing when tested in conformance with A.S.T.M. standard method of test D635-44 for plastic materials of .050 thickness or greater, and A.S.T.M. method of test D568-43 for plastic materials of less than .050 thickness.

c. "Plastic light diffusers shall be adequately supported by frames and hangers of incombustible material secured to the ceiling, floor or roof construction above. The maximum dimension of any single sheet of plastic shall not exceed five feet for plastic material exceeding .050 inches in thickness and shall not exceed twenty-five feet for plastic material of .050 inches in thickness or less. The area of a single sheet of such thinner material shall not exceed seventy-five square feet. Plastic light diffusers shall not be constructed in any required stair enclosure, in public hallways, required exit corridors or exit passageways."

d. The plastic diffusers shall be approved by the board of standards and appeals. (As added by Local Law 191 of 1953 in effect December 31, 1953.)

(8.4.10.6). § C26-462.0 Gypsum lath and other solid plaster bases.—1. Gypsum lath. Gypsum lath shall comply with the standard specifications of the ASTM,D,C-37-42 and shall be not less than three-eighths inch thick.

Gypsum lath shall be securely nailed to wood supports spaced not to exceed sixteen inches on center at intervals not to exceed four inches on ceilings and five and one-half inches on walls or partitions with thirteen gage, one and one-eighth inch long, nineteen-sixty-fourths inch flat head, blued nails. The nails shall be driven with the underside of the head flush with the face of the lath and shall not be closer than three-eighths inch from edges or ends. There shall be five nails per lath per sum lath shall be applied with the face side out and with the long dimensions at right angles to the framing members. Gypsum lath shall be attached to horizontal or vertical incombustible supports by means of special attachment devices approved by the board. The joints shall be broken at every other board on walls and at right angles to the furring on ceilings.

2. Other solid plaster bases. Other types of solid plaster bases shall be approved in accordance with the rules of the board and shall be nailed directly to all wood wire gage. Such nails shall be six inches; the maximum space between nails for ceilings shall be four inches. Joints shall be broken at every other board on walls and at right angles to the furring on ceilings. (As amended by Local Law 122 of 1952 in effect October 20, 1952.)

§ C26-463.0 Quality of plastering materials.—Gypsum, lime, cement, sand, perlite, vermiculite and mortar shall comply with the requirements of section C26-312.0 (As amended by Local Law 29 of 1950 in effect June 13, 1950.)

§ C26-464.0 Proportioning and application of plaster.—Plaster shall consist of lime, sand, hair or fibre, or gypsum plaster sand, vermiculite, perlite or fibre.

The hair binder shall be water-soaked, well-beaten, clean, long winter hair. Fibre shall be approved by the board.

Plaster shall be applied in three coats, the scratch coat, the brown coat, and the finish coat, except as otherwise provided in this section. No "laid-off" work on lath shall be permitted.

The scratch coat shall be applied first on all types of lath and shall be mixed in the proportions of one part lime putty to two parts of sand by volume, or two cubic feet of sand, perlite or vermiculite to not less than one hundred pounds of gypsum plaster.

The brown coat shall be applied second and shall be mixed in the proportions of one part of lime putty to three parts of sand by volume, or three cubic feet of sand, perlite or vermiculite to not less than one hundred pounds to gypsum.

In lieu of the proportioning specified above for scratch and brown coats, the proportions may be 100 pounds gypsum neat plaster to not more than 250 pounds of sand or 2-1/2 cubic feet of vermiculite or perlite, and provided such proportions are used for both scratch and brown coats.

The finish coat shall be applied over the brown coat and shall consist of lime putting and gauging plaster or other finish approved by the board.

The scratch coat shall be applied to all lathed surfaces, and on walls and partitions such coats shall be carried to the floor. The scratch coat shall be applied with sufficient pressure and material to provide a proper key or bond and in all cases such coat shall be scratched vertically and horizontally. Gypsum plaster only shall be used on gypsum plaster bases.

The scratch coat may be omitted when applying plaster directly to brick, clay or gypsum tile, stone or concrete masonry.

The brown coat shall be applied over the scratch coat where used, and on all masonry surfaces, and shall be carried to the floor. Where lime plaster is used, the brown coat shall be applied a minimum of twelve hours after the application of the scratch coat. Where gypsum plaster is used, the brown coat shall be applied a minimum of twelve hours after the application of the scratch coat. The brown coat shall be brought out to grounds and straightened to a true surface and left rough to receive the finish coat.

The finishing coat shall be applied after the second or brown coat has become set and about dry.

A base coat for plastering on cement surfaces or on cinder or stone concrete shall be used and shall be a specially prepared bond plaster base coat to which aggregate shall not be added, or a specially prepared bonding finishing plaster approved by the board and applied in accordance with such approval. (As amended by Local Law 70 of 1958 in effect December 11, 1958.)

(8.4.10.9). § C26-465.0 Mixing of plaster.—Where hard wall plaster is specified, such plaster shall be received at the structure in the manufacturer's original package and shall be mixed and applied in accordance with his specifications.

§ C26-466.0 Keene's cement.—Keene's cement shall be approved by the board and shall comply with the standard specifications of the A.S.T.M.D., C61-40 and shall be delivered in the manufacturer's original package and shall be applied according to the manufacturer's specifications. (As amended by Local Law 10 of 1951 in effect January 15, 1951.)

§ C26-466.1 Vermiculite plaster.—

The particle size of vermiculite shall conform with the requirements of the "standard specifications for inorganic aggregates for use in gypsum plaster." A.S.T.M.C. 35-59. The weight shall not be less than six nor more than ten pounds per cubic foot as determined by measurements in a cubic foot box using the shoveling procedure as outlined in the "standard method of test for unit weight of aggregate." A.S.T.M.C. 29-60.

(As amended by Local Law #17 of 1963. Effective March 4, 1963.)

§ C26-466.2 Perlite plaster.—The particle size of perlite shall conform with the requirements of the "standard specifications for sand for use in plaster," A.S.T.M. C35-39, except that the minimum percentage retained on a no. 100 (149 micron) sieve shall be decreased from 95% to 90%. The weight shall be not less than seven and one-half nor more than ten pounds per cubic foot as determined by measurements in a cubic foot box using the shoveling procedure as outlined in the "standard method of test for unit weight of aggregate," A.S.T.M. C29-42. (As added by Local Law 65 of 1949 in effect September 12, 1949.)

§ 26-467.0 Plastering notes.—a. Unpainted masonry surfaces which are to be plastered shall be thoroughly broomed off before plastering is started. Where masonry surfaces exhibit high suction they shall be wet down before plastering. (Subd. a. as amended by Local Law 17 of 1951 in effect January 30, 1951.)

b. Concrete and cement surfaces which are to be plastered shall be cleaned of all dust and loose particles. Where bond plaster basecoat is used, surfaces shall be washed with a ten per cent solution of muriatic acid and water and then with clean water to remove all traces of the acid and roughened to provide a proper bond. Specially prepared bonding finishing plaster approved by the board may be applied to smooth concrete and cement surfaces in accordance with such approval. (Subd. b. amended by Local Law 17 of 1951 in effect January 30, 1951.)

c. When plastering is in progress and until such plastering has become thoroughly dry, the structure shall be enclosed and heated if necessary to maintain a minimum temperature of 40°F. (Subd. c. amended by Local Law 17 of 1951 in effect January 30, 1951.)

d. It shall be unlawful to apply on the inner surface of an exterior masonry wall of a dwelling structure, any materials which are not impervious to moisture except when such materials are applied on furring of at least seven-eighths of an inch in thickness. A hollow wall of masonry shall not be deemed a solid masonry wall for the purpose of this section. (Subd. d. added by Local Law 5 of 1947 in effect January 3, 1947.)

Sub-Article 6

Iron and Steel Construction

Group 1 Cast Iron

(8.6.1.1.1). § C26-510.0 Cast iron columns.—a. Dimensions of cast iron columns.—Cast iron columns shall have an outside diameter or side of at least five inches, and their maximum unsupported length shall conform to the requirements of section C26-367.0.

(8.6.1.1.2). b. Thickness of metal in cast iron columns.—The thickness of metal shall be at least one-twelfth the diameter or least dimension of cross-section, with a minimum thickness of three-fourths of an inch. The core of columns above and below a joint shall be the same, but where one column is supported by another of larger diameter, the core of the latter shall be tapered down over a distance of at least six inches, or a joint plate shall be inserted of sufficient strength to distribute the load. Wherever the core of a cast iron column has shifted more than one-fourth the thickness of the shell, the thickness of the metal all around shall be assumed equal to the thinnest part.

(8.6.1.1.3). c. Joints of cast iron columns.—Cast iron columns shall be machine faced at the end to a true surface perpendicular to the axis. They shall be bolted together with at least four bolts, three-quarters of an inch or more in diameter, passing through the flanges, the bolts being of sufficient length to allow the nuts to be crewed up tightly; and as each column is placed in position, the bolts shall also be placed in position and the nuts shall be screwed up tightly.

(8.6.1.1.4). d. Flanges of cast iron columns.—Where cast iron columns rest one on top of another, the top flange of the lower column shall project on all sides at least three inches from the outer surfaces of the column and the shape and dimensions of the bottom flange of the upper column shall be the same as those of the top flange of the lower column, except that when a column is placed on a lot line, the flanges on the side toward such lot line may be omitted, unless required for bolting. Flanges shall be at least one inch in thickness when finished, and shall be reinforced by fillets and brackets.

(8.6.1.1.5). e. Bolt holes in cast iron columns shall be drilled. The diameter of the holes shall be within the diameter of the bolts plus one-sixteenth of an inch.

(8.6.1.1.6). f. Limitation on use of cast iron columns.—It shall be unlawful to use cast iron columns in any case where the load is so eccentric as to cause tension in the cast iron or for such parts of the structural frame of structures as are required to resist stress due to wind.

(8.6.1.1.7). g. Inspection of cast iron columns.—A cast iron column shall be set in place only after it has passed an inspection satisfactory to the superintendent. Wherever blowholes or imperfections are found, which reduce the area of the cross-section at that point more than ten percent, such columns shall be condemned. Columns cast without one open side or back shall have three-eighth-inch holes drilled in the shaft, to exhibit the thickness of the castings, as may be required by the superintendent. Columns shall be inspected before painting.

(8.6.1.2). § C26-511.0 Cast iron lintels.—Cast iron lintels shall be at least three-quarters of an inch in thickness at any point, and it shall be unlawful to use such lintels for spans exceeding six feet.

(8.6.1.3). § C26-512.0 Cast iron column bases.—All parts of a cast iron base or bearing plate shall be at least one inch thick.

Sub-Article 7

Wood Construction

Group 1

General Requirements for Wood Construction

(8.7.1.1). § C26-528.0 Support of wood structural members.—a. The ends of wood beams, joists and rafters resting on masonry walls shall be cut to a bevel of three inches in their depth, and shall have a bearing of at least four inches on the masonry.

b. The ends of wood beams resting on girders shall have bearings of at least four inches.

c. The ends of wood beams framing into girders may be supported by approved metal stirrups, hangers or bolted hardwood cleats, provided that all bearings of timber shall be at least four inches or as may be otherwise designed and shown in detail on the framing plans and having a bearing within the working stress of the timbers.

d. It shall be unlawful, except in the case of one and two family dwellings, to support either end of a floor or roof beam on stud partitions. Tail beams over eight feet long and trimmer and header beams shall be hung in approved metal stirrups or hangers and shall be spiked unless supported on a wall or girder.

e. It shall be unlawful to notch or cut wood beams, joists or rafters unless they are suitably reinforced.

f. Built-up girders shall be securely bolted together. Other built-up members shall be securely spiked or bolted together. Spiked trusses shall be of types which have been tested and approved.

(8.7.1.2). § C26-529.0 Bridging of wood beams.—Wood floor beams and beams in flat roofs exceeding eight feet in clear span shall be braced with mitred cross bridging measuring at least one inch by two and one-half inches (actual), nailed twice at each bearing, or, if metal bridging is used, it must have equivalent effective strength and durability. The maximum distance between bridging or between bridging and bearing shall be eight feet.

(8.7.1.3.1). § C26-530.0 Anchoring and fastening of wood beams and girders.—a. Anchoring of wood beams and girders to masonry.—Each tier of beams parallel to masonry and beams and girders bearing on masonry shall provide adequate lateral stability by anchorage as required in section C26-416.0.

(8.7.1.3.2). b. Fastening of wood beams on girders. The ends of wood beams resting upon girders, walls or bearing partitions required to be anchored in accordance with section C26-416.0, except as otherwise provided, shall lap each other at least six inches and be well bolted or spiked together or shall be butted end to end and fastened by approval metal straps, ties, or dogs in the same beams as the wall anchors. The ends of such wood beams framing into girders shall be tied together with approved metal straps or dogs so as to provide continuity in the same beams as the wall anchors.

(8.7.1.3.3). c. Fastening of wood girders. The ends of wood girders shall be fastened to each other by approved straps, ties or dogs.

(8.7.1.4.1). § C26-531.0 Fire prevention.—a. Trimming around flues and fireplaces. Wood beams shall be trimmed away from flues and chimneys. The header and trimmer beams shall be at least four inches from the face of chimneys and backs of fireplaces. In front of a fireplace an opening shall be trimmed to support a trimmer arch or approved masonry hearth at least sixteen inches from the face of the breast and at least twelve inches wider than the fireplace opening on each side.

(8.7.1.4.2). b. Separation of combustible members in masonry walls.—Combustible members entering a masonry wall shall be separated from the outside of the wall by at least four inches of solid masonry.

(8.7.1.5). § C26-532.0 Wood columns and posts.—a. Wood columns and posts shall have level bearings and shall be supported on properly designed metal bases or base plates.

b. Where timber columns are superimposed they shall be squared at the ends perpendicular to their axes and supported on metal caps with brackets or shall be connected by properly designed metal caps, pintles and base plates.

(8.7.1.6). § C26-533.0 Bolting in wood construction.—Bolts in wood construction shall be provided with washers and when carrying tensile stress they shall be of such proportions that the compression on the wood at the face of the washer will be less than the working stresses prescribed in section C26-370.0.

(8.7.1.7). § C26-534.0 Stud bearing partitions.—a. Stud bearing partitions which rest directly over each other and are not parallel with wood floor beams shall run down between the wood floor beams and rest on the top plate of the partition girder or foundation below.

b. Stud bearing partitions parallel to the floor joists shall be supported on double joists, or beams, at least as wide as the studs supported.

(8.7.1.8.1). § C26-535.0 Fire-stops.—a. Fire-stopping of stud bearing partitions.—Exterior stud walls and stud bearing partitions shall have the studding filled in solid between the uprights to the depth of all floor beams with suitable incombustible materials.

(8.7.1.8.2). b. Fire-stopping of furred spaces.—Where walls are furred off, or studded off, the space between the inside of the furring or studding and the wall shall be fire-stopped from the ceiling to the underside of the flooring or roof above with incombustible material.

Group 2

Frame Structures of Wood

(8.7.2.1). § C26-536.0 Height of wood frame structures.—The maximum height of any frame structure erected after January first, nineteen hundred thirty-eight, or enlarged after January first, nineteen hundred thirty-eight shall be as provided in article five of this title. It shall be unlawful to use more than two stories for living quarters in two family residence buildings.

(8.7.2.2). § C26-537.0 Area of wood frame structures.—a. The maximum area of any wood frame structure erected after January first, nineteen hundred thirty-eight, or enlarged after January first, nineteen hundred thirty-eight, shall be as provided in article five of this title.

b. Attached wood frame dwelling in rows and semi-detached dwellings housing more than two families shall be separated by unpierced fire partitions.

(8.7.2.3). § C26-538.0 Wood frame construction details.—a. The framework of wood frame structures shall conform to the balloon frame, or platform frame types and shall consist of sills, posts, girts or ribbon strips and plates mutually braced at all angles or bracing may be provided by wood sheathing laid diagonally and nailed twice at each bearing. Where exterior sheathing material demonstrates its ability to withstand sufficient racking load, the board may approve the use of such material without additional bracing. Corner or diagonal bracing shall not be required for one story private dwellings where approved plywood, fibre board or gypsum exterior sheathing is used on the building, provided plywood and fibre board panels not less than 8 feet by 4 feet in size, and gypsum panels not less than 2 feet by 8 feet in size, are used, except that such sizes may be reduced where necessary for fitting and trimming. All sheathing panels shall be nailed on all edges and at each bearing. The corner post shall be at least the equivalent of three two by four inch timbers, where two by four inch studs are used, and shall be the equivalent of three two by three inch timbers where two by three inch studs are used. Studs used in exterior walls shall not be less than two inch by four inches in size, except for private dwellings not more than one story in height studs may be two inches by three inches in size. Studs shall be spaced not more than sixteen inches on centers, except that in one story private dwellings, studs may be spaced not more than twenty-four inches on centers if the studs are not less than two inches by four inches in size and provided the structure is adequately braced to the satisfaction of the superintendent. Studs shall be set with the larger cross section dimension at right angles to the wall. Exterior stud walls and stud bearing partitions shall be adequate to carry all imposed loads. Sills shall be at least four by six inches or three by eight inches. Mortise and tenon framing shall be used only with timbers at least four by six inches (nominal). All structural parts of the wood framework shall be built at least twelve inches above the adjoining finished grade. (Subd. a amended by Local Law 85 of 1955 in effect June 30, 1955.)

b. Approved fibre board sheathing at least one-half of an inch in thickness and four feet in width may be used instead of wood sheathing when bearing on four studs and fastened to each bearing with nails spaced six inches or less apart, except that where necessary for fitting around opening and similar purposes, the dimensions of each board used for such purpose shall be the maximum possible if such board is less than four feet in width.

NOTE: See Rules of the Board of Standards and Appeals on Uses of Insulating Fibre Board.

c. Gypsum sheathing board, at least one-half of an inch in thickness and two feet in width may be used instead of wood sheathing when set horizontally and fastened to each bearing with one and three-quarter inch (No. 10-1/2 gage) galvanized flat head roofing nails, spaced four inches or less apart. (As amended by Local Law 11 of 1951 in effect January 15, 1951.)

(8.7.2.4). § C26-539.0 Wood shingle roofing.—a. It shall be unlawful to use wood shingles on the roof of any structure erected after January first, nineteen hundred thirty-eight, or to replace with wood shingles any roofing of other than wood shingles.

b. It shall be unlawful to replace wood shingle roofing on structures erected before January first, nineteen hundred thirty-eight, with wood shingle roofing, except when:

1. Shingles are placed on a solid roof deck, with rust resistive nails;

2. Shingles are of vertical or edge grain having a thickness of two inches in five shingles, measured at the butt (American lumber standard);

3. The maximum exposure of such wood shingle roofing to the weather is:

(a) for roofs with a pitch of more than thirty degrees from the horizontal:

Five inches for sixteen-inch shingles

Five and one-half inches for eighteen-inch shingles

Seven and one-half inches for twenty-four-inch shingles

(b) for roofs with a pitch between twenty-two and one-half degrees and thirty degrees from the horizontal:

Four inches for sixteen-inch shingles

Four and one-half inches for eighteen-inch shingles

Six and one-half inches for twenty-four-inch shingles

(8.7.2.5). § C26-540.0 Covering of wood frame towers.—All towers on wood frame structures shall be roofed with approved incombustible roofing, except as provided in section C26-539.0.

(8.7.2.6.1). § C26-541.0 Minor wood frame structures.—a. Wood frame sheds.—Wood frame sheds, open on at least one side may be erected of wood or with approved fibre board siding, throughout the city, but such sheds shall be fifteen feet or less in height, shall cover twenty-five hundred square feet or less, shall be placed at least four feet from any lot line, and shall be covered on the sides and roof with approved fire retarding material.

(8.7.2.6.2). b. Wood frame outhouses.—Wooden outhouses used exclusively for domestic purposes may be constructed throughout the city to a wall height of eight feet, and may be one hundred fifty square feet in area, provided the roofs are covered with approved fire retarding materials and the walls are located at least three feet from the lot line.

(8.7.2.6.3). c. Wood frame builders' shanties.—One-story structures for the use of builders in connection with any building operation for which a permit has been issued, may be constructed of wood, or may be sheathed with approved fibre board, and placed on the lot where such building operation is carried on in any part of the city, or on adjoining lots if such structures do not interfere with the safe occupancy of any structures thereon, or on the sheds provided over the sidewalks in front of such building operation.

(8.7.2.6.4). d. Wooden fences.—Wooden fences may be erected throughout the city to a maximum height of ten feet, except as provided in section C26-257.2 of the code. (Subd. d. amended by Local Law 4 of 1955 in effect January 11, 1955.)

NOTE: See Rules of The Board of Standards and Appeals on Uses of Insulating Fibre Board.

§ C26-542.0 Temporary wood frame structures and tents.—a. Permit requirements for temporary wood frame structures and tents.—It shall be unlawful to erect temporary wood frame structures and tents until a permit, specifying the purpose and the period of maintenance, shall have been obtained from the superintendent.

b. Location of temporary wood frame structures and tents.—It shall be unlawful to place temporary structures, which are enclosed in any manner, nearer than four feet to any lot line.

c. Removal of temporary wood frame structures and tents.—Every temporary structure shall be removed at the expiration of the period or periods for which the permit was issued.

d. Unlawful use of temporary wood frame structures and tents.—It shall be unlawful to use any temporary structure for any other pupose than that designated in the permit.

e. Area of tents.—No tent shall exceed twenty-five hundred square feet in area.—(As amended by Local Law 85 of 1956 in effect December 20, 1956.)

BUILDING LAWS OF

THE CITY OF NEW YORK

ADMINISTRATIVE CODE

CHAPTER 26—TITLE C

(BUILDING CODE)

ARTICLE 11

FIRE RESISTIVE CONSTRUCTION

Sub-Article 1

Fire Resistive Materials

Group 1

Classification and Use of Fire Resistive Materials

(10.1.1). § C26-571.0 Classification and use of fire resistive materials.—a. Fire resistive materials shall be classified on a time and temperature basis and used in accordance with the requirements of this title and the rules of the board.

b. The requirements of this article are intended to provide adequate protection against fire and do not limit any requirements of other sections of this title providing for stronger construction in order to provide safe load carrying capacity.

Group 2

Fire Resistive Construction Details

(10.1.2). § C26-572.0 General.—a. Fire resistive units of burnt clay or shale, sand-lime, concrete or gypsum shall be laid up in cement mortar, cement-lime mortar or gypsum mortar for gypsum units.

b. Units shall be solidly bedded, and shall be thoroughly bonded by broken joints in alternate courses, or by approved metal ties.

c. Structures of reinforced concrete meeting the requirements of sections C26-468.0 through C26-509.0, in respect to the reinforced concrete and of section C26-239.0, in respect to other parts shall be considered as Class 1, fireproof structures.

d. Poured in place concrete or gypsum fire resistive materials shall be reinforced for protective purposes with a sufficient amount of metal bars or mesh to insure the integrity of the construction.

e. Plaster used in fire resistive construction shall consist of gypsum or cement mortar, or other equally fire resistive material.

(10.1.2.1). § C26-573.0 Spaces exterior to structure.—a. Any space within the grade story in a structure may be considered as outside the structure provided such space is cut off from the structure on all sides adjacent thereto by walls having a fire resistive rating of at least four hours, and access to such space is from the outside only.

b. Any area of a grade story of a structure without exterior walls and cut off from the remainder of the structure by partitions or walls having a fire resistive rating of at least four hours may be considered as outside of the structure.

c. These provisions do not permit the erection of any structure in a manner inconsistent with the provisions of article four of this title.

Group 3

Tests for Fire Resistive Materials

(10.1.3). § C26-574.0 Test for fire resistive materials.—Other materials, appliances or methods of construction for fire resistive purposes not specifically provided for in this title shall, on written application to the superintendent, be tested in accordance with the rules of the board and if found to comply with the requirements of this title, they shall be approved by the superintendent.

Group 4

Thicknesses and Fire Resistive Ratings for Protection of Structural Steel

§ C26-575.0 General.—Unless otherwise determined by test in accordance with the rules of the board, the thicknesses of fire resistive materials in the following table, exclusive of air spaces when used for the protection of structural steel members, shall be assumed to have the following fire resistive ratings. It shall be unlawful to reduce such thicknesses for the embedment of pipes, conduits, or wires, or for any other purpose.

Inches of:	1 hour	2 hours	3 hours	4 hours
Brick (burned clay or shale)	2-1/4	2-1/4	33/4	33/4
Brick (sand lime)	2-1/4	2-1/4	33/4	33/4
Concrete brick, block or tile, except cinder concrete units	2-1/4	2-1/4	33/4	33/4
Hollow or solid cinder concrete block and tile having a compressive strength of at least seven hundred pounds per square inch of gross area	1-1/2	2	2	2-1/2

Solid gypsum block, provided that to obtain the four-hour rating such blocks shall be plastered with at least one-half inch of gypsum plaster	1	1-1/2	2	2
Gypsum poured in place and reinforced	1	1-1/2	1-1/2	2
Hollow or solid burned clay tile or combinations of tile and concrete	1-1/2	2	2	2-1/2
Metal lath and gypsum plaster	7/8	1-1/2	2	2-1/2
Cement concrete, Grade I	1	1-1/2	2	2
Cement concrete, Grade II	1-1/2	2	3	4
Cement concrete, Grade II, with wire mesh	1-1/2	2	2	3
Hollow gypsum block, provided that to obtain the four-hour rating such blocks shall be plastered with at least one-half inch of gypsum plaster on outer side	3	3	3	3
Metal lath and Vermiculite-gypsum plaster provided that to obtain a four-hour rating for columns a back-fill of loose Vermiculite shall be employed. For the 3 and 2 hour ratings for floors, the thickness may be 3/4". Note: thickness shown includes finish coat of plaster	3/4	7/8	1	1

(As amended by Local Law 50 of 1948 in effect July 1, 1948.)

(10.1.4.1) § C26-576.0 Anchors, bonds and ties.--a. Metal anchors, bonds or caging shall be used with solid gypsum block and cement concrete. For gypsum block protections for all periods, and for other block or tile protections for periods of over two hours, metal anchors in the horizontal joints shall be used.

b. Hollow gypsum shall be anchored with "U" straps placed between the blocks and running into the hollow spaces. For Grade I or Grade II concrete, or poured gypsum, the tie shall consist of wire mesh complying with section C26-578.0, or the equivalent in metal ties or spirally wound wire.

(10.1.4.2). § C26-577.0 Plaster equivalents.--One-half of an inch of unsanded gypsum plaster shall be equivalent to three-quarters of an inch of sanded gypsum or cement plaster. Plaster protections more than one inch in thickness shall have an additional layer of metal lath embedded three-quarters of an inch or less from the outer surface and securely tied to the protected member. The thickness of the plaster shall be the minimum thickness of plaster measured from the face of the lath or of the masonry.

(10.1.4.3). § C26-578.0 Wire Mesh.—Wire mesh for tying concrete protections shall weigh at least one and one-half pounds per square yard and shall be of a type approved by the board.

Group 5

Fire Tests

(10.1.5.1). § C26-579.0 Time-temperature curve.—The conduct of all fire tests of materials and construction shall be controlled by the standard time-temperature curve shown in Figure 1. The points on the curve which determine its character are:

1,000° F.....at 5 minutes
1,300° F.....at 10 minutes
1,550° F.....at 30 minutes
1,700° F.....at 1 hour
1,850° F.....at 2 hours
2,000° F.....at 4 hours
2,300° F.....at 8 hours

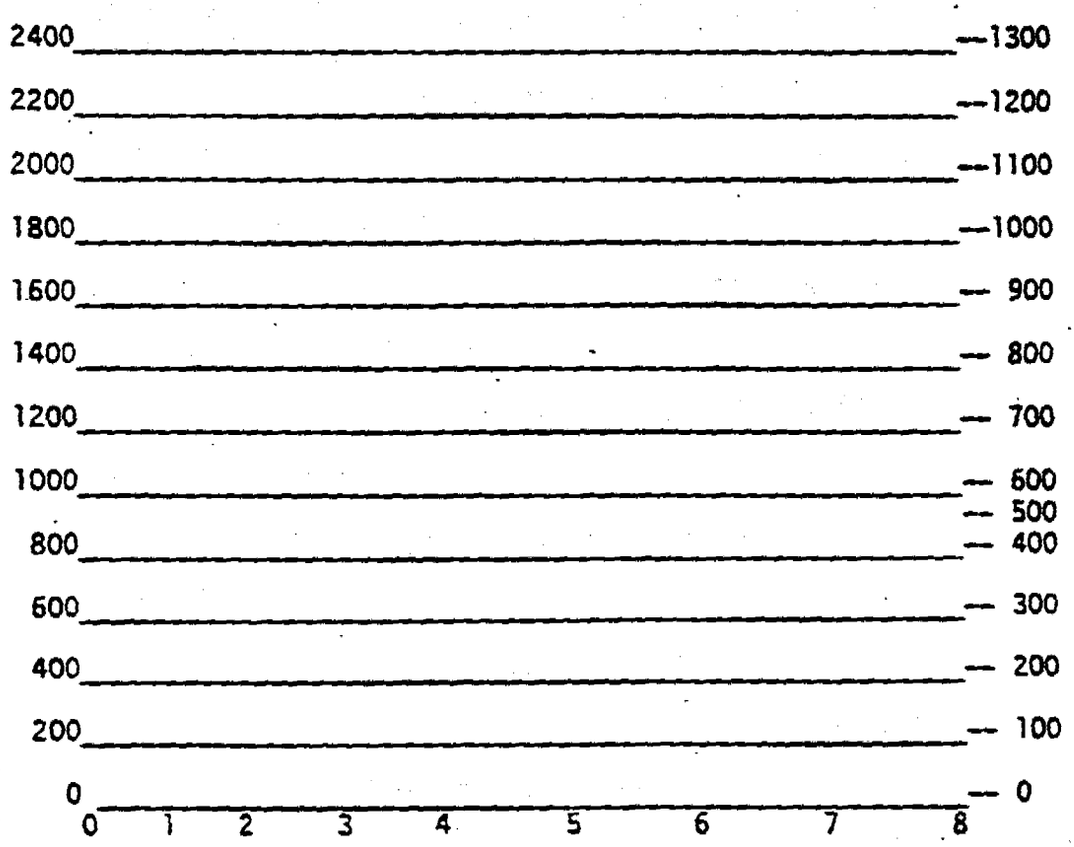

Figure 1.—Time-temperature curve.

(10.1.5.2). § C26-580.0 Determination of furnace temperatures.—a. The temperature fixed by the curve shown in figure 1 of section C26-579.0, shall be deemed to be the average temperature obtained from the readings of at least three thermo-couples symmetrically disposed and distributed to show the temperature near all parts of the sample. All thermo-couples shall project at least twelve inches into the furnace chamber.

b. The temperatures shall be read at intervals of five minutes or less during the first hour, and thereafter the intervals may be increased to a maximum of ten minutes.

c. The accuracy of the furnace control shall be such that the area under the time-temperature curve, obtained by averaging the results from the pyrometer readings, is within seven and one-half percent of the corresponding area under the standard time-temperature curve shown in figure 1 of section C26-579.0, for fire tests of one hour or less duration, and within five percent for tests exceeding one hour in duration.

(10.1.5.3). § C26-581.0 Determination of temperatures on unexposed surfaces.—a. Temperatures on unexposed surfaces shall be measured with thermo-couples or thermometers placed under oven dry asbestos fire felt pads six inches square, four-tenths of an inch thick, and weighing between one and one and four-tenths pounds per square foot. The wire leads of the thermo-couple or the stem of the thermometer shall have an immersion under the pad and be in contact with the unexposed surface for at least three and one-half inches. The hot junction of the thermo-couple or the bulb of the thermometer shall be placed approximately under the center of the pad. The pad shall be held firmly against the surface, and shall fit closely about the thermo-couples or the thermometer stems. Thermometers shall be of the partial-immersion type, with a length of stem, between the end of the bulb and the immersion mark, of three inches. The wires for the thermo-couple in the length covered by the pad shall not be heavier than No. 19 steel wire gage (0.041 inch) and shall be electrically insulated with heat and moisture resistive coatings.

b. The temperature readings shall be taken at five or more points on the surface, one of which shall be approximately at the center of such surface, and four approximately at the centers of the quarter sections. If additional points are used, they shall be symmetrically disposed about the center, with no location nearer than one and one-half times the thickness of the construction, or near than twelve inches in the edges. It shall be unlawful to use points located opposite or on top of beams, girders, plasters or other structural members.

c. Temperature readings shall be taken at intervals of fifteen minutes or less until a reading exceeding two hundred twelve degrees Fahrenheit has been obtained at any one point. Thereafter at the discretion of the superintendent, the readings may be taken more frequently but the intervals need not be less than five minutes.

d. Where the conditions of acceptance place a limitation on the rise of temperature of the unexposed surface, the temperature end point of the fire endurance period shall be determined by the average of the measurements taken at individual points, except that if a temperature rise of thirty percent in excess of the specified limit occurs at any one of these points, the remainder shall be ignored and the fire endurance period judged as ended.

(10.1.5.4). & C26-582.0 Report of results of fire tests.—Results shall be reported in accordance with the performance in the tests prescribed in this title. Such results shall be expressed in time periods of resistance.

(10.1.6). § C26-583.0 Fire test structures.—a. Fire test structures may be located at any place where all the necessary facilities for properly conducting the test may be provided.

b. Entire freedom is left to each applicant in the design of his test structure and the nature and use of fuel, provided the test requirements are met.

Group 7

Fire Test Samples

(10.1.7). § C26-584.0 Fire test samples.—The fire test sample shall be truly representative of the construction for which classification is desired, and shall be built under conditions representative of actual practice. Test samples of shop-made units shall be selected at the place of manufacture by the superintendent or his representative. When test samples are constructed in place, all workmanship shall be inspected and all materials used in the test samples shall be selected by the superintendent or his representative. The physical properties of the materials or ingredients used in the test sample shall be determined and recorded.

Group 8

Fire Endurance Test

(10.1.8). § C26-585.0 Fire endurance test.—The fire endurance test on the sample with its applied load, if any, shall be continued until failure occurs, or until it has withstood the test conditions for a period equal to that specified in the conditions of acceptance for the given type of construction.

Group 9

Hose Stream Test

(10.1.9). § C26-586.0 Hose stream test.—a. Immediately following the expiration at the fire endurance test, the sample shall be subjected to the impact, erosive and cooling effects of a fire hose stream directed first at the middle and then at all parts of the exposed surface. Changes in direction shall be made slowly. The stream shall be delivered through a one and one-eighth inch standard taper, smooth bore nozzle. The water pressure and duration of application shall be as specified in the following table:

Parts of structure	Resistance period	Water pressure at nozzle, pounds per square inch	Duration of application, minutes per one hundred square feet of exposed area
Floors and roofs	Less than 1 hour	30	1
	1 hour to less than 2 hours	30	1-1/2
	2 hours to less than 4 hours	45	2-1/2
	4 hours and over	45	5
Walls and partitions..	Less than 1 hour	30	1
	1 hour to less than 2 hours	30	1-1/2
	2 hours to less than 4 hours	30	2-1/2
	4 hours and over	45	5

b. The nozzle orifice shall be twenty feet from the center of the exposed surface of the test sample if the nozzle is so located that when directed at the center its axis is normal to the surface of the test sample. If the nozzle is otherwise located, its distance from the center shall be less than twenty feet by an amount equal to one foot for each ten degrees of deviation from the normal.

Sub-Article 2

Protection of Structural Steel and Iron Members

(10.2.1). § C26-611.0 Protection of columns.—a. Iron or steel columns shall be protected by material or assemblies having a fire resistive rating of four hours for Class 1, fireproof structures, and of three hours for Class 2, fire-protected structures, except that interior columns in Class 2, fire-protected structures, for residence purposes need have only two-hour protection.

b. Special precautions shall be taken to protect the outer surfaces of iron or steel columns located in exterior walls against corrosion: by painting such surfaces with waterproof paints, by the use of mastic, or by other methods of waterproofing approved by the superintendent.

(10.2.2). § C26-612.0 Protection of lugs, brackets and wind bracing.—Where a column is solidly encased with fire resistive material, the extreme outer edge of lugs, brackets, wind bracing, or other supporting parts may extend to within one inch of the outer surface of the protection.

(10.2.3). § C26-613.0 Protection of fire resistive covering.--Where the fire resistive covering on columns is exposed to injury from moving vehicles or the handling of merchandise it shall be jacketed to a height of five feet from the floor with an adequate protective covering.

(10.2.4). § C26-614.0 Protection of wall girders and other steel supporting masonry.--Wall girders and other steel supporting masonry in Class 1, fireproof structures, and Class 2, fire-protected structures, shall be protected by materials or assemblies having a fire resistive rating of three hours.

§ C26-615.0 Protection of joists, beams and girders.--a. Joists, beams and girders supporting floor or roof construction in class 1, fireproof structures, shall be individually encased with materials or assemblies having a three-hour fire resistive rating, except that in areas of twenty-five hundred square feet or less, joists, beams and girders may be protected by a ceiling with a one and one-half hour fire resistive rating provided such areas are completely fire-stopped.

b. Joists, beams and girders supporting floor and roof construction in class 2, fire-protected structures, shall be individually encased with material or assemblies having a one and one-half hour fire resistive rating except that in areas of twenty-five hundred square feet or less, joists, beams and girders may be protected by a ceiling with a one and one-half hour fire resistive rating provided such areas are completely fire-stopped.

c. Fire-stopping as required in this section shall be done with materials, or assemblies having the same fire resistive rating as the fireproofing; or joists, beams, or girders with solid webs may be substituted for such materials or assemblies. At firestops, where a space occurs between the bottom of the joist, beam or girder and the ceiling, such space shall be filled with material similar to that used for the fire-proofing. (As amended by Local Law 1 of 1951 in effect January 8, 1951.)

(10.2.6). § C26-616.0 Protection of lintels.--Iron or steel lintels over openings more than four feet wide in walls shall be protected as required for beams unless the lintel is supported from a fireproof member above; provided that when the span of any such opening is six feet or less and such opening is spanned by an adequate masonry arch above the lintel, the protective covering may be omitted.

(10.2.7). § C26-617.0 Use of stone lintels restricted.--It shall be unlawful to use stone lintels unless such lintels are supplemented on the inside of the wall with iron or steel lintels or with suitable masonry arches carrying the masonry backing, or by other methods approved by the superintendent.

(10.2.8). § C26-618.0 Protection of trusses.--a. Trusses in Class 1, fireproof structures, and Class 2, fire-protected structures, shall be entirely protected by materials or assemblies having fire resistive ratings of three hours and one and one half hours respectively. In one-story structures the protective covering may be omitted from members of trusses, including beams and subpurlins. In multi-story structures such covering may be omitted when such members support only roof loads, access passageways, or ventilating equipment, and have a clear height of at least twenty feet below the lower chords of the trusses.

b. The protective covering may be omitted from roof truss members, including beams and subpurlins, if a continuous ceiling, having a fire resistive rating of three hours is provided below the lower chords of the trusses, and the space above the ceiling is completely enclosed and fire-stopped and contains no passageways or apparatus of any kind. Access to the enclosed roof space shall be permitted by an access door having a fire resistive rating of at least one hour, and having maximum dimensions of three feet by three feet.

c. In an auditorium with fixed seats having metal frames, the fireproofing may be omitted from structural steel roof trusses with their adjoining steel framing, when the clear height below the lower chords of the trusses is less than twenty feet and when such members support only roof loads, access passageways or ventilating equipment provided a wire lath and plaster ceiling of one-hour fire resistive rating placed at least three inches clear of any steel surface separates such steel completely from such auditorium spaces. (Subd. c. added by Local Law 109 of 1953 in effect June 12, 1953.)

Sub-Article 3

Fire Resistive Floors and Roofs

(10.3.1). § C26-619.0 Form and fire resistive ratings of floor and roof construction.—a. Floor and roof construction between supporting beams in Class 1, fireproof structures, shall consist of arches or slabs of incombustible material or assemblies and shall either by itself or in combination with its protective ceiling have a fire resistive rating of at least three hours, except as specifically provided otherwise. Nothing in this section shall prevent the application of cork or fibre insulation board or other combustible insulation material applied directly to the fire resistive floor or roof construction in cement, provided that in the case of floor construction such insulation is covered by at least one and one-half inch thickness of Portland cement concrete or other equally fire resistive material of equal thickness. Similar floor and roof construction in Class 2, fire-protected structures, shall either by itself or in combination with its protective ceiling have a fire resistive rating of at least one and one-half hours, except as otherwise specifically provided. (As amended by Local Law 97 of 1940 in effect July 15, 1940.)

b. Where the fire protective covering is omitted from roof trusses as provided in section C26-618.0, blocks of book tile, gypsum, concrete or other equivalent fire resistive materials may be used for horizontal or sloping roofs directly above such trusses, provided the necessary strength requirements are met.

c. A floor or roof construction in which the structural members are not individually encased in fire resistive materials or assemblies shall be fire-stopped as provided in section C26-615.0.

NOTE.—SEE RULES OF THE BOARD OF STANDARDS AND APPEALS ON USES OF INSULATING FIBRE BOARD.

(10.3.2.1). § C26-620.0 Concrete floor and roof construction.—a. Materials for concrete floor and roof construction.—Unless designed in accordance with the provisions of sections C26-468.0 through C26-509.0, concrete floor and roof construction shall consist of a mixture of five parts of coarse aggregate measured separately by volume and reinforced with steel as provided in subdivision d of section C26-620.0. Cinder aggregate shall be clean and well burned, containing a maximum of thirty-five percent by weight of unconsumed carbon and one and one-half percent by weight of sulphur. Other aggregates shall conform to section C26-315.0.

(10.3.2.2). b. Reinforcement of concrete floor and roof construction.—Reinforcement shall consist of steel fabric, rods, or other suitable shapes. The reinforcement shall be at least fifteen hundredths percent for continuous steel fabric and at least twenty-five hundredths percent for other forms of steel reinforcement, the percentage to be based on the sectional area of the slab above the center of reinforcement. The center of the reinforcement shall be at least one inch above the bottom of the slab, but all parts of the reinforcement shall be at least three-quarters of an inch from the bottom of the slab.

(10.3.2.3). c. Thickness of concrete floor and roof construction.—

1. Unless designed in accordance with the provisions of sections C26-468.0 through C26-509.0, the minimum thickness of concrete floor and roof construction shall be determined by the following formula, in which

t = total thickness in inches

L = clear span in feet between steel flanges

w = gross uniform load in pounds per square foot:

$$t = \frac{L}{2} + \frac{w-75}{200}$$

The total thickness shall be at least four inches except in the following cases:

(a). Special forms of construction which have passed the three-hour fire test specified in sections C26-588.0 through C26-590.0.

(b). In Class 2, fire-protected structures, floor construction, except the floor construction above the cellar or basement, and roof construction may be used consisting of two inches or more of reinforced concrete or gypsum top slab, or two inches or more of stone or cinder concrete poured over rib lath secured to the top of steel beams or steel joists, and at least a seven-eighth-inch gypsum or cement plaster ceiling on metal lath; or any other material or assembly having a fire resistive rating of at least one and one-half hours.

2. Four-inch slabs may be used for spans of eight feet or less provided the gross floor load is two hundred pounds per square foot or less.

(10.3.2.4). d. Strength of concrete floor and roof construction.—

1. Unless designed in accordance with sections C26-468.0 through C26-509.0, the safe carrying capacity for concrete floor and roof construction shall be determined by the following formula in which

w = gross uniform floor load in pounds per square foot

As= cross sectional area of reinforcement in square inches per foot of width of slab

L = clear span in feet between steel flanges and shall not exceed ten feet in any case, and when the gross floor load exceeds two hundred pounds per square foot shall not exceed eight feet

C = the following coefficient, for steel having an ultimate strength of at least fifty-five thousand pounds per square inch:

(a). For cinder concrete

(1). Twenty thousand when reinforcement is continuous

(2). Fourteen thousand when reinforcement is hooked or attached to one or both supports.

(b). For stone concrete

(1). Fifteen thousand when reinforcement is hooked or attached to one or both supports

(b). For stone concrete

(1). Fifteen thousand when reinforcement is hooked or attached to one or both supports

(2). Twenty-three thousand when reinforcement is continuous:

$$w = \frac{3CAs}{L^2}$$

2. When this formula is used the reinforcement shall be hooked or attached to one or both supports or be continuous, and the slab shall be stone or cinder binder concrete at least four inches in thickness.

3. The concrete in such floor and roof construction shall have an ultimate compressive strength of at least seven hundred pounds per square inch at the end of twenty-eight days. For such concrete, the safe fibre stress may be taken as two hundred pounds per square inch, the bond fifty pounds per square inch and n, as defined in section C26-470.0, shall equal thirty; and the strength may be figured by the usual methods.

4. If steel of an ultimate strength in excess of fifty-five thousand pounds per square inch is used, the above coefficient may be increased in the ratio of the ultimate strength to fifty-five thousand, but at most thirty percent, provided a certificate of the manufacturer, certifying to the minimum strength of the wire fabric actually to be used, is submitted before erection.

§ C26-620.1 Cellar floors and garage floors.—The cellar floor and garage floor or any floor resting directly on the ground shall be constructed of stone concrete or cinder concrete at least four inches thick, but in no instance shall the mix be more than eight parts aggregate to one part cement except that for garage floors on ground in other than private dwellings, a bituminous plant mix wearing surface not less than two inches thick when compressed and laid on a stabilized base course four inches in thickness after compression may be used. The wearing surface shall be of asphaltic concrete mixture type 1 and shall comply with the specifications in section 3.01 of the standard highway specifications for assessable improvements adopted by the board of estimate of the city of New York on May 24, 1945. The base course of

one and one-half inch (1-1/2") and three-eighths inch (3/8") aggregate shall comply with the provisions set forth in section 4.02 class 2 for asphalt macadam pavement defined in standard highway specifications for assessable improvements adopted by the board of estimate of the city of New York on May 24, 1945. (As added by Local Law 119 of 1940 and amended by Local Law 49 of 1955 in effect May 23, 1955.)

§ C26-620.2 Floors constructed with glass.—Where glass has been placed in a floor so that it forms a structural part of the floor and is carried upon structural supports framed about the glass, it shall be removed and shall be replaced by solid, closed flooring constructed the same as the adjoining flooring. This section shall not apply to vault lights in sidewalks, yard or court pavements and similar exterior locations. The provisions of this section shall apply to all existing installations of glass in floors. (As added by Local Law 14 of 1958, approved by the Mayor May 14, 1958, in effect January 1, 1959.)

(10.3.3). § C26-621.0 Gypsum floor and roof construction.—Gypsum floor and roof construction may be either of reinforced poured gypsum or precast units and may be either of the suspension type or of the slab and ceiling type with the slabs constructed of such thickness as to support the imposed loads, provided the floor or roof construction complies with the requirement of section C26-619.0.

(10.3.4.1). § C26-622.0 Hollow tile arches.—a. Material for hollow tile arches.—Hollow blocks of burnt clay or shale used in hollow tile arches for fire resistive construction shall be medium or hard and of uniform density. The shells and webs shall be at least five-eighths of an inch thick. The maximum spacing of interior vertical and horizontal webs shall be four inches. The blocks shall be at least two cells deep, and shall be laid in cement mortar and be properly keyed.

(10.3.4.2). b. Depth of flat arches.—The depth of flat arches of burnt clay or shale hollow blocks shall be at least one and one-half inches for each foot of span inclusive of the portion of the block extending below the underside of the beam and such arches shall be at least six inches thick.

(10.3.5). § C26-623.0 Brick arches.—a. Brick arches shall be built of common or hollow brick solidly bonded. Such arches shall be segmental in form with a minimum thickness of four inches for span of five feet or less and of eight inches for spans exceeding five feet, unless such spans are suitably reinforced.

b. The rise of such arches shall be at least one inch per foot of span and the joints shall be filled with cement.

(10.3.6). § C26-624.0 Rise of segmental arches.—a. Segmental arches for floor and roof construction shall have a rise of at least one inch per foot of span.

b. The minimum thickness of this type of arch shall be six inches.

(10.3.7). & C26-625.0 Special roof construction. — For mansards and dormers having a slope of more than thirty degrees from the horizontal, blocks of book tile, gypsum, concrete or other fire resistive materials may be used subject to the load test specified in section C26-626.0, provided they have a fire resistive rating of at least one hour.

(10.3.8). § C26-626.0 Load tests for floor and roof construction.--When the strength of any floor or roof construction cannot be determined by the methods prescribed in the section, or by the application of accepted engineering formulae, the safe uniformly distributed carrying capacity shall be taken as a fraction of the total load causing failure in a full-size test sample, when applied along two lines each distant one-third of the span from the supports. Each fraction shall be one-quarter when the specimens are tested as simple spans and one-sixth when tested as continuous spans.

(10.3.9). § C26-627.0 Span of floor and roof construction.--Unless designed in accordance with sections C26-468.0 through C26-509.0, the maximum clear span for floor and roof slabs or arches between supporting beams shall be eight feet, except as otherwise permitted by subdivision d of section C26-620.0.

(10.3.10). § C26-628.0 Openings in floors and roofs.--Suitable metal framing or reinforcement shall be provided in fire resistive floor and roof construction around any opening having an area in excess of two square feet. When openings are provided for pipes and conduits, the unoccupied space shall be filled with approved incombustible material for the full depth of the slab, unless close fitting individual sleeves, solidly embedded in the construction, are used; or the opening is enclosed as a shaft and constructed in compliance with section C26-638.0.

(10.3.11). § C26-629.0 Tie rods.--The supporting beams in fire resistive floors and roofs shall be tied together by steel tie rods of proper size, spacing and location; provided that when floor filling is in the form of reinforced slabs and the reinforcement is continuous over the supports or securely attached to the supports, tie rods may be omitted.

(10.3.12). § C26-630.0 Top filling.--In Class 1, fireproof structures, the space between the floor slab and the finished floor shall be filled with concrete consisting of one part of cement to a maximum of ten parts of cinders, or with other incombustible material approved by the superintendent.

Sub-Article 4

Fire Walls and Partitions

Group 1

Fire Walls

(10.4.1.1). § C26-631.0 Materials and thicknesses for fire walls.--a. Fire walls shall be constructed of the following materials and minimum thicknesses, exclusive of any required plaster:

1. Solid brick, solid structural units, or plain concrete eight inches thick.
2. Solid reinforced concrete six inches thick.
3. Solid cinder concrete blocks eight inches thick.
4. Solid cinder concrete blocks six inches thick, plastered on both sides.
5. Hollow clay tile twelve inches thick, two units, three cells in wall thickness.
6. Hollow clay tile eight inches thick, three cells in wall thickness plastered on both sides.
7. Hollow concrete blocks (one piece) twelve inches thick, webs and shells of which are at least one and one-half inches thick and at least two cells in wall thickness.
8. Hollow concrete blocks (one piece) eight inches thick, plastered on both sides, shells of which are at least one and one-half inches thick.

b. Fire walls of other materials or forms of construction shall have a fire resistive rating of four hours.

(10.4.1.2). § C26-632.0 Construction of fire walls.--a. Fire walls shall be constructed with solid joints of cement or cement-lime mortar. Where plaster is required, unsanded gypsum shall be at least one-half of an inch thick, and sanded gypsum or cement plaster, three-quarters of an inch thick.

b. In a Class 2, fire-protected structure, or a Class 3, non-fireproof structure, a fire wall shall be continuous from its foundation to three feet above the roof surface, except as provided in the following paragraph, and except that in residence structures of these two classes, fire walls may be carried only to the top of the roof boards in Class 2, fire-protected structures, and in Class 3, non-fireproof structures, provided the junction between the roof and the fire wall is thoroughly grouted with cement mortar and fire-stopped. (As amended by Local Law 107 of 1940 in effect July 15, 1940.)

c. Fire walls may be offset from floor to floor in any structure provided the entire offset is of fire resistive construction having a fire resistive rating of four hours.

d. Combustible structural members built into a solid fire wall shall be separated from each other and from the outside of the wall by at least four inches of solid masonry.

e. When combustible members project into hollow fire walls the hollow space shall be filled solidly with incombustible, fire resistive materials for the full thickness of the wall and for four inches or more above, below and between the members.

f. Fire walls of masonry used as party or bearing walls shall conform in thickness and material to the requirements for such walls as specified in sections C26-412.0 through C26-467.0.

g. The application of cork or fibre insulation board may be permitted if cemented or attached directly to the face of the wall laid up with no intervening air spaces and protected as required by the rules of the board.

NOTE: See Rules of Board of Standards and Appeals on uses of Insulating Fibre Board.

Group 2

Fire Partitions

§ C26-633.0 Materials for fire partitions.—a. Fire partitions shall be constructed of the following materials and minimum thicknesses exclusive of any required plaster:

1. Solid brick, solid structural units or plain concrete, eight inches thick.

2. Solid reinforced concrete, five inches thick.

3. Solid cinder concrete blocks, six inches thick.

4. Hollow clay tile, two cells in wall thickness, six inches thick, plastered on the room side.

5. Hollow concrete block, eight inches thick provided calcareous, burnt clay or cinder aggregates are used and the shells are at least one and one-half inches thick, if unplastered, and at least one and one-quarter inches thick, if plastered.

6. Hollow gypsum block, three inches thick, plastered on both sides.

7. Hollow gypsum block, six inches and two cells in wall thickness, plastered on one side.

8. Clay tile, glazed or unglazed, six inches thick, cored not in excess of twenty-five per cent and laid two units in wall thickness.

9. Solid gypsum block, three inches thick.

b. Where combustible insulation board is permitted, it shall be applied directly to the face of the partition by cement or other approved method, but in no case shall it be built into the required partition construction.

NOTE: See Rules of Board of Standards and Appeals on uses of Insulating Fibre Board.

c. Fire partitions or* other materials or forms of construction shall have a fire resistive rating of three hours. (As amended by Local Law 4 of 1951 in effect January 8, 1951.)

*So in original. Evidently should be "of."

(10.4.2.2). § C26-634.0 Construction of fire partitions.—a. The maximum unsupported height of a fire partition shall be thirty times its total thickness unless suitably anchored and reinforced or constructed in accordance with the requirements for walls as specified in sections C26-412.0 through C26-467.0. Intermediate support for fire partitions shall be of construction having a fire resistive rating of three hours. Fire partitions may be offset from floor to floor in any structure provided the entire offset is of fireproof construction having a fire resistive rating of three hours.

b. Combustible structural members built into a fire partition wall shall be separated from each other and from the outside of the wall by at least four inches of solid masonry.

c. Where combustible insulating boards are permitted on a fireproof partition, they shall be cemented or directly attached to the face of the partition and may not be built into the required construction.

d. Fire partitions shall be constructed and plastered, if plastering is required, as prescribed for firewalls in section C26-632.0.

(10.4.2.3). § C26-635.0 Fire resistive stairway enclosures.—a. Fire resistive stairway enclosures constructed of the following materials and minimum thicknesses, exclusive of any required plaster, may be used in Class 2, fireproof structures, exclusively for school purposes, and in Class 2, fire-protected structures:

1. Solid brick, or solid structural units, eight inches thick

2. Solid concrete, plain or reinforced, four inches thick.

3. Solid cinder concrete blocks, four inches thick; plastered on both sides, three inches thick.

4. Solid gypsum (pound or block), three inches thick.

5. Hollow clay tile, two cells in wall thickness, four inches thick, plastered on both sides; or six-inch partition tile, two cells in wall thickness, plastered on one side.

6. Hollow concrete block, eight inches thick; four inches thick, plastered on both sides.

7. Hollow gypsum block, three inches thick, plastered on both sides.

b. Fire resistive stairway enclosures of other materials or forms of construction shall have a fire resistive rating of at least two hours.

Group 3

Fireproof Partitions

§ C26-636.0 Materials for fireproof partitions.—a. Fireproof partitions shall be constructed of the following materials and minimum thickness, exclusive of any required plaster:

1. Solid or hollow brick or solid structural units, four inches thick.

2. Solid gypsum (poured or block), two inches thick.

3. Solid cinder concrete (poured or block), three inches thick.

4. Solid walls of cement mortar or concrete, two and one-half inches thick, reinforced in two directions with at least one-eighth of one per cent of steel in each direction.

5. Solid walls at least two inches thick of gypsum plaster or two and one-half inches thick of cement plaster, supported by incombustible studding and metal lath or mesh meeting the requirements of section C26-460.0.

6. Hollow clay tile, three inches thick, plastered on both sides.

7. Hollow gypsum blocks, three inches thick.

8. Hollow concrete blocks, three inches thick, plastered on both sides.

9. Hollow partitions at least three inches thick of long length gypsum lath, at least one-half of an inch thick on both sides of incombustible studding, plastered on both sides with three-fourths of an inch of gypsum plaster, sanded one part gypsum to one part sand for the scratch coat and one part gypsum to two parts of sand for the brown coat, both by weight.

10. Hollow partitions of metal lath or mesh or welded wire ribbed lath and plaster on incombustible studding, complying with the requirements of section C26-460.0, with three-quarters of an inch of cement or gypsum plaster on each side. When paper-backed lath is used, the paper shall be flame-proof.

11. Hollow walls at least three inches thick, of gypsum board at least one-half inch thick, on both sides of incombustible studding spaced not over sixteen inches on centers and covered on both sides with one-eighth inch thick hard asbestos cement composition sheets, with all joints covered with two-inch wide batten strips made of the same material as sheets or of approved type metal strips.

12. Clay tile, glazed or unglazed four inches thick, with outside shells not less than three-quarters of an inch in thickness plastered on one side.

13. Solid walls not less than two inches thick of vermiculite-gypsum plaster on metal or gypsum lath.

14. Solid walls not less than two inches thick of perlite-gypsum plaster on metal or gypsum lath.

b. In non-fireproof structures, wood stud fire retarding partitions may be used as fireproof partitions with a maximum stud spacing of sixteen inches on centers and metal lath or mesh weighing at least three and four-tenths pound per square yard fastened to the studding at maximum intervals of six inches vertically and plastered on both sides with gypsum, vermiculite-gypsum, perlite-gypsum or cement plaster to at least three-quarters inch grounds or three-eighths inch perforated gypsum lath on both sides, plastered with one-half inch of sanded gypsum plaster or vermiculite-gypsum plaster or perlite-gypsum plaster or one-half inch plaster board on both sides covered with hard asbestos cement composition sheets at least one-eighth of an inch in thickness with all joints covered with two-inch batten strips of the same material or with approved metal battens or two layers of one-half inch gypsum wallboard. Grounds for chair rails, baseboards and similar appurtenances, if used in such partitions shall be of metal covered wood or of incombustible material. Continuous vertical spaces in such walls shall be fire-stopped as required in sections C26-683.0 through C26-688.0.

c. Fireproof partitions of other material or forms of construction shall have a fire-resistive rating of one hour. (As amended by Local Law 32 of 1951 in effect February 21, 1951.)

(10.4.3.2). § C26-637.0 Construction of fireproof partitions.--a. Fireproof partitions in Class 1, fireproof structures, and Class 2, fire-protected structures, shall be carried at each tier of a structure on incombustible supports and unless suitably anchored or reinforced the maximum unsupported height shall be thirty times the total thickness.

b. Where plaster is required, unsanded gypsum plaster shall be at least one-half inch thick but the total thickness of plaster shall be at least three-quarters of an inch, or sanded gypsum or cement plaster three-quarter-inch thick.

c. The thickness of the material and construction of fireproof partitions of masonry as given are the minimum for fire resistive purposes and shall be increased as required to comply with sections C26-412.0 through C26-467.0.

§ C26-637.1 Fireproof partitions on floors used for manufacturing.--a. Wherever the floor of a frame or non-fireproof building exceeding 2 stories in height has a dimension of one hundred fifty feet or more in length or width, and all or a part of the floor is used for a garment factory as defined in section C19-161.0 or a factory engaged in the processing of combustible fabrics with flammable oil as also defined in section C19-161.0, a partition having a fire resistive rating of at least one hour shall be provided to separate the floor area. The floor area shall be so separated that no areas shall extend in length or width for more than one hundred ten feet. Openings in such partitions shall be provided with fireproof self-closing doors or automatic fire doors. Such doors shall have a rating of at least one hour. The provisions of this section shall apply to existing buildings so occupied.

b. Exception. Subdivision a of this section shall not apply where the floor area used for manufacturing is entirely protected with an approved sprinkler system. (As added by Local Law 63 of 1958; approved by the Mayor October 30, 1958, in effect June 1, 1959.)

Sub-Article 5

Shaft Enclosures

(10.5.1). § C26-638.0 Protection of closed shafts.--a. A series of floor openings, consisting of two or more openings in successive floors or a floor and a roof, shall be deemed to be a shaft and shall be enclosed.

b. Such shafts shall be constructed of materials or assemblies having the following fire resistive ratings:

1. Three hours when in:
   (a). Class 1, fireproof structures, or
   (b). Class 2, fire protected structures, exceeding fifty feet in height.
2. Two hours when in:
   (a) Class 2, fire protected structures, not exceeding fifty feet in height, or
   (b) Class 3, non-fireproof structures, except in residence structures not to exceed three stories and basement in height and other structures not exceeding four stories or forty feet in height, or
   (c) Class 6, heavy timber construction structures, except as provided in sections C26-640.0 and C26-646.0 of this code.
3. One hour when in class 3, non-fireproof residence structures, not exceeding three stories and basement in height or other

non-fireproof structures not exceeding four stories or forty feet in height. (Subd. b amended by Local Law 50 of 1942 in effect October 29, 1942.)

(10.5.2). § C26-639.0 Protection of elevator shafts in existing non-fireproof public structures.—Shafts for elevators, escalators or similar hoisting devices in Class 3, or Class 4, public structures, built before January first, nineteen hundred thirty-eight, as defined in subdivision a of section C26-235.0, which are not already enclosed with fire resistive materials, shall be enclosed as provided in section C26-638.0, except as otherwise provided in section C26-647.0.

(10.5.3). § C26-640.0 Protection of vent shafts in non-fireproof residence structures.—In non-fireproof residence structures, occupied by one or two families, vent shafts shall be supported on and be constructed of materials having a fire resistive rating of one hour and shall extend at least three feet above the roof and be covered by a ventilating skylight of metal and glass.

§ C26-641.0 Enclosures at the top of shafts.—a. Except in one- and two-family residence structures, shafts extending into the top story, except those stair shafts where the stairs do not continue to the roof, shall be carried through and at least two feet above the roof. Every shaft extending above the roof, except open shafts and elevator shafts, shall be enclosed at the top with a roof of materials having a fire resistive rating of one hour and a metal skylight covering at least three-quarters of the area of the shaft in the top story, except that skylights over stair shafts shall have an area not less than one-tenth the area of the shaft in the top story, but shall be not less than fifteen square feet in area. The required skylight may be replaced by a window or windows of equivalent area in the side of the shaft, provided that the sills of such windows are at least two feet above the roof and the windows do not face within ten feet of a property line, except that such windows may be installed within ten feet of a street. Any shaft terminating below the top story of a structure and those stair shafts not required to extend through the roof shall have the top enclosed with materials having the same fire resistive rating as required for the shaft enclosure.

b. In those structures not of class 1 or class 2 construction, other than private dwellings, all shafts including stair shafts, extending into the top story shall be carried through and at least three feet above the roof and the sills of windows used in place of skylights shall be at least three feet above the roof.

c. The provisions of this section shall not apply to stair shafts in multiple dwellings.

d. In all buildings which come under the exit provisions of the labor law, a skylight having an area of not less than fifteen square feet shall be provided over all stairs which extend into the top story. The walls of the enclosure below the skylight shall extend at least two feet above the roof. Such skylights may be replaced by windows as provided in paragraph a of this section. The provisions of this paragraph d shall apply to all existing buildings to which the exit provisions of the labor law are applicable.

(As amended by Local Law 13 of 1958, approved by Mayor May 14, 1958 in effect June 1, 1959.)

(10.5.5) § C26-642.0 Enclosure of the bottom of shafts.—The bottom of shafts, in buildings other than one or two-family residence structures, which do not extend to the ground, except vent shafts, shall be enclosed with materials having a fire resistive rating of three hours.

(10.5.6). § C26-643.0 Enclosures for hoisting machinery.—Any compartment, containing machinery, which communicates with a shaft enclosure shall have its enclosing walls constructed of materials or assemblies having at least the same fire resistive rating as the shaft enclosure with which it communicates.

(10.5.7). § C26-644.0 Numbers of elevators in a shaft.—When a bank of elevators is provided, three or less elevators may be placed in a common shaftway.

(10.5.8). § C26-645.0 Enclosure of open shafts.—Open shafts shall be enclosed with materials having a fire resistive rating as required for exterior walls, or with any other form of construction having a fire resistive rating of three hours and possessing proper weatherproof qualities.

(10.5.9). § C26-646.0 Shafts not exceeding nine square feet in area.—All shafts erected in any building, except Class 1 fireproof structures, other than those occupied as schools and residence structures not exceeding six stories in height, which have a cross-sectional area of nine square feet or less, shall have at least a one-hour fire resistive rating if such shafts extend not more than three stories or forty feet above the basement or cellar, and shall have at least a two-hour fire resistive rating if such shafts extend more than three stories or forty feet but not more than six stories or seventy-five feet above the basement or cellar, except that any part of such shafts which extend into the cellar or basement shall be protected by materials or assemblies, having a fire resistive rating of at least three hours. (As amended by Local Law 74 of 1940 in effect June 18, 1940.)

(10.5.10.1). § C26-647.0 Existing hoistways.—a. Gates and trapdoors.—Any existing hoistway, elevator or wellhole not enclosed previous to January first, nineteen hundred thirty-eight, as provided in this title and not provided with fireproof doors, shall have the openings thereof through and upon each floor of any building provided with and protected by substantial guards or gates and with such good and sufficient trapdoors as may be directed and approved by the superintendent. When in the opinion of the superintendent, automatic trapdoors are required to the floor openings of any unenclosed elevator, the same shall be constructed so as to form a substantial floor surface when closed, and so arranged as to open and close by the action of the elevator in its passage either ascending or descending.

(10.5.10.2). b. Enforcement of section.—Except as otherwise provided by law, the superintendent shall have power and authority to require the openings of hoistways, elevators and wellholes in buildings to be enclosed or secured by trapdoors, guards or gates and railings.

(10.5.10.3) c. Guards, gates and trapdoors to be closed when not in use.—All guards or gates required by this section shall be kept closed at all times, except when in actual use, and the trapdoors shall be closed at the close of the business of each day by the occupant or occupants of the building having the use or control of such trapdoors.

Sub-Article 6

General Protectives

(10.6). § C26-648.0 Opening protectives.—Opening protective assemblies required under this title shall be constructed as provided in this article.

Sub-Article 7

Protection of Exterior Openings

(10.7.1). § C26-648.0 Opening protectives.—Opening protective assemblies required under this title shall be constructed as provided in this article.

Sub-Article 7

Protection of Exterior Openings

(10.7.1). § C26-649.0 Protection of exterior openings required.—Every opening in the exterior walls of public and business structures more than forty feet high which opening is thirty feet or less in a direct line, but in a different plane, from any frame structure or from any opening in any other structure, or which opening is less than fifty feet in a vertical direction above a non-fireproof roof of an adjoining structure within a distance of thirty feet of the wall in which the opening is located, shall be equipped with an opening protective having a fire resistive rating of three-quarters of an hour, except that plate glass one-quarter of an inch thick may be used on the street fronts of such structures regardless of the separation from other structures. All windows shall be of automatic type or fixed sash type and all doors shall be self-closing.

(10.7.2). § C26-650.0 Materials for exterior window frames and sash.—When the height of a structure exceeds one hundred fifty feet, all exterior window frames and sash shall be of incombustible materials throughout the full height of the structure.

(10.7.3). § C26-651.0 Protection of openings in walls of garages and similar structures.—In structures to be used as garages, except as may be otherwise provided in the multiple dwelling law, including driveways and trucking spaces, motor vehicle repair shops or oil selling stations, all openings in exterior walls, except in the first story on street fronts, shall have automatic or self-closing doors with a fire resistive rating of one and one-half hours, or fixed or automatic fire windows or shutters. Oil selling stations five hundred square feet in area or less and any other structure whose exterior wall openings are so located that their protection is not required under the provisions of section C26-649.0 are excepted from the provisions of this section. In the discretion of the superintendent, private garages housing five cars or less used exclusively for non-commercial purposes may be exempted from the requirements of this section.

(10.7.4) § C26-652.0 Protection of openings in vestibules, balconies or bridges, or adjacent thereto.—a. Openings in vestibules, balconies or bridges that serve as horizontal exits, except as may be otherwise provided in the multiple dwelling law, shall have self-closing doors having a fire resistive rating of three-quarters of an hour, or fixed or automatic fire windows or shutters.

b. Window openings, where permitted, under and within thirty feet of or adjacent to such vestibules, balconies or bridges shall be protected by fixed or automatic fire windows or automatic fire shutters.

(10.7.5) § C26-653.0 Protection of openings in exterior stairs, fire towers and fire escapes.—Door and window openings where permitted or exterior stairs, fire towers and fire escapes, or under or adjacent to exterior stairs of fire escapes, shall be protected by self-closing fire doors, or fixed or automatic fire windows or automatic fire shutters. Doors, windows and shutters in openings serving as a means of egress to exterior stairs, fire towers and fire escapes shall be arranged so as to leave clear every exit.

(10.7.6). § C26-654.0 Protection of openings in smoke houses.—At all openings, smoke houses shall have self-closing doors having a fire resistive rating of one and one-half hours, or fixed or self-closing fire windows.

(10.7.7). § C26-655.0 Protection of pen shafts.—In open shafts having a cross-sectional area at any point of thirty-six square feet or less, openings shall be equipped with protective assemblies having a fire resistive rating of at least three quarters of an hour, except that this provision shall be inapplicable to such openings in shafts of private dwelling structures when such openings are three feet or more distant from any other structure.

(10.7.8). § C26-656.0 Fire shutters to open readily.—When fire shutters are used in exterior openings, at least one row in every three vertical rows of shutters on front window openings shall be arranged to open readily from the outside. Distinguishing marks shall be provided on these shutters as may be required by the superintendent.

(10.7.9). § C26-657.0 Vertical separation of windows.—a. In business structures over forty feet high, exterior openings above the second story which are located vertically above one another shall have a space at least three feet between the top of one opening and the bottom of the one next above. Such space shall be enclosed with materials having a fire resistive rating as required for exterior walls, or of any other form of construction having a fire resistive rating of three hours.

b. A maximum of one-third of the height of such enclosing materials may be replaced by wire glass in fixed metal sashes and trim, or other assemblies having equivalent fire resistive properties.

(10.7.10). § C26-658.0 Closing of protective assemblies.—Protective assemblies on exterior openings, unless provided with approved automatic closing devices operative from either side, shall be closed except when required to be open. At the close of business each day, such assemblies shall be closed by the occupant or occupants of the structure having the use or control of such assemblies.

(10.7.11). § C26-659.0 Protection of openings in lot line walls.—All openings in walls erected on the lot lines shall be protected by fixed, self-closing or automatic-closing assemblies having a fire resistive rating of at least three-quarters of an hour.

Sub-Article 8

Protection of Wall and Partition Openings

§ C26-660.0 Protection of openings in fire walls.—a. When there is no required horizontal exit through a fire wall, the maximum opening in such fire wall shall be eighty square feet, except that such openings when intended for the passage of motor trucks may be a maximum of one hundred forty square feet.

b. When there is a required horizontal exit through a fire wall, no opening in such wall, whether or not a required means of exit, shall exceed four feet in width and seven feet six inches in height.

c. The total width of all openings through a fire wall on any level shall be less than twenty-five per cent of the length of such wall and the minimum distance between such openings when not used as horizontal exits, shall be three feet, unless special permission is secured from the superintendent.

d. Each opening in a fire wall shall be equipped with an automatic or self-closing protective assembly having a fire resistive rating of one and one-half hours on each side of the opening, except that where there is a horizontal exit through a fire wall, all openings through such wall shall be equipped with an automatic protective assembly on one side normally held open by means of automatic attachments designed to close the door in the event of a fire, and a self-closing protective assembly on the other side, each having a fire resistive rating of one and one-half hours. Where there is no horizontal exit through any part of a fire wall and conditions are such that placing a door on each side of the opening would result in severe hardship, a door having a three-hour fire resistive rating may be accepted on one side of the opening by the superintendent, provided that automatic attachments are installed on each side of the opening in the fire wall in such manner that they will be actuated and will cause the door to close in the event of a fire on either side of the wall and provided no undue fire hazard exists. Overhead doors or shutters shall not be used for the protection of openings used as required means of egress. (As amended by Local Law 7 of 1952 in effect February 8, 1952.)

e. All horizontal and vertical sliding doors and such swinging doors as are mounted on the face of the wall when used for the protection of openings in fire walls shall overlap the side and top of the opening at least four inches.

In buildings where the floor construction adjacent to the opening, including the wearing surface, is of incombustible material, and abuts the wall, or is extended through the opening, no special sill construction shall be required. Where the floor construction is not of incombustible material, sills constructed of steel angles bolted through the wall and extending at least six inches beyond each side of the opening and at least four inches out from the face of wall, having a thickness of not less than three-eighths of an inch, with the space between the angles on each side of the wall filled with Portland cement concrete, shall be used. Other sill construction having equivalent resistance to the transmission of fire through the opening may be used where permitted by the superintendent.

Swinging doors closing into a rabbeted frame when used for the protection of openings in fire walls shall be installed with their frames as approved by the board.

Masonry at all wall openings shall be plumb and true and doors shall close snugly.

Bolts supporting sliding or rolling door tracks shall pass through the fire wall.

Bolts supporting sliding or rolling door hangers shall pass through the doors. Bolts supporting tracks shall be so located that a bolt shall be under each door hanger when the door is in the closed position.

Where stock or other material is piled close to a sliding door a substantial framework shall be built at least two inches from the outside face of the door in such manner as to prevent the door being held open by material resting against it. (Subd. e. added by Local Law 7 of 1952 in effect February 8, 1952.)

§ C26-661.0 Protection of openings in fire partitions.—a. The only openings permitted in fire partitions except opening for ventilating ducts shall be those required for doors, and there shall be but one such door opening unless the provision of additional openings would not exceed in total width twenty-five percent of the length of the wall, and the minimum distance between openings, when not used as horizontal exits, shall be three feet, unless special permission is secured from the superintendent. The maximum area for such a door opening shall be eighty square feet, except that such openings for the passage of motor trucks may be a maximum of one hundred forty square feet, and each such opening shall be equipped with an automatic or a self-closing protective assembly having a fire resistive rating of one- and one-half hours.

b. When there is a required horizontal exit through a fire partition, no opening in such partition, whether or not a required means of egress, shall exceed four feet in width and seven feet six inches in height. Each such opening shall be equipped with a self-closing protective assembly having a fire resistive rating of one and one-half hours.

c. Openings not exceeding fifty square inches in area may be permitted in fire partitions when required for the passage of ventilating ducts, provided such ducts convey air for ventilation or air conditioning by means of forced circulation except that openings for ventilating ducts not exceeding 48 inches in greatest dimension may be provided when such openings are protected by fire dampers conforming to the rules of the department and the ducts are constructed according to the standards of the National Board of Fire Underwriters for ducts passing through fire walls as contained in National Board of Fire Underwriters pamphlet No. 90 of August 1952. The ventilating or air conditioning system shall be provided with an effective means of detecting and controlling the spread of smoke in the system by stopping the fans of the system automatically. Devices used for detecting and controlling smoke shall be approved by the board and their installation and location shall be according to the rules of the board, or in the absence of such rules, according to the rules of the department. The smoke detecting and controlling equipment shall be maintained in operating condition at all times. Openings shall be provided with automatic fire dampers and shall not be less than three feet apart. (As amended by Local Law 31 of 1957 in effect June 20, 1957.)

§ C26-662.0 Protection of openings in fireproof partitions.—a. The only openings permitted in fireproof partitions enclosing public hallways leading to required exits shall be those required for doors, except that openings from ventilating ducts shall be permitted if such openings are protected by automatic fire dampers conforming to the rules of the department, but the requirements of this section shall not apply to structures used exclusively as schools in which regular supervised fire drills are held.

b. Each such door opening shall be equipped with a self-closing protective assembly having a fire resistive rating of at least three-quarters of an hour except that when in the opinion of the superintendent there is no undue hazard present, he may permit in each such otherwise approved three-quarter hour rating door one or more wire glass panels of at least one-quarter inch thickness and total area of not more than seven hundred twenty square inches and where necessary for ventilation, he may permit a limited area of metal louvres, but in no case shall this apply to door openings to required stair enclosures or to doors in horizontal exits. (As amended by Local Law 32 of 1957 in effect June 20, 1957.)

c. Door openings five feet six inches or less in width, in partitions enclosing public hallways other than for stairs, elevators and horizontal exits, may be provided with self-closing doors of structural glass or other incombustible material when protected by automatic or self-closing fire door assemblies having a fire resistive rating of at least three quarters of an hour and an approved automatic sprinkler head on the room side and adjacent to such opening. Information window openings three square feet or less in area, whether or not provided with glazed assemblies, may be provided in such partitions when protected by automatic or self-closing fire door assemblies having a fire resistive rating of at least three quarters of an hour. In addition thereto an approved automatic sprinkler head shall be provided for the information window on the room side and adjacent to such opening. The minimum distance between any such openings described shall be four feet. (Subd. c added by Local Law 15 of 1960 in effect March 7, 1960.)

(10.8.4.1) § C26-663.0 Protection of openings in interior shafts.—a. Protection of openings in vent shafts.—Openings into vent shafts, except non-fireproof vent shafts, shall be equipped with protective assemblies having a fire resistive rating of one hour.

(10.8.4.2). b. Protection of openings in elevator shafts.—Door openings into elevator shafts shall be equipped with protective assemblies having a fire resistive rating of one and one-half hours, except that where the elevator shaft opens into a vestibule constructed of materials or assemblies having a fire resistive rating of at least three hours and in which openings are protected by assemblies having a fire resistive rating of at least three-quarters of an hour, the openings into the elevator shaft shall be protected by assemblies having a fire resistive rating of at least three-quarters of an hour. It shall be unlawful to provide openings into such shafts other than window openings to the outer air and openings to elevator machinery rooms.

(10.8.4.3). c. Protection of openings in dumbwaiter shafts.–Openings into dumbwaiter shafts shall be equipped with protective assemblies, having a fire resistive rating of three-quarters of an hour. When such protective assemblies are not equipped with locks and contacts as required by section C26-1139.0 they shall also be self-closing. (As amended by Local Law 50 of 1942 in effect October 29, 1942.)

(10.8.4.4). d. Protection of openings in other shafts.—Openings in shafts otherwise unprovided for in section C26-663.0, shall be equipped with self-closing protective assemblies having a fire resistive rating of one and one-half hours, except that where such a shaft opens into a vestibule constructed of materials or assemblies having a fire resistive rating of at least three hours and in which openings are protected by assemblies having a fire resistive rating of at least three-quarters of an hour.

(10.8.5). § C26-664.0. Protection of openings in cellar partitions in non-fireproof structures.—In non-fireproof structures, except structures occupied exclusively for residence purposes by one or two families, openings in partitions in any story more than half below the curb, shall have self-closing protective assemblies having a fire resistive rating of one and one-half hours, or fixed or self-closing windows having a fire resistive rating of three-quarters of an hour.

§ C26-664.1 Protection of lobbies and stair passageways having ventilating systems.—Openings from ventilating ducts into the passageway, lobby or corridor, leading from the stairs to the street or other exterior exits, may be provided. Each such opening shall not exceed three square feet in area and the distance between any two openings shall not be less than three feet. Such openings shall be provided with automatic fire shutters conforming to the rules of the department. Ventilating systems employing recirculation of air which open upon lobbies, passageways or corridors leading from the stairs to the street or other exterior exits except ventilating systems which do not ventilate any other parts of the building, shall be provided with an effective means of detecting and controlling the spread of smoke in the system by stopping the fans of the ventilating system. Devices used for detecting and controlling smoke shall be approved by the board, and their installation and location shall be according to the rules of the board, or in the absence of such rules, according to the rules of the department. The smoke detecting and controlling equipment shall be maintained in operating condition at all times. Ducts opening on a lobby or stair passageway shall be enclosed in material having the same fire resistive rating as the stair enclosure for a distance of at least ten feet from the stair enclosure or to a partition having at least a one hour fire resistive rating, with a fusible link damper provided where the duct passes through such partition. The thickness and fire resistive rating of the material used to enclose the ducts shall be the same as that required for the protection of structural steel as specified in section C26-575.0 and as contained in the rules and approvals of the board. No openings shall be permitted in the fireproofing material enclosing the ducts within such distance. Branches entering the duct within this distance shall also be covered with material having a fire resistive rating the same as that required for the stair enclosures and as specified for the ducts opening on the passageway or lobby. (Section added by Local Law 33 of 1957 in effect June 20, 1957.)

(10.8.6). § C26-665.0 Separation of attached or built-in garages.—a. Where private garages are attached to, or form a part of a story within a residential structure of class 3, non-fireproof construction, or class 4, wood frame construction, walls, ceilings and floors enclosing such garages shall be separated from the remainder of the structure by assemblies having at least a one hour fire resistive rating and all openings between garage and the remainder of the structure shall be provided with self-closing or automatic protective assemblies having a fire resistive rating of three quarters of an hour, except as may be otherwise provided in the multiple dwelling law. Where living quarters are located above such a garage, the egress facilities from such living quarters shall not pass through the garage.

b. Car ports shall be exempt from the requirements of this section. (As amended by Local Law 17 of 1954 in effect April 26, 1954.)

Sub-Article 9

Interior Finish and Subdividing Partitions

(10.9.1) § C26-666.0 Restrictions on use of wood.—Wood or other combustible material may be used in construction or interior finish of Class 2, fireproof structures, and Class 2, fire-protected structures, only as provided in this title.

(10.9.2). § C26-667.0 Permitted uses of wood or other combustible materials in Class 1, fireproof structures, and Class 2, fire-protected structures.—Wood and other combustible materials may be used in Class 2, fireproof structures, and Class 2, fire-protected structures, as follows:

(10.9.2.1). 1. Stair enclosures.—Within stair enclosures, wood may be used only for handrails and, as permitted by subdivision a of section C26-273.0 for escalators, whether or not such escalators are used as a required means of egress; and for door assemblies as permitted in paragraph six of section C26-667.0.

(10.9.2.2). 2. Floor sleepers, bucks, nailing blocks and grounds.—Floor sleepers, bucks, nailing blocks and grounds, if only the nailing surface is exposed, may be of wood. When floor sleepers of combustible material are used, the space between the floor construction and the wood flooring shall be filled with incombustible material, except that in Class 2, fire-protected structures, combustible floor sleepers may be used without filling in such space provided such floors are constructed in accordance with the provisions of section C26-615.0,b. (Subdivision 2, as amended by Local Law 75 of 1941 in effect October 4, 1941.)

(10.9.2.3). 3. Interior trim.—Wood flooring, interior doors and sash with their frames, trim and casings, and other interior wood and other approved combustible trim when backed solidly with fire resistive material may be used as provided in sections C26-721.0 through C26-723.0, and elsewhere than in stair enclosures, public hallways and passageways in Class 2, fireproof structures, one hundred fifty feet or less in height, and Class 2, fire-protected structures, but structures used exclusively as schools in which regular supervised fire drills are held shall be exempt from the restrictions of this section.

(10.9.2.4). 4. Wearing surfaces.—

(a). Wearing surfaces one-half of an inch or less in thickness made of cork or rubber composition, linoleum, asphalt composition tile, or similar material having the same fire resistive qualities, when cemented to the upper surface of an approved type of fire resistive floor construction, may be used elsewhere than in stair enclosures. Where wood flooring is permitted such wearing surfaces may be cemented directly to the wood floor.

(b). Untreated wood finish flooring seven-eighths of an inch or less in aggregate thickness, when cemented or attached directly to the surface of an approved type of fire resistive floor construction, may be used elsewhere than in stair enclosures and corridors. In structures exceeding one hundred fifty feet in height, a wood sub-flooring may be used to support such combustible finish flooring or such wearing surface as is permitted in the preceding paragraph, provided such sub-flooring and the sleepers supporting it shall be treated to render them fire resistive in accordance with the rules of the board.

(c). Untreated combustible insulation board in a single layer not to exceed one-half of an inch in thickness, when cemented or attached directly to the surface of an approved type of fire resistive floor construction, may be used elsewhere than in stair enclosures and corridors when covered by an incombustible wearing surface in accordance with the rules of the board.

NOTE: See Rules of the Board of Standards and Appeals on Uses of Insulating Fibre Board.

(d). The use of asphalt tile shall be permitted for surfacing stairways in structures used exclusively as schools in which regular supervised fire drills are held.

(10.9.2.5). 5. Subdividing partitions.—Subdividing partitions shall be made of incombustible material, or wood or other approved combustible material treated to render it fire resistive, except that in spaces without combustible occupancies requiring a permit from the fire commissioner, partitions made of single thickness of wood or wood and glass may be used in Class 1, fireproof structures, one hundred fifty feet or less in height, and Class 2, fire protected structures, to subdivide rooms or spaces five thousand square feet or less in area except as provided in section C26-636.0, if separated from adjoining rooms or spaces, corridors, elevator and stair enclosures by fireproof partitions or walls made of incombustible material having a fire resistive rating of at least one hour.

(10.9.2.6). 6. Use of treated wood for fire protection.—

(a). Wood flooring treated in accordance with the rules of the board to render it fire resistive may be used elsewhere than in stairhalls and corridors.

(b). Wood window sash, frames and trim treated in accordance with the rules of the board to render them fire resistive may be used elsewhere than in stair halls and corridors, except for exterior windows where otherwise provided in section C26-650.0.

(c). Wood treated in accordance with the rules of the board to render it fire resistive may be used for other interior trim elsewhere than in stairhalls or in corridors.

(d). Wooden doors with their frames and trim treated or protected in accordance with the rules of the board to render them fire resistive may be used in any location if they comply with the requirements of section C26-610.0 for such location.

(10.9.2.7.). 7. Freestanding moulding and veneers.—

(a). Untreated wood may be used, except in stairhalls and required exit corridors, for freestanding mouldings having a cross-sectional area of two square inches or less and for face veneers, one-eighth of an inch or less in total or aggregate thickness, glued to treated cores or backing.

(b). Untreated wood veneers one-twentieth of an inch or less in thickness when mounted directly upon incombustible material may be used without restriction as to location.

(10.9.2.8). 8. Special spaces.—Untreated wood trim in a single space on each floor of a structure over one hundred fifty feet high, provided such space is eight hundred square feet or less in area and is separated from the other parts of such floor by fireproof partitions.

(10.9.2.9). 9. Elevator cabs.—Untreated wood trim may be used in elevator car enclosures in accordance with section C26-975.0.

Sub-Article 10

Use of Wired Glass in Doors

(10.10). § C26-668.0 Use of wired glass in doors.—a. Doors for opening in fire walls shall be constructed without any glass.

b. Doors for openings in fire partitions may be constructed with glass provided they meet the fire resistive requirements for such doors, except that in structures used exclusively as schools, hospitals, museums and libraries, vision panels having a maximum total area of four square feet per door and divided into panes with a maximum area of one square foot per pane may be used.

c. Doors for openings in fireproof partitions may be constructed with a total maximum exposed area of wired glass of seven hundred twenty square inches.

d. Doors for openings in stair enclosures, except doors for openings of fire tower enclosures, may be constructed with vision panels having a total maximum exposed area of wired glass of one hundred square inches and a maximum

dimension of twelve inches. Such vision panels shall be glazed with two thicknesses of wired glass with an air space between. (New subdivision d added by Local Law 34 of 1951 in effect February 21, 1951.)

e. All wired glass shall be at least one-quarter of an inch thick, enclosing a layer of wire fabric reinforcement. Such reinforcement shall have a maximum mesh of seven-eighths of an inch and the size of the wire shall be at least No. 25 steel wire gage or shall be of equivalent fire resistive qualities. Such wire glass shall be set at least five-eighths of an inch into the frame. (Subdivision d, renumbered e, by Local Law 34 of 1951 in effect February 21, 1951.)

Sub-Article 11

Fire Resistive Ceilings

§ C26-669.0 Fire resistive ceilings.—a. This section shall be inapplicable to private dwellings; except that in private dwellings, the ceilings immediately above and for at least two feet beyond all sides of any heating furnace or heating boiler shall be covered with galvanized sheet metal of not less than No. 16 U.S. gauge or with metal or gypsum lath and plaster, or two layers of three-eighths inch gypsum wallboard.

b. In class 3, non-fireproof structures, the ceilings of all stories below grade and over the lowest story, if such story is partially below the curb or surrounding ground level, shall be covered with metal lath and plaster, gypsum lath and plaster, gypsum wallboard and sheet metal, one-half inch gypsum wallboard and one-eighth-inch thick hard asbestos cement composition sheets with joints covered with two-inch wide battens of the same material or approved metal strips, metal lath and vermiculite-gypsum plaster, metal lath and perlite-gypsum plaster, gypsum lath and perlite-gypsum plaster, or gypsum lath and vermiculite-gypsum plaster, or two layers of one-half inch gypsum wallboard separated by a twenty gauge, one-inch wire mesh, or other material having a fire-resistive rating of one hour. In class 3, non-fireproof structures erected before January 1, 1938, in which the classification by occupancy is thereafter changed to business, cellar ceilings, if not at such time of fireproof construction, shall be of materials or assemblies, having fire-resistive rating of at least one hour. Such a ceiling, however, shall not be required if the floor construction immediately above this lower story is of incombustible material having a fire-resistive rating of at least three hours.

c. The ceilings of motion picture theatres, or other structures for public assemblage, not required to be fireproof, as well as all rooms, entrances or exits used in connection therewith, shall have ceilings of five-eighths of an inch of unsanded gypsum plaster or vermiculite-gypsum plaster or perlite-gypsum plaster, or seven-eighths of an inch cement or sanded gypsum plaster on metal lath, measured from the face of the lath, or three-eighths inch perforated gypsum lath plastered with one-half inch of vermiculite-gypsum plaster or perlite-gypsum plaster, or three-eighths inch perforated gypsum lath with all joints covered with three-inch wide strips of metal lath and plastered with one-half inch of sanded gypsum plaster or two layers of one-half inch gypsum wallboard separated by a twenty gauge, one-inch wire mesh, or any form of construction having a fire-resistive rating of one hour as required by the rules of the board. (As amended by Local Law 18 of 1951 in effect January 30, 1951.)

Sub-Article 12

Roof Structures and Roofing

(10.12.1). § C26-670.0 Material required for roof structures and roofing.—All construction, other than water tanks, placed after January first, nineteen hundred thirty-eight, above the roof of any part of any structure within the fire limits or of any structure more than forty feet in height outside of the fire limits, shall be incombustible materials, except when otherwise specifically provided for in this title.

(10.12.2). § C26-671.0 Bulkheads.—a. The walls of any bulkhead erected after January first, nineteen hundred thirty-eight, on the roof of a fireproof structure shall be construction of incombustible material having a fire resistive rating of one hour and shall be covered on the outside with material meeting the requirements of subdivision a of section C26-680.0, unless such bulkhead is constructed in accordance with sections C26-412.0 through C26-467.0.

b. The walls of any bulkhead erected after January first, nineteen hundred thirty-eight, on the roof of any non-fireproof structure may be of wood stud partition construction having a one-hour fire resistive rating and shall be covered on the outside with material meeting the requirements of subdivision a of section C26-680.0.

§ C26-672.0 Penthouses.—The exterior walls of penthouses (except panel walls) shall be constructed of incombustible materials or assemblies of materials having a fire resistive rating of at least two hours in class 1 and class 2 structures, and one hour in class 3 and class 6 structures and shall be covered on the outside with material meeting the requirements of subdivision a of section C26-680.0, unless such walls are constructed in accordance with section C26-412.0 through C26-467.0. When the exterior walls of penthouses are constructed in the form of panel walls, they shall comply with the requirements of section C26-446.0. Roofs of such structures shall be constructed of incombustible materials or assemblies of materials having a fire resistive rating of at least one hour. (As amended by Local Law 10 of 1948 in effect January 7, 1948.)

(10.12.4). § C26-673.0 Doors and windows.—Doors, door frames and windows in bulkheads of penthouses, except where otherwise specifically provided for, shall be constructed as other doors, door frames and windows similarly located in the structure.

(10.12.5). § C26-674.0 Greenhouses and conservatories.—Greenhouses or conservatories may be erected on the roof of any structure provided only incombustible materials are used in their construction, and the floors of such structures are constructed as required for the other floors of the structure.

(10.12.6). § C26-675.0 Dormers.—Dormers erected after January first, nineteen hundred thirty-eight, shall be constructed in the same manner as the roof on which they are placed. The sides and top shall be covered with material meeting the requirements of section C26-605.0.

(10.12.7.1). § C26-676.0 Skylights.--a. Construction of skylights. The frame and sash of all skylights shall be constructed of metal, except that in structures in which corrosive fumes are present, wood frame and sash may be permitted in the discretion of the superintendent. The frames and other parts of the skylights shall be securely anchored to the supporting structure.

(10.12.7.2). b. Glazing of skylights.--Skylights placed over shafts, including stairways, shall be glazed with plain glass three-sixteenths of an inch or less in thickness. The maximum area of any pane of glass used in such skylights shall be seven hundred twenty square inches. Skylights over places other than shafts shall be glazed with wired glass.

(10.12.7.3). c. Protection of skylights.--Skylights in which plain glass is used shall be protected by wire screens placed between four and ten inches above the glazed portion of the skylight at all points. Such screen shall be of No. 12 steel wire gage, or heavier wire; such screen shall have a mesh of between three-quarters of an inch and one inch; and such screen shall extend beyond the glazing on all sides a distance of at least the height of the screen above the glazing. When any such skylight is located over any passageway, stairway, elevator or any occupied room, a similar screen shall also be placed below the skylight.

(10.12.8). § C26-677.0 Scuttles.--Unless provided with some other means of access to the roof, every structure over fifteen feet high, except roofs with a pitch greater than twenty degrees from the horizontal, shall have a scuttle in the roof with a substantial ladder leading to such scuttle. Scuttles shall be covered on the top and edges with sheet metal or other approved incombustible material. Scuttle openings shall be at least two by three feet in size.

(10.12.9.1). § C26-678.0 Tanks. a. Support of tanks.--Tanks of more than five hundred gallons capacity placed, after January first, nineteen hundred thirty-eight, in or on any structure shall be supported on masonry, reinforced concrete or steel contruction.

(10.12.9.2). b. Emergency outlets for tanks.--Every tank shall have in the bottom or on the side near the bottom, at pipe or outlet, at least two inches in diameter, fitted with a suitable valve for discharging the contents in an emergency.

(10.12.9.3). c. Location of tanks.--It shall be unlawful to locate a tank over or near a line of stairs or an elevator shaft unless there is a solid roof or floor underneath the tank.

(10.12.9.4). d. Tanks covers.--Unenclosed roof tanks shall have covers sloping at an angle of thirty degrees or more.

(10.12.9.5). e. Tank hoops.--When hoops are used in the construction of tanks, such hoops shall be of metal round in section.

(10.12.10). § C26-679.0 Cooling towers.--Cooling towers erected after January first, nineteen hundred thirty-eight, above any roof shall be of incombustible material, except the drip bars, which may be of wood.

(10.12.11.1). § C26-680.0 Roofing.—a. Materials for roofing.—1. Roofing placed on any structure shall meet the requirements of section C26-605.0, except as provided in section C26-539.0, and subdivisions b of section C26-680.0.

2. The use of cork or fibre board as roof insulation is lawful provided such cork or fibre board is covered with an approved type of fire resistive roof covering applied directly thereto.

NOTE:—See Rules of the Board of Standards and Appeals on Uses of Insulating Fibre Board.

(10.12.11.2). b. Repairs to roofing—Any roof covering, existing on January first, nineteen hundred thirty-eight, of other than fire resistive material meeting the requirements of section C26-605.0, may be repaired with the same kind of material to an extent of twenty-five percent of its area in any one year.

(10.12.11.3). c. Replacement of roofing.—All roof coverings of other than approved fire retarding material shall be replaced on or before January first, nineteen hundred forty-seven with approved material, except as provided in section C26-539.0. (Subdivision c amended by Local Law 50 of 1942 in effect October 29, 1942.)

(10.12.11.4). d. Planking.—When wood planking or sheathing is used in roof construction, such planking or sheathing shall not extend across any lot line or party wall.

(10.12.12). § C26-681.0 Slanting roofs.—a. Every mansard or other slanting roof having a pitch of more than thirty degrees placed on any non-fireproofed structure over forty feet high shall be constructed in accordance with the provisions of sections C26-625.0 and C26-626.0.

b. Every mansard or other slanting roof having a pitch thirty degrees or less placed on any non-fireproof structure may be constructed of the same materials as the roof construction of the structure, provided the face and back of the mansard or slanting roof is covered with roofing material meeting the requirements of section C26-605.0.

(10.12.13.1). § C26-682.0 Cornices, gutters and half-timbering decoration.—a. Construction of cornices, gutters and half-timbering decoration.—Cornices and gutters, including those on show windows, placed or replaced after January first, nineteen hundred thirty-eight, on the exterior of any structure, except structures of frame construction, shall be of incombustible materials, except that wood half-timbering and other wood decorative treatment may be used on the face of masonry construction in structures of Class 3 and Class 6 construction that are less than forty-five feet in height. Such cornices and gutters shall be secured to the wall with metal brackets and anchors with a maximum spacing of four feet and extending at least four inches into the wall at the top and bottom.

(10.12.13.2). b. Repairs to cornices, gutters and wood decorative treatment.—Any wood cornice or gutter, existing on January first, nineteen hundred thirty-eight, on other than frame structures, may be repaired with the same kind of material to the extent of fifty percent of its length in any one year.

Sub-Article 13

Fire-Stopping

(10.13.1). § C26-683.0 Fire-stopping required.—Structures, whether fireproof or non-fireproof, shall have all concealed draft openings fire-stopped with incombustible material to form an effectual fire barrier between stories, and between the upper story and the roof space.

(10.13.2). § C26-684.0 Fire-stopping of openings for pipes, belts and shafting.—a. Openings around exposed pipes, belts or power shafting shall be filled with incombustible material, or shall be closed off by close fitted metal caps at the ceiling and floor line or on each side of the wall. For non-fireproofed construction, metal sleeves shall be provided in addition to the caps.

b. Openings for belts shall be provided with approved slotted doors or otherwise closed off. It shall be unlawful to pass belts through fire walls or fire partitions.

(10.13.3). § C26-685.0 Fire-stopping of furred walls, partitions and concealed roof spaces.—Walls, including masonry walls, furred with combustible material, and stud-bearing partitions, shall be fire-stopped with incombustible material at floor, ceilings and roofs. The fire-stopping shall extend from the ceiling to the underside of the flooring or roofing. Concealed roof spaces in class 3, non-fireproof structures, shall be cut off into areas of three thousand square feet or less by fire stops. The space between any combustible wainscoting or paneling and the face of the wall or partition directly in back of such wainscoting, shall be plastered or filled in solid with approved incombustible materials in a manner approved by the department. In class 3 structures, occupied for business purposes, where there are concealed roof spaces above such business occupancies, partitions separating the premises of one occupant from another shall be extended to the underside of the flooring or roofing. Such partitions shall be constructed of material approved for a one hour fire resistive rating. (As amended by Local Law 123 of 1952 in effect October 20, 1952.)

(10.13.4). § C26-686.0 Fire-stopping of stairs.—Stairs, except in one and two-family residence structures, shall be fire-stopped between wooden stair carriages by headers at top and bottom. It shall be unlawful to locate closets beneath stairs, except in Class 1, fireproof structures, unless such closets are entirely lined with incombustible material. The underside of stairs of combustible material shall be covered with metal lath and plaster to a total thickness of three-quarters of an inch measured from the back of the lath, or with plaster board and a minimum of one-half of an inch of unsanded gypsum plaster, or one-half-inch thick plaster board covered with one-eighth-inch thick hard asbestos cement composition boards with joints covered with a two-inch batten strip of the same material or approved metal strips, except where such stairs are enclosed by a partition of lawful construction as provided in article seven of this title.

(10.13.5). § C26-687.0 Fire-stopping of exterior cornices.--On rows of frame structures, continuous exterior cornices built of wood or having wood frames, shall be fire-stopped at maximum intervals of twenty feet; if such cornices are non-continuous, they shall be built with closed ends and separated at least four inches.

(10.13.6). § C26-688.0 Materials for fire stopping.--Fire stopping shall be done with any of the following materials: brick, concrete, gypsum, asbestos, metal lath and cement or gypsum plaster, mineral wool, rock wool, or other approved materials.

Sub-Article 14

Fire Resistive Scaffolding and Construction Lumber

(10.14). § C26-689.0 Fire resistive scaffolding and construction lumber.--The board may make rules concerning the use of combustible materials for scaffolding and the use, during construction, of lumber treated to render it fire resistive.

Sub-Article 15

Fire Resistive Construction of Hospitals

§ C26-689.1 Enclosure of rooms in hospitals.--a. Regardless of requirements contained elsewhere in this chapter for the enclosure of public hallways or for the protection of openings on public hallways, patients' rooms or patients' wards and other rooms used directly in connection with and in the same section of the same floor with patients' rooms or patients' wards, in a recognized hospital, may be constructed with partitions of incombustible material without fire-resistive rating. The lowest level of glazed openings where permitted, shall be at least forty-two inches above the surface of the floor. Nurses' stations not exceeding three hundred square feet in area, waiting spaces, lounges and recreation spaces provided for patients and visitors where such spaces do not exceed four hundred square feet in area, spaces used for the storage of no more than four liters and not exceeding one hundred square feet in area, and spaces used solely for public telephones, may be constructed without enclosures, or may be enclosed with metal and glass partitions or other enclosures of incombustible material. All other rooms and spaces not specifically excepted in this section, including storage closets, slop-sink closets and spaces in which medical supplies other than in nurses' stations and linens are stored, shall be enclosed as required by other provisions of this code.

b. Where a fire resistive rating of at least one hour is not required for the enclosure of rooms or spaces by the provisions of the preceding sub-division a of this section, doors may be omitted from openings to such rooms or spaces, whether or not such opening is on a public hallway, except that openings to patients' rooms or patients' wards shall be provided with doors but such doors shall not be required to be self-closing. Where doors are provided for such spaces they may be constructed of solid or veneered hardwood at least one and three-fourths inches in thickness throughout, except for glazed openings, or such doors shall be constructed of incombustible material or such doors may be constructed with an incombustible core except that stiles, rails and lock blocks not more than 5" wide of hardwood shall be permitted, covered with a wood veneering not more than one-tenth of an inch in thickness. Glazed openings shall be at least forty-two inches above, the floor surface. (Sub-Article 15, Section C26-679.1 added by Local Law 58 of 1957 in effect October 25, 1957.)

ARTICLE 12

Heating Appliances, Combustion and Chimneys

Sub-Article 1
Heating Appliances

(11.1.1). § C26-690.0 Design and installation of heating apparatus.—The design, installation and repair of heating apparatus shall be as required by this title and the rules of the board.

§ C26-691.0 Pipes for steam and hot water heating.—a. Contact of pipes with combustible material.

1. Except as provided in subparagraph 4 hereof, it shall be unlawful to make any contact between steam or hot water pipes and any woodwork or other combustible material.

2. Except as provided in subparagraph 4 hereof, steam or hot water pipes shall have a minimum clearance from any combustible material of one-half inch.

3. Except as provided in subparagraph 4 hereof, steam or hot water pipes are located within one inch of any combustible material, such material shall be protected by a metal casing or lining and where such pipes pass through stock shelving, they shall be covered with at least one-half inch of insulating material. Steam and hot water pipe coverings shall be of fire-retarding material.

4. Subparagraph 1, 2 and 3 hereof shall not apply to hot water heating lines which incorporate an approved, non-tamperable temperature control device which has been set so that the water circulating in the pipes cannot exceed 160 degrees Fahrenheit in temperature.

b. Concealed hot water piping.—Concealed hot water piping may be located in an outer wall in any structure, only when amply protected against freezing.

c. Expansion and contraction of heating pipes.—Heating pipes shall be so installed at to provide safety for all expansion and contraction. (As amended by Local Law 59 of 1949 in effect July 18, 1949.)

(11.1.3). § C26-692.0 Warm air pipes.—Distributing pipes connected to warm air furnaces shall be kept at least one inch away from any woodwork, and if less than two inches away, the woodwork shall be protected by sheet metal covering or other incombustible material.

(11.1.4.1). § C26-693.0 Furnaces and boilers.—a. Grate areas three square feet or more.—Furnaces or boilers having grate or burner areas of three square feet or more shall be set upon masonry foundations, which foundations shall rest upon incombustible construction or assemblies. Any such boiler operating at fifteen pounds pressure or more except a boiler of not more than thirty horsepower using gas fuel shall be enclosed in a room whose walls have a fire resistive rating of at least one hour. (As amended by Local Law 15 of 1945 in effect May 24, 1945.)

(11.1.4.2). b. Solid or gas fuel in grate areas of less than three square feet.—Furnaces or boilers using solid or gas fuel having rate or burner areas less than three square feet may be set on wood floors, provided such furnaces or boilers rest upon foundations consisting of at least two inches of solid brick and four inches of hollow tile, or the equivalent of these two materials, set on sheet metal plates at least as thick as No. 14 U.S. gage and at least twenty-four inches larger in all directions than the gage of the boiler or furnace, if solid fuel is used, and six inches larger in all directions if gas fuel is used. Such tile shall be laid with open ends in contact. When solid fuel is used an ash plate or ash pan of metal at least as thick as No. 10 U.S. gage shall be provided above the foundation.

(11.1.4.2.1). bb. The Board may adopt rules specifying the type of floor required under and around installations of fuel oil burning equipment. Such rules shall be adopted as the board may deem necessary and proper for the safety, protection and welfare of the city and its inhabitants. (As added by Local Law 145 of 1940 in effect December 14, 1940.)

(11.1.4.3). c. Water cooled base boilers.—Boilers with water cooled bases having grate areas of less than three square feet may rest directly on sheet metal bases without any intervening masonry, provided the sheet metal is at least as thick as No. 14 U.S. gage.

d. Spaces around furnaces and boilers and other heaters.

1. A clear working space of at least eighteen inches on the sides and twenty-four inches on the top shall be provided around all furnaces and boilers except that boilers, furnaces and other heaters using gas fuel, approved by the board and when installed in private dwellings which do not have a cellar, may be installed in accordance with the approval of the board. Such separation shall be maintained with respect to walls as well as pumps and other apparatus used in connection with the heating plant.

2. Combustible material shall be at least six feet away from the front, four feet away from the top and three feet away from the sides of furnaces or boilers, including enclosures. These separations may be reduced one-half when at least one and one-half inches of asbestos insulating material or its equivalent is applied to the furnace or combustible material. Boilers, furnaces and other heaters using gas fuel approved by the board shall be installed with clearances from combustible material in accordance with the approval of the board.

3. Gas-fired window or wall-type vented recessed heaters approved by the board, including those which have sealed combustion chambers and which are so constructed and installed that all air for combustion is derived from outside of the building and all flue gases are discharged to the outside of the building, shall be installed with the clearances from combustible material in accordance with the approval of the board.

4. In rooms where fuel oil burning equipment is installed the ceiling shall be insulated with material or assemblies having a fire resistive rating of at least one hour and extending at least four feet on sides and rear, and eight feet in front of the furnace, except that in private dwellings No. 16 U.S. gage sheet metal may be substituted for one hour fire resistive rating protection. If the ceiling is constructed throughout so as to have a fire resistive rating of at least one hour the installation may be omitted.

However, the board may adopt rules prescribing fire protection measures and minimum spaces for and around furnaces, boilers or installations of fuel oil burning equipment. Such rules shall be adopted as the board may deem necessary and proper for the safety, protection and welfare of the city and its inhabitants. If the board shall adopt such rules, the provisions of paragraphs one, two and four of this subdivision shall not apply to such furnaces, boilers or installations of fuel oil burning equipment as are included within the purview of such rules. (Subd. d. amended by Local Law 32 of 1958 in effect July 8, 1958.)

(11.1.4.6). e. Connection of furnaces and boilers to chimneys.—Every furnace or boiler shall be connected to a regulation chimney as classified under sections C26-703.0 through C26-713.0.

(11.1.4.7). f. Safety valves on steam boilers.—Every boiler generating steam shall be equipped with a safety valve. Safety valves shall be adjusted and set to open under a lesser pressure than the maximum working pressure for which the boiler was designed.

(11.1.4.8). g. Relief valves, hot water systems.—Every closed hot water heating system shall be equipped with an approved pressure relief valve. Such pressure relief valves shall be adjusted and set to open at a pressure slightly higher than the normal operating pressure of the hot water heating system.

(11.1.5). § C26-694.0 Boiler or furnace room air supply.—Rooms in which boilers or furnaces are located shall have adequate fresh air supply to insure proper combustion. It shall be unlawful to make any direct connection of air inlets to the ash pits or combustion chambers of boilers or furnaces, except where forced draft is employed.

(11.1.6). § C26-695.0 Stoves and ranges.—a. Cooking, laundry and heating stoves and combination coal and gas ranges installed in dwellings, shall be set on hearths supported by masonry trimmer arches extending at least six inches on all sides beyond such appliances, except that such appliances, when supported on legs, furnishing an open air space of at least four inches below the bottom of the appliance, may be set on sheet metal of at least No. 24 U.S. gauge, or other approved incombustible material.

c. Separation of gas and electric ranges from combustible material. 1. Cooking top clearances.—Domestic gas and electric ranges shall have a vertical clearance above the cooking top to the bottom of shelves, cabinets, or other combustible material of not less than thirty-six inches. When the underside of the combustible material is covered with at least five-eighths of an inch of gypsum or Portland cement, plaster on gypsum or metal lath or clay tile set in cement or cement-lime mortar, or gypsum or asbestos board covered with sheet metal of not less than No. 28 U.S. gauge in thickness, or other material providing adequate fire protection satisfactory to the superintendent, the combustible material shall be not less than twenty-four inches from the cooking top. The vertical clearance from combustible material shall extend to a distance of no less than nine inches beyond the sides of the top burners or to the sides of the range, whichever is greater.

2. Separation of gas and electric ranges and ovens from combustible material.—(a) Gas and electric ranges and ovens that have been approved by a recognized testing laboratory shall be installed with clearances from combustible material not less than those specified by the manufacturer, except as provided in paragraph one of this subdivision.

(b) Domestic ranges not approved by a recognized testing laboratory shall have a clearance from combustible material of not less than six inches at the sides and back and where such range does not have top burners, there shall be a vertical distance of at least twelve inches between the top of the range and combustible material. Ranges in which the clearance between the base frame and the floor is two inches or less shall be set on a base of hollow clay tile four inches thick or its equivalent, extending at least two inches beyond the range on all sides. When such clearance is more than two inches but less than six inches, such ranges shall be set on a base of asbestos board three-sixteenths of an inch thick held between two sheets of metal at least No. 24 U.S. gauge and extending at least two inches beyond the range on all sides. When such clearance is more than six inches or the lower burners of the range are twelve inches or more above the floor measured from the burner ports, no protections shall be required.

(c) Vented products from recessed domestic ovens shall be conveyed through an incombustible vent pipe or duct to an opening in the outer surface of the cabinet or range or to the outer air. Clearances from the vent pipe to combustible material within cabinets shall not be less than twelve inches, and to the sides and back ten inches and from the bottom six inches unless the oven has been approved by a recognized testing laboratory for lesser (d) Where the combustible material is protected as provided in paragraph one of this subdivision, one-half the clearances specified for ovens and ranges may be provided. (subd. c repealed and re-enacted by Local Law 51 of 1955 in effect May 23, 1955.)

d. Stoves and ranges using solid fuel shall be connected by a smoke pipe to regulation chimney.
clearances.

(11.1.7.1). § C26-696.0 Exhaust vents on gas appliances.—a Vented gas appliances.—

1. The following gas appliances shall be connected to flues or outlet pipes:

(a). Every appliance used for domestic purposes using in excess of fifty thousand British thermal units per hour, except domestic gas ranges;

(b). Automatically controlled appliances using more than five thousand British thermal units per hour;

(c). Automatically controlled appliances using less than five thousand British thermal units per hour, which are not equipped with an effective device to shutoff the gas supply to the main burner or burners automatically when the constantly burning flame or pilot flame is extinguished;

(d). Each of several appliances installed in the same room which, in the aggregate, use at normal rating thirty British thermal ur s or more per hour for each cubic foot of room space;

(e). Water heaters installed in any place not adequately ventilated or installed in any room or space within an apartment in a multiple dwelling. The provisions of this subdivision relating to water heaters installed in any room or space within an apartment shall apply to all existing installations. (Paragraph 1.e. of subd. a amended by Local Law 124 of 1954 in effect December 15, 1954.)

(f). Except as provided in sub-paragraph (b) of paragraph 13 of subdivision a of section D26-3.10a, the provisions with reference to connection to flues or outlet pipes shall not apply to gas-fired window or wall type vented recessed heaters, approved by the board, which have sealed combustion chambers and which are so constructed and installed that all air for combustion chambers and which are so constructed and installed that all air for combustion is derived from outside of the building and all flue gases are discharged to the outside of the building at a distance of six feet or more from window on the floor above the flue outlet. Such vented recessed heaters shall be installed in accordance with the approval of the board. (Subd. f. added Local Law 31 of 1958 in effect July 8, 1958.)

(11.1.7.2). b. Unvented gas appliances.—Gas appliances having vent outlets, but not requiring connection with flues or outlet pipes, may be left unvented; but if vented, they shall be connected to flues conforming to the requirements of this article, or to outlet pipes.

(11.1.7.3). c. Flues and outlet pipes for gas appliances.—

1. Flues and outlet pipes to which gas appliances are connected shall have cross-sectional areas at least equal to the aggregate areas of the vent outlets of the appliances connected to them, but in any case the least internal dimension or diameter shall be three inches.

2. Flues and outlet pipes for the venting of gas appliances shall be carried to and through the roof or through an exterior wall to the outer air. In all cases outlet pipes shall be surmounted by a suitable cap.

3. Flues shall be constructed as required for low temperature chimneys in subdivision b of section C26-710.0 or shall be type B gas vents approved by the board for venting of gas appliances. Such type B gas vents shall be installed in accordance with the terms of their approval, and the approval of the Underwriters Laboratories, Inc. and/or the American Gas Association.

Type B gas vents shall be vent piping of incombustible, corrosion resistant material of sufficient thickness, cross-sectional area, and heat insulating quality to avoid excess temperature on adjacent combustible material and shall be approved by the board.

Type B gas vents shall be used only with approved gas appliances which produce vent gas temperatures not in excess of 550 degrees F. They shall not be used for venting:

(a) Incinerators.

(b) Appliances which were designed to burn solid or liquid fuel or which may be converted readily to the use of solid or liquid fuel.

For the purpose of this provision, approved gas fueled appliances when located in residences, including central heating boilers and furnaces with the exception of incinerators and conversion burners, may be accepted as producing vent gas temperatures not in excess of 550 degrees F. at the outlet of the drafthood.

Type B gas vents shall be plainly and permanently labelled to the effect that they are for use with appliances which burn only gas.

Type B gas vents shall be rigidly supported by strapping at each joint to insure the approved clearance from combustible material and to protect against damage to the vent.

Where a type B gas vent passes through a combustible floor or combustible wall, such passage shall be by means of an incombustible ventilating thimble or equivalent which will maintain the approved clearance from combustible construction, or where type B gas vents are of double wall construction and approved for passages through combustible floors and so ventilated, an unventilated thimble may be used for maintaining the approved clearance.

Where passing through occupied space, type B gas vents shall be suitably enclosed to prevent their being damaged. Such enclosure shall be of incombustible construction unless the board approves enclosures of other construction and specifies the clearance to be maintained between such other construction and the type B vents.

Type B gas vents shall extend at least 2 feet above the highest point where they pass through the roof of a building and at least 2 feet higher than any portion of the building within ten feet, except that gas vents need not comply with this provision when equipped with a vent cap approved by the board for the prevention of down-draft.

Materials of type B vent. The material used for the flue or vent shall be resistant to corrosion and shall be of sufficient thickness to withstand damage. (Subd. 3 of subd. c. amended by Local Law 22 of 1958 in effect June 5, 1958.)

4. Outlet pipes shall be standard water, steam or soil pipe, or other approved incombustible, corrosion resisting material so connected as to prevent leakage at the joints.

5. Outlet pipes shall be so installed that there is a clearance on all sides of at least three inches between such pipe and woodwork or other combustible material. It shall be unlawful to extend such outlet pipes through a floor.

d. Installation of gas appliances.—Gas appliances shall be installed in conformity with specification Z21.30 of nineteen fifty-four of the American Standards Association, which specification is entitled "Installation of Gas Piping and Gas Appliances in Buildings," except as otherwise specifically provided in this title. In addition, any gas appliance subject to the provisions of section D26-3.10a or D26-3.10b of title D of this chapter shall be installed in conformity with the applicable requirements of such section. (Subd. d. amended by Local Law 79 of 1957 in effect December 18, 1957.)

(11.1.7.5). e. Shut off devices for gas appliances.—Automatically controlled gas appliances which connect to flues or other heat producing devices shall be equipped with an effective device automatically to shut off the gas supply to the main burner or burners, when the constantly burning flame or pilot is extinguished. The connection of such gas appliance to the flue shall be at least nine inches above the connection of the other heat producing appliance or the smoke pipes or outlet pipes from the gas burning appliance and the other heat producing device may enter the flue through a single opening if joined together by a Y fitting located as close as practical to the flue. The angle of intersection between the branch and the stem of the Y shall not exceed 45 degrees. The area of the common outlet pipe shall not be less than the combined areas of the outlet pipes joined by the Y fitting. (Subd. e amended by Local Law 53 of 1955 in effect May 23, 1955.)

Sub-Article 2

Combustion

(11.2.5.1). § C26-701.0 Incinerator combustion chambers.—a. Installation of incinerators.—Incinerators constructed as an integral part of a structure, for the reduction of garbage, refuse or other waste materials, shall be installed in accordance with the provisions of this section.

(11.2.5.2). b. Non-fuel fired incinerators.—

1. Incinerators in which no fuel other than normal refuse is used for combustion, except that of a gas flame or similar means used to accomplish ignition, and in which the chute and smoke flue are identical, when installed in dwellings, public buildings and restaurants not over three stories in height, shall have the enclosing walls of the combustion chamber constructed of brickwork at least three and three-quarters inches thick when there is a horizontal grate area of nine square feet or less and at least eight inches thick when there is a horizontal grate area exceeding nine square feet, and, in each case, a lining of fire brick, at least four and one-half inches thick, with an air space, in the case of the thicker wall, between the brick and the fire brick sufficient to provide for expansion and contraction.

2. The combined chute and flue in structures over three stories in height shall be constructed as prescribed for smoke flues in section C26-706.0. Such chute and flue shall be constructed straight and plumb, and finished smooth on the inside.

3. Service openings into the chute shall be equipped with approved self-closing hoppers so constructed that the chute of flue is closed off while the hopper is being charged and that no part will project into the chute or flue. The area of the service opening shall not exceed one-third of the area of the chute or flue.

4. It shall be unlawful for any incinerator opening to open directly on a required means of egress unless such opening is cut off from such means of egress by a self-closing protective assembly having a fire resistive rating of at least one hour.

(11.2.5.3). c. Fuel fired incinerators.

1. Fuel fired incinerators, whether the fuel is specially supplied or consists of refuse or waste material, shall have the enclosing walls of the combustion chamber constructed of brick at least eight inches thick and lining of fire brick at least four and one-half inches thick when the grate area is nine square feet or less, and with a lining of fire brick at least nine inches thick when the grate area exceeds nine square feet, all strongly braced and stayed with structural steel shapes; provided that the outer four inches of clay or shale brickwork may be replaced by a steel plate casing three-sixteenths of an inch in thickness. Such fire brick lining shall be laid in fire clay mortar.

2. The combustion chamber shall be located in a separate room or compartment used for no other purpose, or in a room devoted exclusively to boilers and heating plant. In either case such room shall be separated from the rest of the structure by floors, walls and ceilings having a fire resistive rating of at least three hours. Openings to such rooms shall be protected with protective assemblies having a fire resistive rating of at least one and one-half hours.

3. The flue connections or breechings from the combustion chamber shall be constructed of No. 16 U.S. gage metal when twelve inches or less in diameter or greatest dimension and of No. 12 U.S. gage metal when they exceed twelve inches in diameter or greatest dimension. In addition they shall be lined with fire brick, laid in fire clay mortar, at least two and one-half inches thick when between twelve and eighteen inches in diameter or greater dimension, and at least four and one-half inches thick when they are larger. If they lead into and combine with flue connections or breechings from other appliances, such other connections or breechings shall also be lined as required for direct flue connections unless the cross-sectional area of the connection into which they lead is at least four times their required cross-sectional area.

4. The clearance to woodwork or other combustible material or construction, on all sides of flue connections or breechings from the combustion chamber, shall be at least thirty-six inches; provided that when such woodwork or combustible construction is guarded by a metal shield backed with asbestos three-sixteenths of an inch thick, such clearance may be reduced to eighteen inches.

5. Refuse chutes except when used exclusively for garbage disposal in dwellings, public buildings and restaurants, shall not feed directly to the combustion chamber, but shall discharge into a room or bin enclosed and separated from the incinerator room, by floors, ceilings, and walls of equal fire resistance to those required to enclose the incinerator room. The opening through which such material is transferred from such room or bin to the incinerator room shall be equipped with a protective assembly having a fire resistive rating of at least one and one-half hours.

6. Refuse chutes shall rest on substantial incombustible foundations. The enclosing walls of such chutes shall consist of brickwork at least eight inches thick or of reinforced concrete at least six inches thick. Such chutes shall extend at least four feet above the roof and shall be covered by a metal skylight glazed with thin plain glass.

7. Service openings for chutes shall be located in separate rooms or compartments enclosed in walls or partitions, floors and ceilings, having a fire resistive rating of at least one hour. Such openings shall be equipped with approved fire doors or other approved devices.

d. It shall be unlawful to throw carpet sweepings containing napthalene, camphor balls or flakes, floor scrapings, oil soaked rags, empty paint cans or any other inflammable or highly combustible substance into any incinerator chute or opening. There shall be continuously and conspicuously posted on every door opening into a space in which there is located any service opening into an incinerator and also on the wall directly over the hopper opening into such incinerator a notice containing the following:

> "THROWING CARPET SWEEPINGS CONTAINING NAPTHALENE, CAMPHOR BALLS AND FLAKES, FLOOR SCRAPINGS, OIL SOAKED RAGS, EMPTY PAINT CANS OR ANY OTHER INFLAMMABLE OR HIGHLY COMBUSTIBLE SUBSTANCE INTO THIS INCINERATOR IS UNLAWFUL AND SUBJECTS THE OFFENDER TO A PENALTY." (Subd. d added by Local Law 24 of 1942 in effect June 24, 1942.)

e. All dampers on smoke breechings of incinerators shall be provided with adequate openings so as to prevent accumulations of gases. (Subd. e. added by Local Law 24 of 1942 in effect June 24, 1942.)

(11.2.6). § C26-702.0 Drying rooms and dry kilns.—Drying rooms or dry kilns constructed as an integral part of a structure shall be built entirely of incombustible materials. When the heating pipes are not placed overhead, they shall be so shielded as to be separated by at least two inches from the contents at all times.

Sub-Article 3
Chimneys

(11.3.1). § C26-703.0 Design, construction and use of chimneys.—The design, construction, use, repair and inspection of chimneys and fireplaces shall be in accordance with the provisions of this title and the rules of the board.

§ C26-703.1 Prefabricated chimneys—Notwithstanding the provisions of section C26-710.0e2. Prefabricated chimneys of refractory construction which are identified in the Underwriters Laboratories Guide No. 60H 3.13 and tested in accordance with their standards where thermal shock tests are conducted at 2,000° F and equilibrium tests at 1,800° F and which are listed by a nationally recognized testing laboratory and approved by the board are permitted for use together with their accessory connections such as elbows, tees, expansion joints, breechings and other similar fittings on the appliances listed herein, when installed in accordance with the conditions of the approval of the board.

Interior chimneys shall be enclosed in all stories above the lowest one in which the equipment served thereby is located in incombustible walls with a fire rating of at least one hour, as approved by the board.

Connections to the chimney for additional heat-producing appliances above the story of the lowest connected appliance shall be made by tee connections of the same construction as the main chimney and such tee shall extend at least one inch beyond the enclosure wall. Such opening for this connection shall be adequately firestopped. The enclosing wall shall be at least four inches away from such chimney. Multi-story venting shall be authorized only in accordance with the approval of the board.

Where the chimney passes through a combustible roof, it shall be protected by a ventilated roof thimble tested in accordance with the Underwriter Laboratories Standards established for this item and listed by a nationally recognized testing laboratory for specific use with this prefabricated chimney and as approved by the board.

Structure support and bracing of prefabricated chimneys shall be in accordance with this code and good engineering practice.

Chimneys supported at intermediate levels shall be supported on incombustible construction with a fire-resistive rating of at least three hours. This requirement is applicable to framing which supports the intermediate levels directly or indirectly.

The maximum unsupported height of a chimney shall not exceed the values as approved by the board.

Chimneys shall terminate at a distance above the roof in accordance with subdivision g of section C26-709.0, or subdivision b of section C26-711.0 or subdivision g of section C26-710.0 of the Administrative Code, whichever applies for the attached appliance.

Notwithstanding any other provisions of this code, the provisions of this section shall apply to chimneys for use with: Apartment House Incinerators, Commercial-Industrial Incinerators, Annealing Furnaces, Steam Boilers over 100 cubic feet in size operating at over 50 psig pressure, other furnaces not exceeding 1,800° F exit temperatures, ventilating hoods as per section C26-712.0, and other appliances as listed under sections C26-705.0 and C26-706.0 of the Administrative Code.

(As amended by Local Law of 1968 in effect January 22, 1968).

(11.3.2). § C26-704.0 Classification of Chimneys.—Chimneys shall be classified as:

1. Low temperature
2. Medium temperature,
3. High temperature

(11.3.3). § C26-705.0 Low temperature chimneys.—a. Chimneys constructed to convey products of combustion having a temperature of six hundred degrees Fahrenheit or less at a point of entrance shall be classified as low temperature chimneys.

b. The following heat producing devices shall be included among those requiring low temperaure chimneys: bakers' oven; boiling vats; candy furnaces; coffee roasting ovens; cooking ranges; core ovens; cruller furnaces; drying furnaces for spent materials; feed drying furnaces; fertilizer drying ovens; forge furnaces; gas producers; hardening furnaces (below dark red); hot air engine furnaces; hot air heating furnaces; hot water and low pressure steam heating boilers; japanning ovens; metal drying furnaces; lead melting furnaces; nickel plate furnaces; paraffine furnaces; rendering furnaces; rosin melting furnaces; stereotype furnaces; sulphur furnaces; type-foundry furnaces; wood drying furnaces; and wood impregnating furnaces.

(11.3.4). § C26-706.0 Medium temperature chimneys.—a. Chimneys constructed to convey products of combustion having a temperature of between six hundred and twelve hundred degrees Fahrenheit at the point of entrance shall be classified as medium temperature chimneys.

b. The following heat producing devices shall be included among those requiring medium temperature chimneys; charcoal furnaces; direct fire heated feed driers; direct fire heated fertilizer driers; direct fire heat pulp driers; galvanizing furnaces; hardening furnaces (cherry to pale red); porcelain biscuit kilns; smoke houses, steam boilers other than low pressure heating boilers or gas-fired boilers designed to be operated with approved types of draft hoods which cause the products of combustion to be diluted with air; water-glass kilns; wood-distilling furnaces; and wood-gas retorts. (As amended by Local Law 14 of 1945 in effect May 24, 1945.

(11.3.5). § C26-707.0 High temperature chimneys.-a. Chimneys constructed to convey products of combustion having a temperature of over twelve hundred degrees Fahrenheit at the point of entrance shall be classified as high temperature chimneys.

b. The following heat producing devices shall be included among those requiring high temperature chimneys; annealing furnaces; blast furnaces; bone calcining furnaces; brass furnaces; carbon point furnaces; cement, brick and tile kilns; coal and water gas retorts; cupolas; earthenware kilns; gas blow furnaces; glass smelting furnaces; glass kilns; open hearth furnaces; ore roasting furnaces; porcelain baking and glazing kilns; regenerative furnaces; reverberatory furnaces; stacks, carburetor or superheating furnaces in water gas works; welding furnaces; and wood carbonizing furnaces.

(11.3.6). § C26-708.0 Unclassified heat producing devices.—In doubtful cases the superintendent shall decide the grade of any heat producing device being governed in his decision by the degree and amount of heat transmitted at the point of entrance to the chimney.

(11.3.7). § C26-709.0 Chimneys for incinerators.—a. For non-fuel fired incinerators in which the grate area of the combustion chamber is nine square feet or less, the chimney walls shall be at least three and three-quarter inches thick and shall be lined with fire clay flue lining. It shall be unlawful to install more than three service openings in such a chimney or to use such chimneys in structures over three stories in height.

b. For non-fuel fired incinerators in which the grate of the combustion chamber exceeds nine square feet in area, the chimney walls shall be at least three and three-quarter inches thick and lined for a distance of at least thirty feet above the roof of the combustion chamber with four and one-half inches of fire brick; above this point the chimney wall shall be constructed with at least eight inches of brickwork.

c. For fuel fired incinerators in residence structures, institutional structures, churches, schools and restaurants, the chimney walls shall be encased as required for non-fuel fired incinerators with grates exceeding nine square feet in area, but the fire brick lining shall extend at least forty feet above the roof of the combustion chamber.

d. For rubbish and waste material incinerators, the chimney walls shall be encased in brick work at least eight inches thick and a lining of fire brick at least four and one-half inches thick laid in fire clay mortar for the full height of the chimney.

e. The connection of a fuel fired incinerator or a rubbish and waste material incinerator to a boiler stack or chimney for a high temperature heating device shall be permitted by means of an approved breeching, provided the cross-sectional area of such stack or chimney is at least four times that of the incinerator breeching.

f. The floor of the incinerator settling chamber shall consist of arches or slabs of incombustible material or assemblies having a fire resistive rating of at least four hours and be at least six inches above any point of the roof adjacent to the settling chamber. (Subd. f added by Local Law 82 of 1955 in effect June 30, 1955.)

g. Chimneys for incinerators shall extend at least ten feet above the roof and terminate in substantially constructed spark arresters. (Subd. f. relettered to be subd. g. by Local Law 82 of 1955 in effect June 30, 1955.)

(11.3.12). § C26-712.0 Ventilating hoods.--a. Ranges, candy kettles, cruller furnaces and appliances for the frying of bakery or confectionery products, except ranges in dwellings, shall be provided with ventilating hoods and pipes to take off the smoke gases and vapors, unless such appliances are enclosed and vented in an approved manner.

b. Such hoods shall be six and one-half feet or less above the floor. The width and breadth shall be at least those of the appliance served thereby.

c. Such hoods and their pipes shall be constructed of incombustible materials. The pieces shall be connected with independent masonry flues, constructed as required for smoke flues for low temperature heating devices, provided that in structures erected before January first, nineteen hundred thirty-eight, when such masonry flues are unavailable, they may be connected with independent metal chimneys outside the structure. In any case such flues or stacks shall be used only for the ventilation of such hoods. All the hoods in a single room or kitchen may be connected to a single flue. (As amended by Local Law 50 of 1942 in effect October 29, 1942.)

d. Such hoods shall be installed with the clearances required for smoke pipes. When the pipe from such a hood passes through a partition, it shall be protected as required for smoke pipes.

e. The system of hoods, vent pipes, flues and ducts shall be provided with grease filters or other similar devices approved by the board of standards and appeals so installed as to prevent the accumulation of grease within the vent system, or with approved fire extinguishing equipment. Such fire extinguishing equipment shall conform to the requirement of subsection c of section C19-165.3. The provisions of this subdivision e shall apply to all existing installations. (Subd. e. added by Local Law 15 of 1957, approved by the Mayor May 9, 1957, in effect ninety (90) days thereafter.)

(11.9.13). § C26-713.0. Adjoining chimneys.--When any stacks, chimneys, or flues are carried up as provided in section C26-570.0, the internal areas of the new portions shall be at least equal to the internal areas below.

Sub-Article 4--Clearance of Cooking Space Fittings from Cooking Ranges

(11.4). § C26-714.0 Clearances of cooking space fittings from cooking ranges.—Cooking space cabinets of wood or other combustible material installed adjacent to cooking ranges, shall have the clearances specified for domestic gas ranges in section C26-695.0. Any woodwork or other combustible material less than three feet above the range shall be covered on the underside with sheet metal at least as thick as No. 19, U.S. gage, backed with asbestos mill board at least three-sixteenths of an inch thick, but in any case the clearance shall be at least two feet.

ARTICLE 13
SPECIAL OCCUPANCY STRUCTURES

Sub-Article 1
General Provisions for Special Occupancy Structures

(12.1.1). § C26-715.0 Application of requirements for special occupancy structures.—a. Every structure or part of a structure, intended to be used for entertainment or introduction of any kind, erected after January first, nineteen hundred thiry-eight, for the accommodation of more than three hundred persons, shall be built to comply with the requirements of this article, except as otherwise provided in sections C26-719.0 and C26-720.0. Structures occupied exclusively by an elementary grade school, high school, or other strictly educational institution where students are enrolled for regular courses of study, shall be exempt from the requirements of this article, except that the auditoriums of such structures shall comply with this article. It shall be unlawful to use for public entertainment or instruction of any kind, any structure or part of a structure, which on January first, nineteen hundred thirty-eight, is not in actual use for such purposes, or to use any structure erected after January first, nineteen hundred thirty-eight, not in conformity with the requirements of this article until such structures conform to this article.

b. For the purposes of this section the existence of a valid certificate of occupancy shall constitute actual use.

(12.1.2). § C26-716.0 Approval of special occupancy structures required.—It shall be unlawful to open any structure described in section C26-715.0, to the public for theatrical or operatic purposes, or for public entertainment or instruction of any kind, until the superintendent and the fire commissioner shall have stated in writing that the structure conforms to the requirements of this article. Any such structure in which departure from the provisions of this article has been made under an approval of the superintendent or of the board, and which, previous to May first, nineteen hundred sixteen, had been duly approved for use, may be approved as conforming to the requirements of this article, so long as it is deemed reasonably safe by the superintendent. It shall be unlawful for the superintendent to approve any structure when the courts have held that a permit for the alteration or reconstruction of such structure is void. Caption as amended by Local Law 130 of 1939 in effect August 1, 1939.)

(12.1.3). § C26-717.0 Limitations on use and occupancy of special occupancy structures.--a. It shall be unlawful to occupy or use any part of a structure, constructed or used for the purposes described in section C26-715.0, for factory or storage purposes, or for any occupancy or use for which a combustible occupancy permit is required.

b. It shall be unlawful to perform any kind of construction above the stage area of a structure constructed or used for the purposes described in section C26-715.0 unless the construction of the roof or uppermost tier above the stage area shall be separated from the structure above by four-hour construction capable of sustaining a live load of not less than 150 pounds per square foot and at least 100 pounds per square foot in excess of the otherwise required design load; and that the tier above the stage area shall not be pierced except by vent flues constructed according to the provisions of section C26-724.0 or by steam, water or plumbing pipes. Such pipes shall be run through individual pipe sleeves set in the slab, and the space between the sleeve and the pipe shall be packed solidly with mineral wool, and the sleeve shall be covered at top and underside of the slab by flat metal plates fitted snugly to the pipe, secured to the floor construction or to the sleeve. The enclosure of the stage vent flue or flue for stage skylight shall comply with the requirements for a low temperature chimney, section C26-710.0,b. (Subd. b. amended by Local Law 110 of 1953 in effect June 12, 1953.)

c. The space under the stage shall be used only as an accessory to and part of the stage proper, except as otherwise provided in this article. Other parts of any such structure including the area over the auditorium, may be used for any purpose not otherwise forbidden in this title, provided that:

1. The parts so used are separated from the theatre by unpierced walls and floors having a fire resistive rating of at least four hours and are constructed throughout in compliance with the requirements of section C26-239.0, and the means of egress from the parts so used are entirely separate from the means of egress from the theatre portion of the structure;
2. All openings in the walls of the structure facing the stage area for the first one hundred feet above the roof of the stage are provided with self-closing doors or automatic windows, containing either plate or wired glass, and having a fire resistive rating of at least three-quarters of an hour;
3. The edge of the stage skylight is located at least six feet from any wall of the structure facing the stage area;
4. Any part used as a multiple dwelling complies with the multiple dwelling law as to such part of the structure;
5. All ducts, pipes, conduits and similar facilities which may be required for servicing the occupancy above or below the auditorium are confined to space outside of the auditorium walls, and cross-overs or horizontal lines of these facilities are also confined to spaces outside of the unpierced four-hour floor or wall.

d. The space below the auditorium and other portions of the theatre where separated by construction having a fire-resistive rating of at least four hours may be used for occupancies not in conjunction with special occupancies, provided such occupancies are such as not to require a combustible occupancy permit, and provided such space is separated from the special occupancy by construction as provided for occupancies above auditoriums. (Subd. d. amended by Local Law 110 of 1953 in effect June 12, 1953.

(12.1.3.1). § C26-718.0 Certificate of occupancy for the use of the roofs.--It shall be unlawful to use the roof of any structure, including factories and multiple dwellings, for witnessing contests, games, exhibitions, amusements or similar spectacles, or as a place of public assembly for any purpose, unless such structure or such part thereof has been designated in its certificate of occupancy as a place to be used for such purposes.

(12.1.4). § C26-719.0 Structures used for religious purposes.--

a. The means of egress from auditoriums used for religious purposes shall comply with the provisions of article seven of this code. (Subd. a. amended by Local Law 111 of 1955 in effect December 8, 1955.)

b. Balconies within such auditoriums shall comply with section C26-732.0 and section C26-735.0.

c. The means of egress from rooms and spaces used for purposes of religious worship, instruction or recreation, other than the auditorium portion of such structure, shall comply with article seven of this title.

§ C26-720.0 Auditoriums in school structures and public museums.--a. Auditoriums in school structures and public museums shall comply with the provisions of section C26-1381.0 in respect to standpipes.

b. Auditoriums in school structures and public museums which are without provision for stages, scenery, dressing rooms or other theatrical accessories shall be exempt from the requirements of this article.

c. Auditoriums in school structures and public museums with provisions for stages, scenery, dressing rooms or other theatrical accessories shall be exempt from the requirements of this article, provided that:

1. The entire structure is occupied as a school primarily for the education of children in the elementary or high school grades or as a public museum;

2. The exit facilities for the auditorium comply with all of the requirements for means of egress prescribed in article seven of this title, except that the arrangement of fixed seats shall comply with section C26-729.0, and the arrangement of aisles with section C26-738.0;

3. The stage is enclosed on both sides and rear with partitions having a fire resistive rating of at least four hours, openings in these partitions are protected by means of protective assemblies having a fire resistive rating of at least three-quarters of an hour, and the proscenium opening is equipped with a single asbestos fibre curtain approved by the superintendent;

4. Scenery, drops and valances are of incombustible material or are treated so as neither to ignite nor actively support combustion;

5. A complete system of automatic sprinklers is installed in dressing rooms, property rooms, wardrobe rooms and under the stage roof; a line of automatic sprinklers is provided over the proscenium opening on the stage side of the asbestos curtain; and the sprinkler system is supplied from either the house water supply system or a separate source of supply, which will give the required volume at a pressure of at least fifteen pounds per square inch at the highest line of sprinklers;

6. Dressing rooms, wardrobe rooms, property rooms and any carpenter shops are located outside of the fire resistive partitions enclosing the stage; these rooms are enclosed in partitions having a fire resistive rating of at least three hours and openings in such partitions are equipped with protective assemblies having a fire resistive rating of at least three-quarters of an hour;
7. An automatic skylight, of five percent of the area of the stage between the enclosing partitions and the asbestos curtain line, is installed in the roof over the stage, or if such skylight is impracticable, a vent duct, or ducts, of like area is extended from the top of the stage to a point above the roof. If ducts are installed, they may be either open or provided with plain glass dampers held closed by means of fusible links, and having three-quarters inch or smaller mesh wire screens immediately below as approved by the superintendent;
8. Such hand fire-extinguishing equipment as the superintendent may deem necessary is installed;
9. The handling of curtain, scenery, spotlights and other electrical equipment is done by trained adults;
10. Sufficient adult ushers are employed to handle the audience properly; pupils are not used as ushers;
11. Matches, open flames, torches, pistols, firecrackers or any devices producing an exposed spark or flame are not used;
12. All persons admitted to the auditorium are furnished with seats;
13. No seats, chairs, stools or other furniture are placed in any aisle or passageway leading to a means of egress.
14. Dry foliage, flowers and branches are used as stage setting or scenery only when so treated as to neither ignite nor support combustion. (As amended by Local Law 48 of 1953 in effect March 13, 1953.)

Sub-Article 2

Construction of Special Occupancy Structures

(12.2). § C26-721.0 Construction of special occupancy structures.--a. Every structure intended to be used for public entertainment as stated in section C26-715.0 shall be a class 1, fireproof structure, except as otherwise specifically provided in this article and except that a theatre having a seating capacity of six hundred people or less may be of class 2, fireprotected construction, within the limitations of section C26-254.0. (Subd. a. as amended by Local Law 111 of 1953 in effect June 12, 1953.)

b. It shall be unlawful to cover any of the walls or ceilings of such structures with combustible material, except that regardless of the height of the structure, wood wainscoting not over six feet in height may be used in the auditorium, orchestra pit, lobbies, foyers and promenades, and wood flooring may be used in the auditorium and stage when the space behind the wainscoting or between the floor arch and the flooring is filled solidly with incombustible material, and except that, regardless of the height of the structure, combustible wall coverings may be used when pasted or cemented directly to the plaster surface and that combustible fabrics not pasted or cemented to the plaster surface may be used if such fabrics are so treated that they will neither ignite nor actively support combustion and are tested to insure compliance with the rules of the board, and provided such fabrics have one inch lap seams for each panel and except that wood or other combustible material in the form of a veneer one-twentieth of an inch or less in thickness may be used as wall covering. (As amended by Local Law 170 of 1939 in effect November 14, 1939.)

c. Screens for the projection of motion, audible or sound, or television pictures shall be either made of combustible+ material or treated so as neither to ignite nor actively to support combustion.

d. Notwithstanding any other provisions to the contrary in this article, combustible trim and decorations may be used in outer lobbies which open directly to the street, also in outer vestibules which are separated from the street by not more than two sets of doors and used solely for entrance and egress and which do not connect directly with rooms or stairways serving the auditorium provided.

1. That the aggregate area and width of said lobbies and vestibules shall not be encroached upon nor reduced below legal requirements.

2. That the said trim or decoration is closely attached to the masonry or plaster surface forming the enclosure of said lobbies or vestibules and that all spaces behind said trim or decoration are solidly filled with gypsum plaster or its equivalent.

3. That no portion of said trim or decoration projects more than twelve inches in front of the enclosure walls of said lobbies or vestibules.

4. That printed or painted advertising matter that may be displayed is kept behind tight glass enclosures or, if in the open, the same is not more than three-sixteenths of an inch in thickness and is completed* flame-proofed in three-sixteenths of an inch in thickness and is completed* flame-proofed in accordance with rules of the board, and is placed so as not to obstruct free entrance or egress. (Subdivision d as added by Local Law 22 of 1941 in effect March 20, 1941.)

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*Evidently intended to read "completely."
+Evidently intended to read "incombustible."

e. In the case of any existing theatre on which there was on May 6, 1941, display advertising in the nature of ground signs or false fronts beyond the building line, such display advertising shall conform to the provisions hereinafter enumerated or shall be removed, or removed and replaced by display advertising conforming with the provisions hereinafter enumerated.

1. That the same does not extend to any point more than eight inches beyond the street wall of the building, that the same shall not extend above the bottom of the window sill of the second floor, and that no existing openings in the wall shall be covered by this construction, and that Siamese connections to the sprinkler and the standpipe (fire line) and ammonia Siamese connections shall be unobstructed.

2. That the same is constructed of material at least three-sixteenths inch in thickness and adequately stiffened and attached directly to the street wall or other incombustible backing.

3. That all of the provisions of sections B26-5.0 to B26-19.0 inclusive, shall apply so far as not inconsistent herewith. (Subd. e. added by Local Law 111 of 1953 in effect June 12, 1953.)

f. Theatres designed and used exclusively for the display of motion, audible or sound, or television pictures, and without stage, dressing rooms or scenery of any kind and without a platform exceeding ten feet in depth shall not be required to comply with section C26-724.0 through section C26-727.0 of this article. The platform shall be of fireproof construction, but may be covered with wood flooring. Sets, decorations or scenery are not to be used on such platforms. The use of furniture shall not be prohibited. (Subd. f. added by Local Law 111 of 1953 in effect June 12, 1953.)

Sub-Article 3

Stage

(12.3). § C26-722.0 Stage; general.—

a. That portion of the stage floor extending from each side of the proscenium opening to the enclosure walls and from the stage side of the proscenium wall to the front edge of the apron shall be of construction having a fire resistive rating of at least four hours. Regardless of the height of the structure, untreated wood flooring may be used on the stage floor. For a width of six feet more than the proscenium opening, the stage may be constructed of wood.

The term stage shall not include an unenclosed raised platform placed on an open floor as described in section C26-141.0* of the Administrative Code. (Subd. a. amended by Local Law 57 of 1960 in effect September 21, 1960.)

b. The stage shall be separated from the auditorium by a fire wall of solid masonry, extending from the foundation to at least four feet above the stage roof or the auditorium roof if the latter be the higher. Such walls may be offset in the manner described in section C26-632.0.

c. Such wall shall be without openings above the stage level, except the proscenium opening and one door opening on each side of the stage at the stage level. Three door openings may be provided in this wall below the stage level. Door openings shall be three feet or less in width. Only one duct may be provided on each side of the proscenium wall under the stage provided with a fire damper on each side of the wall if the duct for ten feet on each side of the opening in the proscenium wall is of construction having a fire resistive rating of at least three hours.

d. The apron of the stage shall be located between two and seven feet from the curtain line. Platforms, extending along a portion or all of the stage, adjacent to or contiguous with the stage, constructed of incombustible material, for the operation of cameras and electronic equipment for television programs may be constructed in front of such stage aprons provided that required aisles and exits are maintained unobstructed and that electrical equipment has been approved by the department of water supply, gas and electricity. Such platforms may be used with scenery or properties or both for television programs only when in compliance with the foregoing and following provisions:

1. All such scenery, including but not limited to drapes and curtains, shall be made of incombustible material, or shall be treated so as neither to ignite nor actively support combustion, or shall be flame-proofed in accordance with the requirements of section C19-161.1 of the code;

2. All such scenery shall be placed not less than four feet from any seats occupied by the public;

3. Portable fire extinguishing appliances shall be provided as may be directed by the fire commissioner; and

4. The area of the asbestos curtain fall shall remain free and clear. (Subd. d. amended by Local Law 44 of 1955 in effect May 23, 1955.) .

e. Door openings from underneath the stage to the auditorium and from under the stage to pipe passages and plenum chambers shall be protected on each side of the wall with a self-closing door having a fire resistive rating of at least three-quarters of an hour, arranged to open from either side of the wall. Door openings from the stage to the pit shall be protected with single self-closing doors, having a fire resistive rating of at least three-quarters of an hour, arranged to open from either side of the wall.

f. The space underneath the stage shall be subdivided, at the sides of the proscenium opening, by solid masonry walls having a fire resistive rating of at least three hours, extending from the proscenium wall to the rear wall of the stage, and from the ground to the underside of the stage floor, and so located that the distance between these walls shall not be more than six feet greater than the width of the proscenium opening.

g. Openings in these walls shall be equipped with self-closing doors having a fire resistive rating of at least one hour.

(12.3.1). § C26-723.0 Mechanically operated stages.--Where at least one-half of the area of the stage between the proscenium opening, the curtain line and the back wall is equipped with a stage elevator or platform electrically or hydraulically operated, the space below the stage floor on each side of the stage may be used as a fireproof vault to receive scenery assembled on trucks, provided the following conditions are met:

1. Such vaults are entirely enclosed by fire walls, floors and ceilings unpierced by pipes, conduits, ducts or electrical apparatus, and having a fire resistive rating of at least four hours;

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*So in original. Evidently intended to read C26-141.1.

2. The doorways opening from such vaults are protected by fire doors having a fire resistive rating of at least one and one-half hours, operated mechanically in conjunction with the stage elevator or platform so that such doors can be opened only when the stage or platform is fully lowered, and closed automatically when the stage elevator or platform is at the stage level;
3. The area of such vaults is fifty percent or less of the floor area of the stage elevator or platform;
4. Where more than one such vault is constructed, adjoining vaults are separated from each other by walls having a fire resistive rating of at least four hours;
5. Each such vault is ventilated by an open flue starting at the ceiling of the vault and terminating within five feet of the main stage skylight; where such flues are installed the skylight is erected so that an automatic device will be located in each flue to open the skylight in case of fire; a protective wire mesh screen which will reject a ball one-half-inch in diameter is placed immediately below the ceiling outlet of each such flue; the area of each flue is one-twelfth the area of the doors serving that vault;
6. Such vaults are equipped with automatic sprinkler systems.

Sub-Article 4
Stage Skylight

(12.4). § C26-724.0 Stage skylight.—a. A skylight having a glazed area of at least one-eighth of the area of the stage shall be provided over the stage. Such skylights shall be glazed with single thick plain glass having a thickness between eleven and one-half and ten sheets to the inch, in panes having a minimum area of three hundred square inches. A protective wire mesh screen shall be placed immediately above and below the skylight.

b. In the skylight, ventilators of a type approved by the board shall be placed in the highest part of the stage roof, and those parts which open shall be equal in aggregate area to one-eighth of the area of the stage. The covers or doors shall be constructed of incombustible material, shall be arranged to open in case of fire by an automatic device or by cutting a fibre cord. The ventilators shall be so designed as to function regardless of weather conditions. (Subd. b amended by Local Law 50 of 1942 in effect October 29, 1942.)

**d. Mechanical exhaust ventilation may be provided for the stage area in lieu of a skylight by one or more individual vent flues constructed in accordance with the main roof independently of any other flue and having an aggregate cross-sectional area of one square foot for every one hundred square feet of stage area. The flue opening at the base shall be twice the area of the flue for a minimum height of eight feet and the base shall be protected by wire mesh screens. Each flue shall be connected to power-operated exhaust fans located on the roof or in any intermediate level as approved by the superintendent and provided with gravity dampers in the flue outlets; where a single flue is provided, the fan shall be operated by two electric motors, each of sufficient power to operate the fan independently. Flue connections shall be arranged so as to permit direct passage of the products of combustion to the outer air with a by-pass connection in which the exhaust fan or fans shall be located. An automatic multi-leaf fire damper shall be provided in the

direct run of the flue at the by-pass above the inlet to the fan or fans and below the outlet from the fan and arranged to open in case of fire. The fan or fans shall be of aggregate capacity for providing in the stage at least fifteen changes of air exhaust per hour. The fan or fans shall be so arranged that the fan wheel only will be subject to the products of combustion. Prominently labeled manual starting switches and automatic rate-of-rise, heat actuated starting switches for each fan shall be provided and shall be located in a manner acceptable to the superintendent. The source of power supply for operating the fan or fans shall be from the main switch or emergency panel, independent of all other electrical services. Each fan shall be started and its operation observed for not less than five minutes prior to the commencement of each performance. (Subd. d.** added by Local Law 112 of 1953 in effect June 12, 1953.)

**Evidently intended to read "c."

e. + Where there are occupied areas above the stage a gravity exhaust flue may be provided for the stage area in lieu of mechanical exhaust ventilation. The flue shall extend independently of any other flue to and above the roof, having a cross-sectional area of at least one square foot for every ten square feet of stage area, and in accordance with the requirements for low temperature chimneys of section C26-710.0. A skylight conforming to the requirements of subdivisions a, b, and c of this section except that the area shall be at least equal to the area of the flue, shall be provided at the top of the flue. (Subd. e. + added by Local Law 112 of 1953 in effect June 12, 1953.)

+Evidently intended to read "d."

Sub-Article 5

Protective Curtains, Curtain Supports and Rigging Lofts in Special Occupancy Structures

(12.5). § C26-725.0 Protective curtains, curtain supports and rigging lofts in special occupancy structures.—a. The proscenium opening shall be provided with a curtain of incombustible material constructed on a rigid frame approved by the superintendent, having a lap of two feet at the top and eighteen inches at each side, sliding at each side in steel or iron grooves, which shall have a minimum depth of twelve inches. The curtain shall be securely fastened to the proscenium wall and at its lowest position shall rest on masonry at least twelve inches thick extending from the foundation to the curtain, or upon a strip of linoleum, cork or rubber composition directly affixed to such masonry. The footlights shall be placed at least two feet away from the curtain line. The curtain shall be raised only at the commencement of each performance and lowered at the close and shall be operated by approved machinery.

b. Satisfactory proof must be submitted and filed with the application that the curtain is so constructed and mounted as to prevent the passage of fire, to permit the passage of only a minor amount of smoke, and to show no glow on the auditorium side, when exposed to a temperature rising to seventeen hundred degrees Fahrenheit in thirty minutes.

c. Beams supporting curtain slots in the rigging loft shall be designed to sustain a minimum load of four hundred pounds per linear foot in addition to a uniformly distributed load of fifty pounds per square foot on the rigging loft. Beams supporting headblocks shall be designed to sustain a load of at least twelve hundred pounds per linear foot vertically, and one thousand pounds per linear foot horizontally. The design of beams supporting the proscenium curtain or curtain sheaves shall provide for an impact allowance of one hundred percent.

d. All girders, beams or platforms over the stage or in the fly galleries shall be of incombustible materials.

Sub-Article 6

Scenery, Fittings and Scene Docks

(12.6). § C26-726.0 Scenery, fittings and scene docks.—a. Stage scenery curtains and decorations made of combustible material, and woodwork on or about the stage shall be so treated as to satisfy the superintendent that such scenery, curtains and decorations will neither ignite nor actively support combustion.

b. Where the scenery is stored on the premises otherwise than as permitted by subdivision a of this section and by section C26-723.0, there shall be provided a scene dock or space adjacent to the stage, constructed with walls, floors and ceilings having a fire resistive rating of at least four hours and connected with the stage by a doorway with a maximum area of eighty square feet protected by automatic doors having a fire resistive rating of one and one-half hours. Scene docks shall be equipped with automatic sprinkler systems and with skylights meeting the requirements of section C26-724.0, as to size and construction. The use of such scene docks for paint bridges shall be permitted.

Sub-Article 7

Dressing Rooms

(12.7). § C26-727.0 Dressing rooms.—Dressing rooms shall be separated from the stage and auditorium by walls and floors having a fire resistive rating of at least four hours. The walls and floors between dressing rooms and auditorium shall be unpierced. Openings in the dividing walls shall be equipped on both sides with self-closing doors having a fire resistive rating of at least three-quarters of an hour. Dressing rooms located on or above the stage level shall have an independent means of exit directly to the street or to emergency courts or passageways. The maximum distance from a dressing room door to a stairway or passageway to the street shall be thirty-five feet. The area under the stage shall contain no dressing rooms. When dressing rooms are located below the stage level, at least two exits therefrom shall be provided, one of which shall lead directly to the street. Every dressing room door shall be within thirty-five feet of a stairway. Dressing rooms shall be ventilated by windows or skylights opening directly to the outer air or shall be independently ventilated with at least six changes of air per hour. Dressing room furniture and fixtures, other than chairs, shall be incombustible.

Sub-Article 8

Work Shops, Storage and Property Rooms

(12.8). § C26-728.0 Workshops, storage and property rooms.—a. Workshops and storage or property rooms shall be located only at the stage level, except as otherwise provided in section C26-723.0, and on the stage side of the proscenium wall. They shall be separated from the stage by solid masonry or reinforced concrete walls having a fire resistive rating of at least four hours. Openings to the stage shall have automatic or self-closing doors having a fire resistive rating of at least four hours. Openings to the stage shall have automatic or self-closing doors having a fire resistive rating of at least three-quarters of an hour on both sides of the wall. Furniture and fixtures, other than chairs, in workshops, storage or property rooms shall be of incombustible material. It shall be unlawful to provide paint bridges.

b. Such shops or rooms shall be provided with windows or fireproof vents to the outer air, of an effective ventilating area of five percent or more of the floor area of each shop or room.

Sub-Article 9

Seats in Special Occupancy Structures

(12.9). § C26-729.0 Seats in special occupancy structures.—a. Seats, except those in boxes, shall be at least thirty-two inches from back to back, and firmly secured to the floor. The maximum number of seats in any row extending from one aisle to another shall be seven. Provided that if the seatings are fixed chairs with self-raising seats so spaced that when the seats are lowered there is an unobstructed space of not less than sixteen inches horizontal projection measured between two plumb lines between the rows of seats, and provided that along both sides of the theatre at the ends of the rows of seat there are aisles with a minimum width of four feet, and exit doors or openings are provided not more than fifteen feet center to center apart along both sides of the auditorium, the number of seats in a row between such aisles shall not exceed one hundred. The above exit doors or openings shall open on the streets, courts or passageways as required under section C26-731.0 (As amended by Local Law 113 of 1953 in effect June 12, 1953.)

b. The difference in levels between balcony seating platforms shall not exceed 22-1/2 inches. These platforms shall be at least thirty-two inches wide; except that when the difference in platform levels is more than fifteen inches the platforms shall be at least thirty-six inches wide. Risers of balcony steps in the aisles shall not exceed a maximum height of seven and three-quarter inches. (As amended by Local Law 113 in effect June 12, 1953.)

c. It shall be unlawful to place any stools or seats in any aisle.

Sub-Article 10

Normal exits in special occupancy structures

(Title amended by Local Law 114 of 1953 in effect June 12, 1953.)

§ C26-730.0 Normal street exits.--a. Every structure intended to be used for the purposes described in section C26-715.0 unless otherwise specifically provided in this article, shall have means of normal exit on one or more street frontages as hereinafter required. (Title of section and subd. a. amended by Local Law 114 of 1953 in effect June 12, 1953.)

b. Where there is a grade in excess of five percent in a street frontage of a theatre, the location of the normal exits on such street frontage shall be left to the discretion of the superintendent. (Subd. b. as amended by Local Law 114 of 1953 in effect June 12, 1953.)

c. In addition to the emergency exits required by subdivision d of section C26-731.0 the minimum aggregate width of normal exit doorways for the total number of persons to be accommodated on all tiers shall be at least ten feet and shall be determined from the number of persons to be accommodated as follows: Street normal exit doorways shall be provided at the rate of twenty inches for each one hundred of the first fifteen hundred persons; fifteen inches for each one hundred of the first thousand persons in excess of fifteen hundred; and ten inches for each one hundred persons in excess of twenty-five hundred persons. All normal exit doors shall be located on the street fronts except that one-half of any width in excess of ten feet may be on emergency courts or passageways provided such doors are placed between the rear wall of the auditorium and the last row of seats in the orchestra.

Where a theatre is more than ten feet above curb or more than six feet below curb as measured to the level of the space in the rear of the last row of seats in the orchestra or to the level of the cross-over in front of the first riser in a stadium structure, the normal exit doors shall be provided between the lobby and the orchestra instead of on the street fronts, except that one-half of any width in excess of ten feet may be located on emergency courts or passageways, provided such doors are placed in the rear wall or between the rear wall of the auditorium and the last row of seats in the orchestra. In such case all doors shall be fireproof, self-closing, approved for at least a one hour fire-resistive rating. (Subd. c. amended by Local Law 114 of 1953 in effect June 13, 1953.)

d. The floor level of the space in the rear of the last row of seats in the orchestra or the level of the crossover in front of the first riser in a stadium structure, shall not be more than twenty feet below the curb level. The difference in level between this space and the street level shall be taken up by steps or ramps. It shall be unlawful to locate steps in the middle of any ramp. Steps in front of doorways opening in the direction of egress shall have a platform equal to the swing of the door and at least five feet in width. Where the entrance lobby or lobbies do not lead directly to the rear of the orchestra or the crossover in front of the first riser in a stadium structure, there shall be at least two interior passageways or stairways each not less than four feet in width to the rear of the orchestra or to the crossover of a stadium structure. When the occupancy of the auditorium exceeds two hundred persons, each such passageway or stairway shall be increased in width at the rate of three inches for every one hundred persons or in accordance with the requirements of section C26-734.0.

The size of steps and risers shall conform to the requirement for balcony stairs in section C26-732.0. Handrails shall be provided on both sides of stairways, projecting not more than three and one-half inches into the required width of such stairways. (Subd. d. repealed and re-enacted by Local Law 114 of 1953 in effect June 12, 1953.)

e. Theatres may be placed more than ten feet above the curb level or more than six feet below curb level as measured to the level of the space in the rear of the last row of seats in the orchestra or to the level of the crossover in front of the first riser in a stadium structure when in addition to the egress stairways required under section C26-731.0, there shall be a normal exit stairway leading directly from the street to the lobby, for the exclusive use of the theatre. The lobby shall be located on the same story as the orchestra of the theatre and shall be adjacent to the auditorium. This stairway shall have a clear width between stringers of six feet for the first one thousand persons to be accommodated in the entire auditorium plus one foot for each additional three hundred persons or part thereof. In the place of this stair, one or more stairs may be provided if the total width of such stairs is not less than required for the one stair and provided no stair is less than four feet in width. Such stairways shall be enclosed in partitions having at least a three hour fire-resistive rating and openings shall be protected by fireproof, self-closing doors having at least a one hour fire-resistive rating. The lobby shall be separated from the stairs as provided for the separation of emergency passageways from stairs in section C26-731.0. All openings into the lobby shall be protected by fireproof, self-closing doors, approved for at least a one hour fire-resistive rating, where the theatre is above or below street level as specified in this subdivision. Also in such cases the lobby shall have a minimum width and height of ten feet and shall have a floor area of not less than one-third of the total seating capacity of the theatre multiplied by one and one-half square feet.

f. Each normal exit entrance doorway shall have a minimum clear width of five feet measured between door stops. When there are no mullions between the leaves of entrance doors and the doors are hung on top and bottom pivots, the doors when opened shall not project more than a total of six inches into the required clear width of the exit. Normal exit doors shall swing outwardly and shall be held in the closed position by panic bolts or other releasing devices arranged to operate by the application of pressure to the inner side of the device. (Subd. e. re-lettered f. and amended by Local Law 114 of 1953 in effect June 12, 1953.)

g. It shall be unlawful to lock doors, used as a means of entrance or exit, during any presentation or at any time when the structure is open to the public. (Subd. f. re-lettered g, and amended by Local Law 114 of 1953 in effect June 12, 1953.)

§ C26-731.0 Emergency exits from special occupancy structures.—Emergency courts or passageways required for special occupancy structures.—a. Except as otherwise provided in subdivision i of this section and section C26-735.0, every theatre accommodating three hundred or more persons shall have an open court, or a passageway, for emergency use on each side of each tier of the auditorium except that where a theatre is at the street level such court or passageways shall not be required for a side bordering on a street. Such courts and passageway shall not be required for a side bordering on a street. Such courts and passageways shall lead directly to a street or to the emergency stairs as provided in subdivision j of this section.

b. Design of required courts or passageways for special occupancy structures.

1. The minimum clear width of such emergency courts or passageways shall be six feet and the clear height shall be at least ten feet. Where such courts or passageways lead to a stair, each court or passageway shall have a floor area of not less than one-third of the total seating capacity of the theatre, multiplied by one and one-half square feet.

2. When the occupancy of any tier exceeds six hundred persons, the width of the court or passageway for that tier shall be increased at the rate of one foot for each five hundred persons or fraction thereof.

3. The size of the court from the orchestra shall be calculated independently and where the emergency stairs from above combine with such court, the court shall be increased in width to accommodate the total occupancy served. The width of the court shall mean the clear, unobstructed width.

4. Passageways shall be of materials or assemblies having a fire resistive rating of at least four hours, with solid floors and roof. Where such passageways go through the stage or through other structures but not where the passageway goes through other parts of the same structure, the roof shall be capable of sustaining a uniformly distributed load of five hundred pounds per square foot.

5. Such passageways and courts shall connect to the street at sidewalk level unless connected to the emergency stair as provided in subdivision j of this section. Difference in elevation of floors of such courts and passageways shall be overcome only by ramps having a maximum grade of one in ten or by stairs of maximum height of riser of seven and one-half inches and width of tread of at least ten inches. Where stairs and ramps are used in conjunction such stairs may only be placed at either or both ends of the ramps.

6. Where enclosed passageways are used they shall be vented to the street or outer air in a horizontal direction by means of wire mesh grilles with clear ventilating areas of at least 12 square feet at each end of the passageway or within ten per cent of the length of the passageway from either end. Walls of passageways shall be whitewashed, or finished in materials of a light color, or painted a light color.

7. When the stage exits into such a passageway there shall be between the stage and the passageway a vestibule at least five feet deep extending the full width of the court or passageway and separated from the stage and passageway by self-closing doors having a fire resistive rating of at least one hour.

8. The doors on the orchestra floor opening on the required emergency courts, passageways or streets shall have a minimum clear width of five feet measured between door stops. One such door opening on each required emergency court or passageway or street shall be located not more than thirty-five feet from the first row of seats. The first row of seats shall be that row of seats nearest to the stage, platform, or projection screen. An additional emergency exit on each required emergency court or passageway shall be located not more than fifty feet from the last row of seats. Such emergency exits shall be separated by a distance of at least equal to fifty per cent of the distance from the first to the last row of seats.

Additional doors shall be provided as necessary so that no seat on the orchestra floor shall be located more than one hundred and twenty-five feet from an exit or entrance door measured along the line of travel.

9. Where auditoriums are adjacent to any other structure bordering on any street, emergency exits from the auditorium may be by means of passageways through such structures, except when, in the opinion of the superintendent, such occupancy or use of such structures would constitute a hazard.

10. All openings on emergency courts or passageways shall be protected by fireproof, self-closing doors approved for at least a one-hour fire resistive rating.

c. Use of emergency passageways and courts in special occupancy structures.

1. Emergency passageways and courts shall be used exclusively for exit from the auditorium and stage and shall be kept free and clear at all times. No openings on emergency passageways shall be permitted except and* openings to the outer air and those for doors.

*So in original. Should be omitted.

2. Any such passageway or court may be used in common by two or more auditoriums, provided the width is equal to that required for the total number of persons to be accommodated in all the auditoriums opening on it.

d. Required number of emergency exits from special occupancy structures. In addition to the exits normally required under sections C26-730.0 and C26-732.0 there shall be on each side of each tier at least two emergency exits opening from the auditorium to the emergency passageways or courts. The doors on such emergency exits shall have a minimum clear width of five feet measured between door stops, except that on tiers above the orchestra floor requiring only one crossover and no promenade, at least one of the required exit doors shall be located at each end of the crossover. The swing of such doors shall be in the direction of egress and shall not obstruct the clear width of the passageway when fully opened, except for the thickness of the door.

e. Required emergency stairways in special occupancy structures.

1. From the emergency exits in each tier above the first, interior or exterior emergency stairs or emergency platforms shall be provided, extending to the sidewalk, court or passageway. The minimum width of each such stair or platform shall be four feet. When the capacity of any tier above the first exceeds eight hundred persons, the width of each of the required stairs serving such tiers shall be increased in the proportion of one foot for each five hundred persons or fraction thereof in excess of eight hundred persons. When the stairs or platforms are not extended independently to the street court or passageway level, but are combined, the width of each run of stairs shall be increased by fifty per cent of the width of the stairway serving the next tier above. From the landing of the stairs at the street court or passageway level a passageway at least as wide as the last run of stairs leading into it, and a minimum of six feet wide, shall be provided leading to the street or stairway leading to the street. Handrails may project into the required width of stairs a maximum of three and one-half inches on each side.

The ends of handrails shall be turned back against walls or newels and finished without projections which would act as obstructions. Required stairways shall also comply with the requirements of subdivision f of section C26-292.0.

2. The maximum height of risers in required stairways shall be eight and one-half inches, and the minimum depth of tread nine inches, exclusive of nosing.

f. Required size of courts upon inadequate streets. Where a structure faces upon a public street narrower than the court which would be required for emergency purposes if there were no street, the structure shall be arcaded at the street level so that the combined width of the street and arcade shall be equal to the required width of the court which would be required if there were no street.

g. Emergency exits from the stage.--Emergency exits to the passageways, courts or streets shall be provided on opposite sides of the stage at the stage level.

h. Required exits from the stage gridirons. Two means of exit shall be provided from the stage gridirons. Such exits shall be provided on one side by means of a ladder or stairs, extending from the stage floor through the roof from the inside of the structure and on the other side through a doorway to the outer air and then by a ladder or other means to some point having access to the ground.

i. Every theatre accommodating six hundred persons or less shall be provided with at least one emergency exit from the orchestra floor located within one-tenth of the depth of the orchestra from the first to the last row of seats. Where the orchestra accommodates more than three hundred persons, at least one additional emergency exit shall be provided. These emergency exits are in addition to the entrance doors of ten feet minimum width as required under section C26-730.0 of this article. The aggregate width of the emergency exit doors shall be five feet and they shall open outwardly on a street or an emergency court or passageway leading to a street. The court or passageway shall be at least four feet in clear width for the first one hundred persons and the width shall be increased six inches for every additional one hundred persons to be accommodated. Construction of passageways, courts and doors shall conform with the provisions of the preceding subdivision of this section.

j. Where a theatre is placed more than ten feet above the curb level or more than six feet below the curb level as measured to the level of the space in rear of the last row of seats in the orchestra or to the level of the crossover in front of the first riser in a stadium structure, passageways or courts shall not be required to extend below or above the auditorium level where at least one emergency stairway is provided from each passageway or court each having a minimum width of six feet and each leading to the street. When the capacity of the theatre exceeds one thousand persons, the width of each such stairway shall be increased in the proportion of one foot for each three hundred persons or part thereof in excess of one thousand. Such stairways shall be enclosed in fireproof material of not less than three hour fire-resistive rating. The size of the treads and risers shall conform to the requirement for emergency stairways in this section. Such stairs shall be used exclusively for the exit from the theatre, and shall be kept free and clear at all times. The stairs shall comply with the requirements of section C26-292.0 except as otherwise provided in this section.

The stairs shall be separated from the emergency court or passageway by fireproof self-closing doors approved for at least a one hour fire-resistive rating, hung to swing in the direction of egress. The aggregate clear width of such doorways shall be not less than the required width of the stair and the width of a single doorway shall not be less than three feet eight inches nor more than five feet. A landing shall be provided between the doors and the first riser, having a width not less than the swing of the largest door but not less than four feet. The doors may be provided with panic bolts. The stairs shall be vented by means of fixed opening or a vertical or horizontal duct, to the outer air, having a minimum cross sectional area of at least two square feet. The stairs shall run separately and independently to the street or to an open court leading to the street. (As amended by Local Law 115 of 1953 in effect June 12, 1953.

(12.10.3). § C26-732.0 Balcony exits and stairs.—a. Except as otherwise provided in section C26-735.0, at least two separate and independent stairways, in addition to the emergency stairways required by subdivision e of section C26-731.0 shall be provided for each tier above the auditorium floor. Such stairways shall be located on opposite sides of the auditorium and may connect with the tier which they serve, by means of mezzanines or other intermediate floors. Where balcony stairs open directly into the auditorium, the exit facilities from the auditorium shall provide for the number of persons using such balcony stairs. The width of balcony stairs which open directly upon the street, court or passageway may be deducted from the required width of main entrance except that the width of main entrance doors shall not be less than ten feet. Required stairways shall connect with only one tier, except when one of the tiers is a part of a stadium theatre and the aisles in that tier are continuous with those in the orchestra floor, and except that required stairways in any type of theatre may open on more than one tier, provided that such required stairways are increased to the width required for a fifty per cent increase in the number of occupants of the lower tier, and this increase shall apply to each tier upon which the stairs open, but in no case need the total width of the stairs exceed that required to accommodate the total number of occupants to be served by these stairways. Required stairways shall be enclosed in the tiers through which they pass by materials or assemblies having a fire resistive rating of at least three hours, but enclosures shall not be required at the upper and lower terminals of balcony stairs. It shall be unlawful to permit any door to open directly on a stairway; a landing at least as wide as the door shall be provided between the door opening and the stairs. (Subd. a. as amended by Local Law 116 of 1953 in effect June 12, 1953.)

b. The doors on street fronts may be untreated wood, but all other doors on exit passageways and stairs shall comply with the requirements of article eleven of this title.

c. The maximum height of risers on any balcony stairs shall be seven and one-half inches and the maximum depth of treads in straight balcony stairs shall be ten inches exclusive of nosings. It shall be unlawful to provide circular or winding stairs for the use of the public. When straight stairs return directly on themselves, a landing without steps, the full width of both flights, shall be provided. The outer line of landings shall be curbed to a radius of at least two feet. Stairs turning at an angle shall have a proper landing, without winders, introduced at each turn.

It shall be unlawful to introduce winders in stairs when two side flights connect with one main flight; the width of the main flight shall be at least equal to the aggregate width of the side flights. All stairs shall have proper landings introduced at vertical intervals of twelve feet or less. The minimum number of steps in a flight between landings shall be three. Such landings shall be at least four feet in depth. (As amended by Local Law 131 of 1939 in effect August 1, 1939.)

d. Where the stadium type of design is employed, all portions of the auditorium behind the first perpendicular riser shall be treated as a balcony when the highest row of seats is more than fifteen feet above the lowest point of the crossover in front of the first perpendicular riser. Where the distance between the lowest point of the crossover in front of the first perpendicular riser and the highest level of the stadium floor is between fifteen and twenty feet, an inside stairway shall be provided. Where such distance is over twenty feet such stadium section shall be treated as a balcony, and if the house already has a balcony the stadium section above fifteen feet shall be treated as another balcony.

e. The minimum width for balcony stairs shall be four feet. When the number of persons to be accommodated on any tier exceeds two hundred, the width of each stair shall be increased in the proportion of three inches for every one hundred persons or fraction thereof in excess of two hundred persons. The maximum width of any stair shall be eight feet. When the occupancy of any tier exceeds eighteen hundred persons, additional stairs shall be divided into substantially equal units, so that the width of the narrowest stair shall be at least two-thirds that of the widest stair. Handrails shall be provided in such stairways and may project a maximum of three and one-half inches into the required width of stairs on each side.

f. Ornamental stairways may be constructed under the following conditions:

1. Such stairways shall be so placed as to leave unobstructed the functioning and use of the required means of egress.

2. Such ornamental stairways shall be separate from such required means of egress.

3. Such stairways shall meet the requirements of subdivision 1 of section C26-292.0, with respect to handrails.

g. Stairways serving theatres placed above the curb level as provided in subdivision e of section C26-730.0 may lead directly to the streets, courts or passageways or terminate in the lobby in the rear of the orchestra. Where a stairway terminates in the lobby, the lobby shall be connected with the street, courts or passageways by means of doors or passageways having a minimum width of five feet. (Subd. g. added by Local Law 116 of 1953 in effect June 12, 1953.)

(12.10.4.1). § C26-733.0 Crossovers.--a. Crossovers in tiers above the orchestra floor.--Crossovers shall be provided in each tier above the orchestra floor as follows:

1. The first crossover shall be seven rows of seats or less from the front of the tier.

2. Additional crossovers shall be provided, each fourteen rows of seats or less from the next lower crossover, except that, if the last

crossover is placed at the rear of the tier there may be sixteen rows of seats between the highest crossover and the next lower crossover. Such crossovers shall be at least four feet wide in the clear and shall be separated from the seating spaces with railings. When but one crossover is required, both emergency exits shall be located at the ends of the crossover. When more than one crossover is required, an emergency exit shall be located at each end of each crossover. When the difference in level between adjacent crossovers is in excess of nine feet, the emergency passageway shall be carried level and independently from each exit to the emergency stairs. Passageways leading to any stairway connecting with any exit shall be at least four feet in width at every point.

b. Crossovers on orchestra floor.--Crossovers shall be provided in the orchestra tier when there are more than four banks of seats, under conditions as follows:

1. The first crossover shall be located approximately one-third of the distance from the last row of seats to the first row of seats, but not less than eighteen rows from the first row of seats, except that where there are not more than twenty-seven rows of seats and not more than four banks of seats, no crossover shall be required. The first row of seats shall be that row of seats nearest to the stage, platform or projection screen.

2. Additional crossovers shall be provided, eighteen rows of seats or less intervening between each such crossover and the next lower crossover. For the purposes of this paragraph a cross-aisle or clear space of four feet or more in width and extending from one side wall to the opposite side wall shall be considered a crossover.

3. Where there are five banks of seats the crossovers shall be formed by spacing the backs of two consecutive rows of seats at least sixty-six inches apart or by providing a clear, unobstructed cross-aisle of at least four feet.

4. Where there are more than five banks of seats the crossovers shall be formed by spacing the backs of two consecutive rows of seats at least seventy-eight inches apart or by providing a clear, unobstructed cross-aisle of at least five feet in width.

5. The superintendent may, in his discretion, permit crossovers where crossovers are not required by this article. (Subd. b. as amended by Local Law 100 of 1953 in effect June 12, 1953.)

(12.10.5). § C26-734.0 Vomitories.--a. The term "vomitory" shall mean an exit from a balcony communicating with a stairway by way of an intermediate floor. At least two vomitories shall be provided for the first one thousand seats or less in a balcony and one for each additional five hundred seats or fraction thereof over one thousand seats. Vomitories shall be located laterally twenty-eight feet or less from the side walls and ninety feet or less apart at the same crossover level, except that vomitories may be located more than ninety feet apart when the width of the crossovers is increased one inch for each foot of separation in excess of ninety feet; vomitories shall be located on the level of the lowest crossover and where more than two vomitories and two crossovers are required, the vomitories shall be located on the level of the lowest crossover and at alternate crossovers thereafter. When a single vomitory is required at an alternate crossover it shall be centrally located.

b. The difference in level, between a crossover and a vomitory passageway serving such crossover, shall be seven feet or less. Such difference in level may be made up by steps in the vomitory, provided the width of the crossover at the vomitory is increased at least two feet. (Subd. b. as amended by Local Law 101 of 1953 in effect June 12, 1953.)

c. Each vomitory shall have a width of at least five feet.

d. Vomitories may be omitted when the required aisles connect directly with a promenade or open space at the rear of the balcony provided such balconies are less than twenty-four rows deep and there is a difference of twelve feet or less in level between the front row of seats and the promenade.

e. Stairs may be located at the rear of the balcony in place of an equal number of vomitories, provided the top stair landings are connected by a crossover.

§ C26-735.0 Small balconies.—Balconies having a maximum capacity of one hundred fifty seats and also any single balcony in a church used exclusively as a place of worship, shall be exempted from the emergency exit requirements, but two stairways each not less than four feet in width or one such stairway and an emergency exit constructed as per section C26-730.0 shall be provided. The emergency exit shall be not less than four feet in width and shall not be required to be more than 11 feet in width. The interior stairways shall terminate at the rear of the seats of the tier below or may lead to the street and shall be provided with handrails on both sides. If an emergeny exit constructed as per section C26-730.0 shall be provided. The emergency exit shall be not less than four feet in width and shall not be required to be more than 11 feet in width. The interior stairways shall terminate at the rear of the seats of the tier below or may lead to the street and shall be provided with handrails on both sides. If an emergency exit door is provided, such door shall be of at least one hour fire resistive rating and open outwardly upon a street, passageway or court conforming to the provisions of subdivision i of section C26-731.0. Exterior platforms in courts serving emergency exits shall be at least forty-eight inches in width and fifty-four inches in length. Exterior emergency stairways not less than forty inches in width extending to the court level or to the street shall be provided from the platforms. Construction of emergency stairways and platforms shall conform to the requirements of section C26-741.0. (As amended by Local Law 117 of 1953 in effect June 12, 1953.)

(12.10.7). § C26-736.0 Boxes.—The term "box" shall mean an enclosure having one fixed or movable seat to each six square feet of floor space, with a maximum of twelve seats. When boxes are at the balcony levels they shall be accessible from the aisles or from the crossovers. The minimum width of a box entrance shall be three feet. When boxes are located at the sides of the proscenium no other means of egress need be provided. Boxes located at the sides of the proscenium shall be within forty feet of the proscenium wall. The stairs for such boxes shall have a minimum width of two and one-half feet and shall lead to the nearest balcony or tier of seats below such boxes.

§ C26-737.0 Diagram of exits.—A diagram of plan of each tier in the auditorium showing clearly and distinctly all aisles, exits and total number of seats on each tier, shall be posted in the office of the premises or printed in black lines on any program of the performance, occupying a space on the program of ten square inches or more. (As amended by Local Law 102 of 1953 in effect June 12, 1953.)

Sub-Article 11

Aisles

(12.11). § C26-738.0 Aisles.--Aisles shall begin at least three feet wide and shall be increased in width toward the exits in the ratio of one and one-half inches to five running feet. Where exits, corridors, passages or crossover aisles are provided at both ends of any aisle, the aisle may be uniform in width; such uniform width shall be at least three feet plus three-quarters of an inch for each five running feet in such aisle. Whenever an aisle borders on a means of entrance the aisle shall have a width of four feet or more for the space required for such entrance doors.

Sub-Article 12

Foyers, Lobbies, Vestibules and Corridors in Special Occupancy Structures

§ C26-739.0 Foyers, lobbies, vestibules and corridors in special occupancy structures.--The aggregate of the foyers, lobbies, vestibules and corridors intended for the use of the audience, excluding toilet rooms, lounges and other similar spaces or aisle space between seats, shall have one hundred fifty feet of space on each tier for every hundred persons occupying such tier. Such foyers, lobbies, vestibules and corridors shall be separated from the toilet rooms, lounges and other adjoining spaces by partitions having a fire resistive rating of at least two hours. The floor space in any mezzanine or intermediate floor connected to any tier by vomitories may be included in computing the required floor space for that tier. Refreshment stands shall be constructed of incombustible materials and shall not obstruct any exits, aisles, foyers, lobbies or vestibules. The term refreshment stand shall also include vending machines. Beverages may be heated in refreshment stands, provided the heating is done by electricity only and no gas or other heating materials are used. (As amended by Local Law 118 of 1953 in effect June 12, 1952.)

Sub-Article 13

Ramps in Special Occupancy Structures

(12.13). § C26-740.0 Ramps in special occupancy structures.--Ramps or inclined planes shall be employed instead of steps to overcome slight differences of level in or between aisles, corridors and passages. Where the total difference in level will cause the gradient of the ramp to be more than one in twelve the excess may be made up by using steps, except in aisles on the orchestra floor. The maximum gradient in aisles on the orchestra floor shall be one in six for the first, second and third rows of seats from the rear; one in seven for the fourth, fifth and sixth rows; one in eight for the seventh, eighth and ninth rows; and one in ten for the remaining rows.

Sub-Article 14
Exterior Platform for Emergency Exits in Special Occupancy Structures

§ C26-741.0 Exterior platform for emergency exits in special occupancy structures.—a. Where the emergency exits open on exterior platforms, such platform shall have an area of at least thirty square feet for such required emergency exit opening thereon and shall be at least as wide as the required width of the stairway serving that exit in accordance with section C26-731.0 and no stairway shall start less than two feet from the jamb of the door opening onto it. Stairways enclosed in partitions having a fire resistive rating of at least three hours, extending to the ground level or floor level of the side cour or passageway shall be provided from these platforms, except that open stairways protected by a roof of incombustible material may be used in place of these enclosed stairways when serving only one tier and when having a maximum height of one tier or fifteen feet above the level of the floor a passageway located at the orchestra level. Such open stairways shall be protected throughout to a height of five feet with wire netting or rigid guards as provided in paragraph two, subdivision j of section C26-292.0. The maximum height of risers in stairs shall be eight inches and the minimum depth of tread, exclusive of the nosing, shall be nine inches. Platforms and stairs shall be made of incombustible material and shall have solid risers, treads and platforms. Platforms shall be covered with a metal hood or awning. (As amended by Local Law 107 of 1953 in effect June 12, 1953.)

Sub-Article 15

Guard and Hand Rails in Special Occupancy Structures

(12.15). § C26-742.0 Guard and handrails in special occupancy structures.—a. Stairways and platform exits shall be provided on the open side with a guard railing at least four feet high measured vertically from the riser face and with a handrail upon both sides.

b. Handrails shall be provided on the wall side of balcony wall aisles.

Sub-Article 16
Lighting of Special Occupancy Structures

(12.16.1). § C26-743.0 Adequacy of lighting in special occupancy structures.—Every portion of any special occupancy structure devoted to the use or accommodation of the public, including all means of exit leading to the streets and all courts, corridors, and passageways, shall be properly lighted during every performance and shall remain lighted until the entire audience has left the premises.

§ C26-744.0 Control of lights for corridors and passageways in special occupancy structures.—Lights in the halls, courts, passageways and in the stairways, corridors, lobby or other part of the structure used by the audience, except the auditorium, shall be on separate circuit and shall be controlled by a separate switch located in the box office or in the lobby, and when located in the lobby shall be enclosed in a box with a locked cover and such light shall be controlled only from such location. Lighting throughout the passageways shall average not less than 5-foot candles. (As amended by Local Law 108 of 1953 in effect June 12, 1953.)

§ C26-745.0 Illuminated exit signs in special occupancy structures.—Exit and entrance doors shall be marked with illuminated signs containing the word "Exit" in red letters at least eight inches high. Such signs shall be kept lighted during the performance and at all times when the audience is in the theatre. (As amended by Local Law 103 of 1953 in effect June 12, 1953.)

Sub-Article 17
Fire-Extinguishing Appliances in Special Occupancy Structures

(12.17). § C26-746.0 General.—Every structure subject to the requirements of this article shall, except as otherwise provided in this section, be equipped with the following fire fighting apparatus:

(12.17.1). 1. Sprinkler systems in special occupancy structures.—

(a) Automatic sprinklers complying with article sixteen of this title shall be placed under the roof of the stage, under the gridiron, under all fly galleries and bridges and over the stage at such intervals as will protect every square foot of stage surface when sprinklers are in operation. An additional line of sprinkler heads shall be placed on the stage side of the proscenium opening. Automatic sprinklers shall also be placed in the dressing rooms and under the stage and in all work rooms, store rooms and property rooms. Sprinkler systems shall in all other respects comply with article sixteen of this title. (Sub-paragraph (a) as amended by Local Law 119 of 1953 in effect June 12, 1953.)

(b) Where two or three theatres under the same ownership or management are built contiguously, one ten thousand gallon tank may be erected in place of separate tank for each theatre.

(12.17.2) 2. Standpipe systems in special occupancy structures.—

(a) Standpipe risers shall be provided, except as provided in section C26-720.0 on every floor and tier, with hose attachments as follows: one on each side of the auditorium in each tier, one in each mezzanine, one on each side of the stage in each tier of dressing rooms, one in the property room, and one in each work room and store room, except when the property room, store room, or work room is within fifty feet of a standpipe hose outlet. Such standpipes shall be kept unobstructed. They shall be supplied by a separate gravity tank except that a single gravity tank or standpipe tank is permitted for adjoining theatres under the same ownership, or by a pressure tank located above the roof and by a fire pump of two hundred fifty gallons per minute capacity, except as provided in paragraph one of section C26-746.0. Standpipe tanks shall be kept constantly filled with water by means of an automatic filling pump capable of delivering at least sixty-five gallons per minute into the tank. (Sub-paragraph 2. (a) as amended by Local Law 119 in 1953 in effect June 12, 1953.)

(b) The fire pump shall be automatic in operation and shall be supplied from the street main and be ready for immediate use at all times during any performance in the structure, except that theatres, used exclusively for the exhibition of motion, audible or sound or television pictures which are without stage or platform in excess of ten feet in depth, dressing rooms or scenery, shall not be required to have a fire pump. (Sub-paragraph 2. (b) as amended by Local Law 119 of 1953 in effect June 12, 1953.)

(c) The standpipe system shall otherwise comply with article seventeen of this title.

(12.17.3). 3. Hose in special occupancy structures.—There shall always be kept attached to each hose outlet valve, in accordance with this article, a proper and sufficient quantity of hose fitted with regulation fire department type couplings, with a nozzle attached thereto, and a hose spanner at each outlet.

(12.17.4). 4. Hand fire-extinguishing equipment in special occupancy structures.—At least four casks, of approximately fifty gallons capacity, full of water, and two buckets for each cask, shall be kept in readiness for immediate use on the stage. Such casks and buckets shall be painted red and marked with the word "FIRE" in letters of contrasting color, at least four inches high. Hand pumps or other portable fire-extinguishing fire apparatus and at least four casks and two twenty-five foot hooks, two fifteen foot hooks and two ten foot hooks shall be provided on each tier or floor of the stage. At each required standpipe hose outlet a two and one-half gallon hand extinguisher, on regulation fire axe and two six foot hooks shall be provided. Two two-and-one-half gallon hand extinguishers may be substituted for each required cask and its buckets and, if provided, shall be recharged annually and immediately after any use.

§ C26-747.0—Exempted structures.—a. Special occupancy structures one-story in height shall not be required to provide a standpipe system.

b. A stadium structure may be deemed to be a one-story structure, provided the seats are so arranged that the floor level of highest row shall be within fifteen feet above the level of the crossover immediately in front of the first riser in the auditorium.

c. A theatre having a stage and dressing rooms and having a seating capacity of six hundred or less shall be exempted from all of the requirements of section C26-746.0 except subdivision 1, sprinkler systems, and subdivision four, hand fire extinguishing equipment. (As amended by Local Law 106 of 1953 in effect June 12, 1953.)

(12.17.6). § C26-748.0 Separate systems for structures above auditoriums.—Where a structure requiring a standpipe system is erected above the auditorium of a special occupancy structure it shall be provided with a standpipe system entirely separate from that provided for the special occupancy structure.

Sub-Article 18

Heating and Cooling Plants and Ventilation in Special Occupancy Structures
(Title amended by Local Law 104 of 1953 in effect June 12, 1953.)

§ C26-749.0 Heating and cooling plants and ventilation in special occupancy structures.—a. It shall be unlawful to locate any steam boiler under any stage or auditorium. Every steam boiler operating at a pressure of ten or more pounds and used for any purpose shall be located outside of that portion of a structure used for special occupancy purposes. The boiler room space shall be enclosed by masonry having a combined fire resistive rating of at least four hours, and doorways to the boiler room shall be protected with an automatic and self-closing door assembly having a fire resistive rating of two hours. The self-closing door shall be hung at the outer side of the opening and shall open outwardly. It shall be unlawful to place coils or radiators within seven feet of the floor in any hall or passageway used for exit unless such coils or radiators are placed in recesses covered with grilles. Supply, return or exhaust pipes shall be properly encased and protected where passing through floors or near woodwork and shall be so protected on the stage by means of guards as to prevent scenery from coming in contact with the pipes.

b. Air cooling and air conditioning systems shall be installed in accordance with the rules of the board. Refrigeration systems shall also comply with the applicable provisions of title C of chapter nineteen of the code.

c. Ventilation shall be supplied at the rate of not less than five cubic feet per minute of fresh air per occupant, based on the total occupancy for which the special occupancy structure is designed. (As amended by Local Law 104 of 1953 in effect June 12, 1953.)

Sub-Article 19

Jurisdiction of the Fire Commissioner Over Special Occupancy Structures

(12.19). § C26-750.0 Jurisdiction of the fire commissioner over special occupancy structures.—The fire commissioner shall enforce all of the provisions of this article, relating to protection against fire and panic, obstruction of aisles, passageways and means of egress, standees, fire prevention and fire-extinguishing appliances, excluding provisions relating to structural conditions.

Sub-Article 20
Existing Special Occupancy Structures

(12.20).§ C26-751.0 Saving clause relating to existing special occupancy structures.—Any theatre, opera house, or structure intended to be used for theatrical or operatic purposes, legally constructed and approved for such purposes prior to January first, nineteen hundred thirty-eight, and the Town Hall, located at one hundred thirteen to one hundred twenty-three West Forty-third street, Borough of Manhattan, so long as the revenue received for use of such Town Hall shall continue to be applied to public, charitable, social, educational or literary purposes, and provided that the premises of such Town Hall are not used for theatrical or operatic purposes, and any

public dance hall approved by the then superintendent or the commissioner having jurisdiction and licensed as a public dance hall prior to January first, nineteen hundred thirty-eight, shall be exempt from the requirements of this article.

Sub-Article 21

Booths for Motion Picture Projecting Machines and Films

(Title amended and Sections C26-752.0 through C26-759.0 repealed by Local 105 of 1953 in effect June 12, 1953.)

(12.21.4.1). § C26-760.0 Booths required for motion picture machines and films.—It shall be unlawful to use, in any structure, place of public assembly or entertainment, any cinematograph or other apparatus for projecting motion pictures which uses inflammable films more than ten inches in length, unless such projecting apparatus is enclosed in a booth constructed of incombustible materials as required by section C26-761.0, or section C26-764.0, and the certificate required by section C26-763.0, or section C26-766.0, shall have been issued to the owner or lessee of the premises where the booth is located.

(12.21.4.2).§ C26-761.0 Plans, specifications and construction of motion picture machine booths.—The booths required by section C26-760.0 shall be constructed according to plans and specifications approved by the superintendent. Plans and specifications for such booths shall be approved by the superintendent only when they provide substantially for the following requirements:

(12.2.4.21.1). 1. Dimensions of motion picture machine booths.—Such booths shall be at least seven feet in height. If one machine is to be operated in such booth the floor space shall be at least seven and one-half by ten feet. If more than one machine is to be operated therein, twenty-four additional square feet shall be provided for each additional machine.

(12.21.4.2.2). 2. General specifications for motion picture machine booths. (a) Permanent booths shall be constructed of incombustible material having a fire resistive rating of at least three hours.

(b) If temporary booths are constructed of incombustible materials other than masonry or hard asbestos, such booths shall be constructed with angle framework of approved incombustible material. The angles shall be at least one and one-quarter by one and one-quarter by three-sixteenths inches and the adjacent members shall be joined firmly with metal angle plates. The maximum distance between angle members of the framework shall be four feet on the sides and three feet on the front, rear and top of the booth. The sheets of hard asbestos board or other approved incombustible material shall be at least one-quarter inch thick and shall be securely fastened to the framework with metal bolts or rivets. The incombustible material shall completely cover the sides, top and all joints of the booth. The floor space occupied by the booth shall be covered with incombustible material at least three-eighths of an inch thick.

(c) Booths shall be insulated so as not to conduct electricity to any other part of the structure. Booths shall be provided with two means of exit which shall consist of passageways, stairs or ladders and located one at each end of the booth. One of these means of exit shall be through a door at least twenty-four inches wide and seventy inches high. All such doors shall be self-closing and shall open in the direction of egress.

(d) One operating window shall be provided for each machine and one for each operator. Such windows shall be as small as will permit the necessary service, and shutters of approved incombustible material shall be provided for each window. The shutters shall be so arranged as to close the window openings automatically, in the event of fire, by the operation of approved fusible and manual releasing devices.

(e) Where a booth is built against the exterior wall of a structure, a window or windows shall be permitted in such wall for the comfort of the operator. Booths shall contain an approved box of incombustible material for the storage of films not being used on the projecting machine. Films shall be stored, kept and handled only in projection booths, rewinding rooms or special storage rooms complying with the requirements of title C of chapter nineteen of the code.

(f) Films may be repaired either in the booth or in some other enclosure made of incombustible materials, but the room in which motion picture machines are operated shall be separated from the rewinding and other accessory rooms by fireproof partitions provided with self-closing fireproof doors. Booths in which projecting machines are operated shall be provided with a separate opening or vent flue in the roof, or upper part of the side wall, leading to the outer air from the rewinding room and from the machine room. Such flues shall be at least seventy-eight square inches in cross-section and made of incombustible materials. When booths are in use a current of air at the minimum rate of at least fifty cubic feet per minute shall be maintained through the booth to the outer air, which current shall be sufficient to furnish a complete change of air every ten minutes.

(12.21.4.3). § C26-762.0 Application to existing motion picture machine booths.--Booths legally installed and approved before January first, nineteen hundred thirty-eight, shall be exempted from any other requirement of section C26-760.0 through C26-770.0, provided they are constructed of rigid incombustible material so insulated as not to conduct electricity to any other part of the structure, so separated from any adjacent combustible material as to prevent the communication of fire through intense heat in case of combustion within a booth, and comply with the requirements of paragraph two of section C26-761.0 in respect to dimensions, vent flues, windows and doors, and boxes for storage of film.

(12.21.4.4). § C26-763.0 Inspection and certification for permanent motion picture machine booths.--After the construction of a booth has been completed the superintendent shall, within three days after receipt of written notice of that fact, cause such booth to be inspected. If the provisions of section C26-760.0, and section C236-762.0, have been complied with, the superintendent shall issue to the owner or lessee of the premises on which the booth is located a certificate stating that such provisions have been complied with.

(12.21.4.5). § C26-764.0 Portable motion picture machine booths for temporary exhibitions.--Where motion pictures are exhibited at most three times a week, or as often as daily for one month or less, in educational or religious institutions or in bonafide social, scientific, political or athletic clubs, a portable booth may be substituted for the booth required by sections C26-760.0 and C26-761.0. Such portable booths shall be at least six feet high and at least twenty square feet in area, and shall be constructed of hard asbestos board, sheet steel of at least No. 4 U.S. gage, or of other approved incombustible material. Such portable booths shall comply with the requirements of section C26-761.0, with reference to windows and doors. Such booths are exempted from the requirements for vent flues. The floors of such booths shall be lifted at least one-half inch above the permanent support on which they are placed and such greater distance as may be necessary to allow the passage of air between the floor of such booths and the platform on which they rest. Such floors shall be so insulated as to prevent the conduction of electricity to any other portion of the building.

(12.21.4.6). § C26-765.0 Exemptions and requirements for miniature cinematograph machines.--Miniature motion picture machines, in which the maximum electric current used for the light is three hundred fifty watts, are exempted from the requirements of sections C26-760.0 through C26-764.0. Such miniature machines shall be operated in an approved box of incombustible material constructed with a fusible link or other approved releasing device that will close instantaneously and completely in case of combustion within the box. The light in such miniature machines shall be completely enclosed in a metal lantern box covered with non-removable roof. Miniature motion picture apparatus, which uses only an enclosed incandescent electric lamp and approved acetate of cellulose or slow burning films and is of such construction that films ordinarily used on full sized commercial picture apparatus cannot be used, is also exempted from the requirements of the above named sections.

(12.21.4.7). § C26-766.0 Inspection and certification of portable motion picture machine booths and miniature cinematograph machines.--Before moving pictures are exhibited with a portable booth under the requirements of section C26-764.0, and before miniature machines without booths are used as permitted under section C26-765.0, a certificate of approval shall be obtained from the superintendent.

(12.21.4.8). § C26-767.0 Motion picture machine booths in theaters.--Booths in theatres shall be subject to the same requirements as booths in motion picture theatres.

(12.21.4.9). § C26-768.0 Lighting of motion picture theaters.--The lighting of motion picture theatres shall comply with the requirements of sections C26-743.0 through C26-745.0.

(12.21.4.10) § C26-769.0 Application to existing motion picture theatres.—Motion picture theatres, legally constructed and operated on January first, nineteen hundred thirty-eight, shall comply with the requirements of this article for motion picture theatres, only to the extent ordered by the superintendent unless the seating capacity is increased. Any motion picture theatre in a hotel located at a summer resort, where the seating capacity does not exceed one thousand persons, and in which there is no stage or scenery, and to which no admission fee is charged or exacted, and which is located on the ground floor of such building, and is legally constructed and operated on January first, nineteen hundred thirty-eight, shall comply with the requirements of this article, only to the extent ordered by the superintendent unless the seating capacity is increased. If the seating capacity of any such motion picture theatre, constructed before January first, nineteen hundred thirty-eight, is increased, such theatre shall comply with all the requirements for such theatres.

(12.21.4.11). § C26-770.0 Open air motion picture theatres.—The seating capacity of each open air motion picture theatre as defined in section B32-22.0 of the code, shall be such as is prescribed by the superintendent. Such theatres shall comply with the following requirements.

(12.21.4.11.1). 1. Aisles.—The number and width of all aisles shall be as prescribed by the superintendent, but aisles shall be at least four feet wide.

(12.21.4.11.2). 2. Exits.—At least two separate exits remote from each other shall be provided, and every exit shall be at least five feet wide. For every two hundred fifty persons to be accommodated in excess of three hundred persons, the total width of exits shall be increased one foot. Exits shall be indicated by signs and red lights. Doors shall open outwardly for their full width.

(12.21.4.11.3). 3. Seats—Seats shall be stationary, separated thirty-two inches from back to back, and so arranged that the maximum number of seats intervening between any seat and an aisle shall be seven. Chairs shall be securely fastened to a wood or concrete floor, or all chairs in a row shall be fastened together and at least four rows shall be securely fastened to one frame. Where refreshments are served, tables and unattached chairs or benches used with them shall be permitted.

(12.21.4.11.4). 4. Floors shall be constructed either of concrete or wood with sleepers, and shall extend at least five feet from the seats on all sides, provided that in the discretion of the superintendent a gravel floor may be substituted for wood or concrete.

5. Additional requirements for open air motion picture theatres.—Open air motion picture theatres shall also comply with the requirements of sections C26-760.0 through C26-770.0. (Subd. 5. amended by Local Law 46 of 1960 in effect July 28, 1960.)

Sub-Article 22
Television Studios
(Sub-Article 22 added by Local Law 106 of 1952 in effedt September 8, 1952.)

§ C26-770.1 Requirements for television studios.*--1. Definitions. a. Television studio means any place in a building from which television broadcasts are made and which contains television equipment, scenery or other paraphernalia or properties, fixtures or other special equipment used for production of television broadcasts in which the use of motion picture film may be an integral part and with or without seating area for an audience. A television studio may include, but shall not be limited to, front and rear screen projection, film recording, kinescope recording, cutting and editing room, developing, screening and viewing rooms, storage room and telecine rooms. The televising of special events, such as news, sports, conventions or special events of generally similar nature in any place or building shall not constitute such place or building a television studio.

b. Front or rear screen projection in a television studio means projection of an image either moving or still by film or otherwise on a screen either from the front or rear in conjunction with the production of television broadcasts.

c. Telecine room means an area which is equipped with projection machines, television camera chains and associated equipment whereby images either moving or still,. or by film, are transmitted into the television camera. (Subd. 1a, 1b and 1c as added by Local Law 106 of 1952 in effect September 8, 1952.)

d. A conventional stage is any stage or floor area used for the production of a show, play or act, where scenery, drops or sets are located within the area or room where the production is made and where there are arrangements to accommodate an audience of more than three hundred persons if the scenery is flown or more than five hundred persons if scenery is not flown except that where the entire studio is sprinklered by a two source automatic wet pipe system of sprinklers the stage of floor area shall not be a conventional stage unless there are arrangements to accommodate an audience of more than six hundred persons if the scenery is flown, or more than one thousand persons if scenery is not flown. However, in spaces in the studio designed to contain technical electronic equipment, such as control rooms, telecine rooms and broadcast equipmen rooms, where a two source automatic wet pipe system of sprinklers would be required a CO_2 automatic system may be used in lieu of such wet pipe system. (Subd. d. added by Local Law 106 of 1952 and amended by Local Law 35 of 1954 in effect June 17, 1954.)
sprinklers would be required a CO_2 automatic system may be used in lieu of such wet pipe system. (Subd. d. added by Local Law 106 of 1952 and amended by Local Law 35 of 1954 in effect June 17, 1954.)

2. General provisions. a. Television studios shall be exempt from the provisions of article thirteen, sub-articles one to twenty-one, inclusive of this title, except that the provisions of sub-division d of section C26-722 shall apply. (As added by Local Law 106 of 1952 in effect September 8, 1952.)

b. Every structure used or arranged to be used as a television studio for the accommodation of an audience of less than five hundred persons and in which scenery is not being flown but with provision for scenery or dressing rooms or other studio accessories shall be exempt from the requirements of this article, provided that:

(1) Exit facilities, seats and aisles shall comply with all of the requirements for means of egress prescribed in article seven of this title.

(2) Dressing rooms shall be protected by a sprinkler system supplied from either the house water supply system or a separate source of supply which, in either case, will give the required volume at a pressure of at least fifteen pounds per square inch at the highest line of sprinklers.

(3) Scenery is of incombustible material or flameproofed in accordance with the requirements of the fire commissioner or shall be treated so as neither to ignite nor actively support combustion.

c. Every structure intended to be used or arranged to be used in whole or in part for television studios where any single television studio is used for the accommodation of an audience of more than five hundred persons or for an audience of more than three hundred persons with scenery that is being flown, shall be a class one, fireproof structure, except as otherwise specifically provided in this article, and in addition shall comply with the following requirements:

(1) Exit facilities shall comply with all of the requirements for means of egress prescribed in article seven of this title and in addition, fixed seats shall comply with the provisions of section C26-729.0 and aisles shall comply with the provisions of section C26-738.0, except that there also may be one hundred and fifty portable temporary seats in the production area as part of a production.

(2) Where there is a conventional stage, it shall be enclosed on both sides and rear with partitions having a fire resistive rating of at least four hours, openings in these partitions shall be protected by means of self-closing or automatic protective assemblies having a fire resistive rating of at least one hour, and the proscenium opening shall be equipped with an approved curtain conforming to the provisions of Section C26-725.0.

(3) Scenery, drops and valances shall be of incombustible material or flameproofed in accordance with the requirements of the fire commissioner or shall be treated so as neither to ignite nor actively support combustion.

(4) A complete system of automatic sprinklers shall be installed in dressing rooms, property rooms, wardrobe rooms and under the stage roof if any. Where there is a conventional stage a line of automatic sprinklers shall be provided over the proscenium opening on the stage side of the asbestos curtain; and where a two source sprinkler system is not required, the sprinkler system may be supplied from either the house water supply system or a separate source of supply, which, in either case, shall give the required volume at a pressure of at least fifteen pounds per square inch at the highest line of sprinklers.

(5) Telecine rooms, dressing rooms, wardrobe rooms, property rooms, workrooms, and any carpenter shop shall be located outside of the fire resistive partitions enclosing the stage; these rooms shall be enclosed in partitions having a fire resistive rating of at least three hours and openings in such partitions shall be equipped with self-closing or automatic protective assemblies having a fire resistive rating of at least one hour.

(6) Where there is a conventional stage, an automatic skylight, of not less than five per cent of the area of the stage between the enclosing partitions and the asbestos curtain line, shall be installed in the roof over the stage, or in place of such skylight, a vent duct, or ducts, of equal area shall be extended from the top of the stage to a point above the roof. If ducts are installed, they may be either open or provided with plain glass dampers held closed by means of fusible links, and having three-quarter inch or smaller mesh wire screens immediately below as approved by the superintendent. These vent ducts shall be enclosed and constructed as required for medium temperature chimneys in section C26-710.0. No other flues or ducts shall be connected to the vent ducts from the stage.

(7) Portable fire appliances in any room where film is handled, stored or used, shall be as prescribed by the fire commissioner.

(8) All members of the audience shall be furnished with seats.

(9) No seats, chairs, stools, or other movable furniture shall be placed in any aisle or passageway leading to a means of egress.

(10) Dry foliage, flowers and branches shall be used as stage setting or scenery only when so treated as to neither ignite nor support combustion.

d. Premises used exclusively for the display of television pictures with an audience capacity of six hundred persons or less and without a stage or platform exceeding five feet in depth and without scenery, or with a platform which complies with subdivision d of section C26-722.0 of the administrative code, shall be rated as a television studio and entitled to the exceptions from the general requirements of article 13 of this title and the exceptions set forth in sub-article twenty-one thereof, but shall be subject to the exit provisions contained in sections C26-754.0 to 759.0, inclusive. (Subds. 2b., 2c. and 2d. added by Local Law 106 of 1952, amended by Local Law 35 of 1954 in effect June 17, 1954.)

e. Before any premises are converted to, or any structure or part of a structure is used or erected for a television studio, plans drawn to scale specified by the superintendent shall be filed with the department of housing and buildings. Such plans shall show compliance with the administrative code for television studios and shall further show requirements of the administrative code with respect to structural matters, plumbing, heating, ventilating, air conditioning and use and storage of film. The approval of the department of housing and buildings will authorize the use of said premises for such television purposes. The certification by certificate of compliance as set forth in section C26-770.2 or certificates of occupancy of the department of housing and buildings shall be binding upon all licensing authorities for the issuance of licenses and permits. (Subd. 2e. as added by Local Law 106 of 1952 in effect September 8, 1952.)

f. Anything in article thirteen of this title to the contrary notwithstanding, a structure erected to accommodate an audience of more than three hundred persons, but approved for accommodation of an audience of less than three hundred persons under the authority of a certificate of compliance as defined in section C26-770.2, shall be exempt from the provisions of said article thirteen except as provided in paragraph b. of subdivision two hereof. (Subd. f. added by Local Law 106 of 1952, amended by Local Law 35 of 1954 in effect June 17, 1954.)

g. Television studios shall comply with the requirements for lighting specified in sections C26-743.0 and C26-745.0, and lighting during all productions shall not be less than that specified in section C26-1441.0.

h. Ramps in television studios shall comply with section C26-740.0 (Subd. g. and h. as added by Local Law 106 of 1952 in effect September 8, 1952.)

§ C26.770.2 Certificate of compliance.*--Where a theatre or motion picture theatre exists in a structure and a certificate of occupancy has been issuedfor such use, the theater or motion picture theatre may be converted to a television studio without the issuance of a new certificate of occupancy. In such case the superintendent may issue a certificate of compliance for the television studio certifying that the television studio conforms to the applicable laws enforced by the department of housing and buildings, and a certification in writing by the fire department in the same manner as required for a certificate of occupancy. Upon termination of the use as a television studio the premises shall be permitted to revert to the former use of theatre or motion picture theatre provided that the arrangement of the theatre, especially in relation to exits, seats, aisles and stage, is substantially the same as the arrangement existing at the time the certificate of occupancy was issued. (As added by Local Law 106 of 1952 in effect September 8, 1952.)

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*Section 2. of Local Law 106 of 1952, which added Sub-Article 22 to Article 13 (comprised of sections C26-770.1 and C26-770.2) reads as follows:

Section 2. Saving clause. If any clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.