

CHAPTER 1

GENERAL REQUIREMENTS

SECTION 101

TITLE, SCOPE AND PURPOSE

101.1 Title. These provisions shall be known as the *Property Maintenance 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 all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises.

101.3 Purpose. This code is intended to provide minimum requirements to safeguard public safety, health and general welfare insofar as they are affected by the occupancy and maintenance of structures and premises.

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 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 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the applicable procedures and provisions of the *Residential Code of New York State*, the *Building Code of*

New York State, the *Plumbing Code of New York State*, the *Mechanical Code of New York State*, the *Fuel Gas Code of New York State*, the *Fire Code of New York State*, the *Existing Building Code of New York State*, or the *Energy Conservation Construction Code of New York State*.

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 *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 the *Residential Code of New York State*, the *Building Code of New York State*, the *Plumbing Code of New York State*, the *Mechanical Code of New York State*, the *Fuel Gas Code of New York State*, the *Fire Code of New York State*, the *Existing Building Code of New York State*, and the *Energy Conservation Construction Code of New York State* and 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 the *Building Code of New York State*.

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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 the *Building Code of New York State*.

SECTION 105 TEMPORARY STRUCTURES

105.1 Conformance. Temporary structures shall conform to Chapter 31, Section 3103 of the *Building Code of New York State* and Chapter 24 of the *Fire Code of New York State*.

SECTION 106 MAINTENANCE OF EQUIPMENT AND SYSTEMS

106.1 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

106.2 Existing nonrequired equipment and systems. Whenever or wherever any nonrequired device, equipment, system, condition, arrangement, level of protection or any other feature is provided, such device, equipment, system, condition, arrangement, level of protection or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

Exception: Nonrequired devices, equipment and systems are permitted to be removed or disabled as provided herein.

1. Nonrequired devices, equipment and systems are permitted to be removed in entirety;
2. Nonrequired devices, equipment and systems are permitted to be disabled, provided that all visible elements are removed;
3. Electrically charged devices, equipment and systems are permitted to be disabled, provided that they are disconnected from power sources and all visible elements are labeled as not being energized; and

4. Nonrequired fire protection systems are permitted to be disabled, provided that sprinkler heads, exposed valves, fire department connections, initiating and notification devices and similar equipment are removed, and any remaining visible components are labeled as not being in service.

SECTION 107 UNSAFE STRUCTURES AND EQUIPMENT

107.1 General. When a structure or equipment is found to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

107.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

107.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

107.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

107.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

107.2 Vacant structures. Vacant structures shall comply with Sections F311.1 through F311.4 of the *Fire Code of New York State*.

107.3 Notice. Whenever a structure or equipment has been condemned under the provisions of this section, a notice shall be posted in a conspicuous place in or about the structure affected by such notice. If the notice pertains to equipment, it shall also be placed on the condemned equipment.

107.4 Prohibited occupancy. No person shall occupy a placarded premises or shall operate placarded equipment.

107.5 Placard removal. The placard shall be removed whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

**SECTION 108
EMERGENCY MEASURES**

108.1 Imminent danger. When there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the occupants shall vacate the premises forthwith. There shall be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Enforcement Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

**SECTION 109
ADMINISTRATION AND ENFORCEMENT**

109.1 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 9 NYCRR Part 1204, "Administration and Enforcement by State Agencies."

109.2 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.

109.3 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."

NEW YORK STATE CODE

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