

Part I — Administrative

CHAPTER 1

GENERAL REQUIREMENTS

SECTION R101 TITLE, SCOPE AND PURPOSE

R101.1 Title. These provisions shall be known as the *Residential Code of New York State* and shall be cited as such and will be referred to herein as “this code.”

R101.2 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 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 and one-family dwellings converted to bed and breakfast dwellings.

R101.2.1 Regulation by Other State of New York Departments or Agencies. Where a building or premises under the custody, licensure, supervision or jurisdiction of a department or agency of the State of New York is regulated as a one- or two-family dwelling or multiple single-family dwelling (townhouse), in accordance with established laws or regulations of that department or agency, said buildings or premises, such as a community residence or hospice residence, and their accessory structures shall comply with this code.

R101.3 Purpose. This code is intended to provide minimum requirements to safeguard public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment.

SECTION R102 APPLICABILITY

R102.1 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.

R102.2 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.

R102.3 Change of use or occupancy. No change shall be made in the use or occupancy of any structure unless such structure is made to comply with the requirements of Appendix J of this code.

R102.4 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.

R102.5 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.

R102.6 Appendices. The following appendices have been adopted and are made part of this code:

Appendix E - Manufactured Housing Used as Dwellings

Appendix G - Swimming Pools, Spas and Hot Tubs

Appendix H- Patio Covers

Appendix J - Existing Buildings and Structures

R102.7 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.

R102.8 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*.

SECTION R103 MATERIALS, EQUIPMENT AND METHODS OF CONSTRUCTION

R103.1 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.

R103.2 Used materials and equipment. Material, equipment and devices shall not be reused unless they meet the requirements of this code for new materials.

R103.3 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.

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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.

R103.4 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 R104 SERVICE UTILITIES

R104.1 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.

SECTION R105 ADMINISTRATION AND ENFORCEMENT

R105.1 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."

R105.2 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.

R105.3 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."