

CHAPTER 1

GENERAL REQUIREMENTS

SECTION 101 TITLE, SCOPE AND PURPOSE

101.1 Title. These provisions shall be known as the *Building Code of New York State* and shall be cited as such and will be referred to herein as “this code.”

101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or any appurtenances connected or attached to such buildings.

Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height above grade with separate means of egress and their accessory structures shall comply with the *Residential Code of New York State*.
2. Agricultural buildings, including barns, sheds, poultry houses and other buildings and equipment on the premises used directly and solely for agricultural purposes.
3. Construction trailers used as a temporary office for the purpose of monitoring construction at a construction site.
4. Structures such as radio and television transmission, communication and wind generation towers not attached to buildings.

101.3 Purpose. This code is intended to provide minimum requirements to safeguard public safety, health and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment.

101.4 Referenced codes. The other codes listed in Section 101.4.1 through 101.4.8 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.4.1 Electrical. The provisions of Chapter 27 of this code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

101.4.2 Fuel Gas. The provisions of the *Fuel Gas Code of New York State* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.3 Mechanical. The provisions of the *Mechanical Code of New York State* shall apply to the installation, alterations, repairs, and replacement of mechanical systems, in-

cluding equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators, and other energy-related systems.

101.4.4 Plumbing. The provisions of the *Plumbing Code of New York State* shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

101.4.5 Property maintenance. The provisions of the *Property Maintenance Code of New York State* shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

101.4.6 Fire prevention. The provisions of the *Fire Code of New York State* shall apply to the matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.7 Energy. The provisions of the *Energy Conservation Construction Code of New York State* shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.4.8 Existing buildings. The provisions of the *Existing Building Code of New York State* shall apply to all matters governing the repairs, alterations, change of occupancy, additions and relocation of existing buildings.

SECTION 102 APPLICABILITY

102.1 General. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall be applicable. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

102.2 Other laws and regulations. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal laws and regulations.

102.3 Change of use or occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is

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made to comply with the requirements of the *Existing Building Code of New York State*.

102.4 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.5 Referenced standards. The standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced standards, the provisions of this code shall apply.

102.6 Appendices. The following appendices have been adopted and are made part of this code:

Appendix E - Supplemental Accessibility Requirements

Appendix F - Rodent Proofing

Appendix I - Patio Covers

Appendix L - Assistive Listening Systems Performance Requirements

Appendix S - New York State Agencies with Construction Regulations

102.7 Partial invalidity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

102.8 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *Property Maintenance Code of New York State*, the *Fire Code of New York State*, or the *Existing Building Code of New York State*.

SECTION 103 MATERIALS, EQUIPMENT AND METHODS OF CONSTRUCTION

103.1 Approved materials and equipment. Materials, equipment and devices approved by the code enforcement official for use shall be constructed and installed in accordance with such approval. Materials, equipment and devices tested by an approved testing laboratory shall be permitted to be constructed and installed in accordance with such approval.

103.2 Used materials and equipment. Material, equipment and devices shall not be reused unless they meet the requirements of this code for new materials.

103.3 Alternate materials, design and methods of construction and equipment. This code is not intended to prevent the use of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved by the code enforcement official or the State Fire Prevention and Building Code Council. An alternative material, design or method of construction may only be approved when it is determined to comply with the intent of the provisions of this code and be at least equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

103.4 Safeguards during construction. All construction work covered in this code, including any demolition, shall comply with the requirements of the *Fire Code of New York State* and Chapter 33 of this code.

103.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with this code and the manufacturer's installation instructions.

SECTION 104 SERVICE UTILITIES

104.1 Connection of service utilities. Connections from a utility, source of energy, fuel or power to any building or system which is regulated by this code shall be made in accordance with the regulations of the public utility or other authority having jurisdiction.

104.2 Temporary power. Temporary power shall comply with the requirements of Chapter 27 of this code.

SECTION 105 TEMPORARY STRUCTURES

105.1 Conformance. Temporary structures shall conform to Chapter 31 of this code and Chapter 24 of the *Fire Code of New York State*.

SECTION 106 MODULAR BUILDINGS

106.1 Modular buildings. Such buildings shall be constructed and installed in accordance with the requirements of this code and shall bear the Insignia of Approval by the Secretary of State.

Exceptions: An Insignia of Approval shall not be required for the following buildings:

1. Modular buildings with structural components that cannot be inspected at the installation site but can be inspected in accordance with Section 1704 of this code at the manufacturing facility in which it was built.
2. Buildings of Group S or U occupancy having an area not exceeding 400 square feet and not customarily used for human occupancy.

SECTION 107 ADMINISTRATION AND ENFORCEMENT

107.1 Administration and enforcement. Administration and enforcement of the New York State Uniform Fire Prevention and Building Code shall be in accordance with local law, subject to the minimum requirements set forth in the "Official Compilation of Codes Rules and Regulations of the State of New York," 19 NYCRR Part 1203, "Minimum Standards for Administration and Enforcement." State agencies shall comply with the minimum requirements set forth in 19 NYCRR Part 1204, "Administration and Enforcement by State Agencies."

107.2 Modification. No town, village, city or county, nor any state agency charged with the administration and enforcement of this code may waive, modify or otherwise alter any provision of this code unless approved by the State Fire Prevention and Building Code Council in accordance with Section 379 of Article 18 of the Executive Law.

107.3 Application for variance or appeal. Variance or appeal of any provision of this code shall be in accordance with the provisions of the “Official Compilation of Codes Rules and Regulations of the State of New York,” 19 NYCRR Part 1205, “Variance Procedures.”

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