

CHAPTER 1

GENERAL REQUIREMENTS

SECTION 101 TITLE, SCOPE AND PURPOSE

101.1 Title. These provisions shall be known as the *Existing 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 repair, alteration, change of occupancy, addition and relocation of existing buildings. A building or a portion of a building that has not been previously occupied or used for its intended purpose shall comply with the provisions of the *Building Code of New York State* for new construction. Repairs, alterations, change of occupancy, existing buildings to which additions are made, historic buildings and relocated buildings complying with the provisions of the *Building Code of New York State*, *Fire Code of New York State*, *Mechanical Code of New York State*, *Plumbing Code of New York State*, *Fuel Gas Code of New York State* or the *Residential Code of New York State* as applicable shall be considered in compliance with the provisions of this code.

Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress and their accessory structures or changes in occupancy thereto 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. Existing buildings built before January 1, 2003, shall not be required to comply with the seismic requirements of this code with the exception of the requirement for parapet bracing as described in Section 707.8 of this code.
4. Energy conservation measures in existing buildings shall be in conformance with Section 101.4.2 through 101.4.4 of the *Energy Conservation Construction Code of New York State*.

101.3 Purpose. This code is intended to provide minimum requirements to safeguard public safety, health and general welfare in so far as they are affected by the repair, alteration, change of occupancy, addition 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 applica-

ble. 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 made to comply with the requirements of this code and the *Fire 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 Appendix and resource. The following appendix and resource have been adopted and are made part of this code:

Appendix A—Guidelines for the Seismic Retrofit of Existing Buildings

Resource A—Guidelines on Fire Ratings of Archaic Materials and Assemblies

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* or the *Fire Code of New York State*.

102.8.1 Additions, alterations and repairs. Additions, alterations or repairs to any structure shall conform to that required by this code without requiring the existing structure to comply with all the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

SECTION 103 MATERIALS, EQUIPMENT AND METHODS OF CONSTRUCTION

103.1 Approved materials and equipment. Materials, equipment and devices approved by the code enforcement official

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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 this code.

103.5 Work on individual components or portions. Where the code enforcement official determines that a component or a portion of a building or structure is in need of repair, strengthening or replacement by provisions of this code, only that specific component or portion shall be required by other provisions of this code.

103.6 Design values for existing materials and construction. The incorporation of existing materials, construction and detailing into the structural system shall be permitted when approved by the code enforcement official. Minimum quality levels and maximum strength values shall comply with this code.

103.7 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 the *Building Code of New York State*.

SECTION 105 ADMINISTRATION AND ENFORCEMENT

105.1 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."

105.2 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.

105.3 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."