

# **ECNY CODE UPDATE**

**Please find attached attached pages 1 thru 5**

**Pages 1 thru 3 is the Clean Up Amendment (Elevator Section) to new code for mistakes not pick up in final edition (Intro 659 A)**

**Page 4 Is the revised Table N-1 Inspection Test schedule.**

**Page 5 Is the Elevator and Escalator Violations Constituting a Condition Dangerous to Human Life and Safety .**

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ECNY Code Committee**

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**Intro 659 A**

**A LOCAL LAW**

To amend the administrative code of the city of New York, in relation to technical corrections of the New York city construction codes and repealing paragraph 4 of subdivision a of section 27-2004 of the administrative code of the city of New York, chapter 1 of the New York city plumbing code, sections 302.1.1, 302.1.1.1 302.2, 302.2, 302.2.1, 302.3, 302.3.1, 302.3.2, 302.4, 302.5, 904.11.4, 904.11.4.1, 1626.3 and BC 2902, of the New York city building code, tables 302, 403.1, 720.1 (2), 720.1(3), 721.2.3(2), 1507.2, 2305.3.3, 2306.3.2, 2306.4.5, 2308.12.4 and figures 1609.6.2.2 and 2308.12.6(1) of the New York city building code, section 510.8.2 and table 402.2 of the New York city fuel gas code.

Be it enacted by the Council as follows:

Section 1. Paragraph 4 of subdivision a of section 27-2004 of the administrative code of the city of New York is REPEALED and a new paragraph 4 is added to read as follows:

4. A family is:

(a) A single person occupying a dwelling unit and maintaining a common household with not more than two boarders, roomers or lodgers; or

(b) Two or more persons related by blood, adoption, legal guardianship, marriage or domestic partnership; occupying a dwelling unit and maintaining a common household with not more than two boarders, roomers or lodgers; or

(c) Not more than three unrelated persons occupying a dwelling unit and maintaining a common household; or

(d) Not more than three unrelated persons occupying a dwelling unit in a congregate housing or shared living arrangement and maintaining a common household; or

(e) Members of a group home; or

(f) Foster children placed in accordance with provisions of the New York state social services law, their foster parents, and other persons related to the foster parents by blood, marriage or domestic partnership; where all residents occupy and maintain a common household with not more than two boarders, roomers or lodgers; or

(g) Up to seven unrelated students enrolled at a single accredited college or university occupying a student apartment, as such term is defined in the New York city building code, and maintaining a common household pursuant to a lease, sublease, or occupancy agreement directly with such college or university, provided that:

§ 28-207.2.4.1 Scaffold safety. A stop work order shall be issued if a permit holder or person directly in charge of any suspended scaffold supported by c-hooks or outrigger beams fails to notify the department prior to the installation or use of such equipment as required by section 3314.1.1 of the New York city Building code and either:

1. The rigger does not hold a license required by this code, or
2. The workers lack certificates of fitness as required by this code or applicable rule, or
3. The rigger failed to file with the department satisfactory evidence of insurance required by this code.

§ 21. The administrative code of the city of New York is amended by adding a new section 28-211.1.2 to read as follows:

§28-211.1.2 Additional penalty for false statements. In addition to any other penalty provided by law, the commissioner may refuse to accept an application or other document submitted pursuant to or in satisfaction of a requirement of this code or of a rule of any agency promulgated thereunder that bears the signature of a person who has been found, after a hearing at the office of administrative trials and hearings pursuant to the department's rules, to have knowingly or negligently made a false statement or to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application, report or certification of the correction of a violation required under the provisions of this code or of a rule of any agency promulgated thereunder.

§ 22. Section 28-304.2 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§28-304.2 Elevators, escalators, moving walkways, material lifts, vertical reciprocating conveyors (VRC) and dumbwaiters. Elevators, escalators, moving walkways, material lifts, VRC's and dumbwaiters shall be inspected and tested in accordance with the schedule set forth in Table N1 of ASME 17.1 as referenced in chapter 35 and as may be modified in chapter 30 and appendix K of the New York city building code.

Exception: Elevators located in owner-occupied one-family, two-family or multiple-family dwellings that service only the owner-occupied dwelling unit and that are not occupied by boarders, roomers or lodgers, and elevators located within convents and rectories that are not open to non-occupants on a regular basis are not subject to periodic [test] inspection requirements of such reference standard.

§ 23. Section 28-401.3 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended by adding the definition of "GENERAL CONTRACTOR" to follow in alphabetical order the definition of "FIRE SUPPRESSION PIPING SYSTEM" to read as follows:

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I	DFE = BFE	DFE = BFE	DFE = BFE
II	DFE = BFE	DFE = BFE	DFE = BFE
III	DFE = BFE + 1 ft	DFE = BFE + 2 ft	DFE = BFE + 3 ft
IV	DFE = BFE + 2 ft	DFE = BFE + 2 ft	DFE = BFE + 3 ft

\*See Table 1-1, or Table 1604.5 of the *New York City Building Code*, for structural occupancy category descriptions.

<sup>b</sup>Locate utilities and attendant equipment above elevations shown unless otherwise provided in the text.

<sup>c</sup>Orientation of lowest horizontal structural member relative to the general direction of wave approach; parallel shall mean less than or equal to +20 degrees from the direction of approach; perpendicular shall mean greater than +20 degrees from the direction of approach.

§ 176. The amendment to 811.1.3 of section 8.11 of part 8 of ASME A 17.1-00 as set forth in subsection K101.1 of section BC K 101 of appendix K of the New York city building code of chapter 7 of title 28 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

**8.11.1.3 Periodic Inspection and Test Frequency.** See Chapter 3 of Title 28 of the *Administrative Code*.

(NOTE [(8.11.1.3)]: Required intervals for periodic inspections and tests can be found in [Table 8.11.1.3] Table N1 as modified below in this appendix.)

[Revise table N1 of Appendix N by deleting rows 6, 7 & 8 and the note. Renumber as Table 8.11.1.3.

(Table 8.11.1.3 is attached on page 42 of this document)]

TABLE 8.11.1.3] N1  
 REQUIRED INSPECTION AND TEST INTERVALS IN "MONTHS"  
 [Periodic Tests]

Reference Section	Equipment Type	Periodic Tests							
		Periodic Inspections		Category One		Category Three		Category Five	
		Requirement	Interval	Requirement	Interval	Requirement	Interval	Requirement	Interval
8.11.2	Electric Elevators	8.11.2.1	6-12	8.11.2.2	12	N/A	N/A	8.11.2.3	60
8.11.3	Hydraulic Elevators	8.11.3.1	6-12	8.11.3.2	12	8.11.3.3	36	8.11.3.4	60
8.11.4	Escalators & Moving Walks.	8.11.4.1	6-12	8.11.4.2	12	N/A	N/A	N/A	N/A
8.11.5.1	Sidewalk Elevators	8.11.2.1, 8.11.3.1	6-12	8.11.2.2, 8.11.3.2	12	8.11.3.3	[8.11.] 36	8.11.2.3, 8.11.3.4	60
8.11.5.2	Private Residence Elevators	8.11.2.1, 8.11.3.1	—	8.11.2.2, 8.11.3.2	12	8.11.3.3	36	8.11.2.3, 8.11.3.4	60
8.11.5.4 *	Dumbwaiters	8.11.2.1, 8.11.3.1	6-12	8.11.2.2, 8.11.3.2	12	8.11.3.3	36	8.11.2.3, 8.11.3.4	60
8.11.5.5 *	Material Lifts	8.11.2.1, 8.11.3.1	6-12	8.11.2.2, 8.11.3.2	12	8.11.3.3	36	8.11.2.3, 8.11.3.4	60
8.11.5.6 *	Vertical Reciprocating Conveyors (VRC)	8.11.2.1, 8.11.3.1	6-12	8.11.2.2, 8.11.3.2	12	8.11.3.3	36	8.11.2.3, 8.11.3.4	60
8.11.5.6	Special Purpose Personnel Elevators	8.11.2.1, 8.11.3.1	6-12	8.11.2.2, 8.11.3.2	12	8.11.3.3	[8.11.] 36	8.11.2.3, 8.11.3.4	60
8.11.5.7	Inclined Elevators	8.11.2.1, 8.11.3.1	6-12	8.11.2.2, 8.11.3.2	12	8.11.3.3	[8.11.] 36	8.11.2.3, 8.11.3.4	60
8.11.5.8	Shipboard Elevators	8.11.2.1, 8.11.3.1	6-12	8.11.2.2, 8.11.3.2	12	8.11.3.3	[8.11.] 36	8.11.2.3, 8.11.3.4	60
8.11.5.9	Screw-column Elevators	8.11.2.1, 8.11.3.1	6-12	8.11.2.2, 8.11.3.2	12	8.11.3.3	[8.11.] 36	8.11.2.3, 8.11.3.4	60
8.11.5.10	Rooftop Elevators	8.11.2.1, 8.11.3.1	6-12	8.11.2.2, 8.11.3.2	12	8.11.3.3	[8.11.] 36	8.11.2.3, 8.11.3.4	60
8.11.5.12	Limited-use/Limited-application Elevators	8.11.2.1, 8.11.3.1	6-12	8.11.2.2, 8.11.3.2	12	8.11.3.3	[8.11.] 36	8.11.2.3, 8.11.3.4	60
8.11.5.13	Elevators Used for Construction	8.11.2.1, 8.11.3.1	6-12	8.11.2.2, 8.11.3.2	12	8.11.3.3	[8.11.] 36	8.11.2.3, 8.11.3.4	60

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## Rules and Regulations

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Administrative Code, the mandated periodic inspection of every new and existing elevator, escalator and related equipment listed in the Building Code shall be performed by an inspector who holds a Certificate of Approval from the Department and who is supervised by a director who holds a Certificate of Approval from the Department.

(2) The mandated periodic inspection must be performed between January 1 and September 15 of each year.

(3) Each inspection or witnessed test of an elevator or escalator performed by an inspection agency shall be recorded on forms prescribed by the commissioner. Each such form shall confirm that the elevator, escalator and/or related equipment was inspected or the test was witnessed by the holder of a Certificate of Approval and shall be signed by the inspector who performed the inspection or witnessed the test, the agency director and building owner. Agency directors shall include their Certificate number on the form. The forms are to be completed legibly at the time of inspection. The completed and signed forms shall be forwarded to the building owner within five (5) calendar days after the inspection and to the Department's Elevator Division within fourteen (14) calendar days after the inspection.

(4) After each inspection or test, the inspector shall affix the inspection date and his/her signature over a stamp identifying his/her private inspection agency and his/her Certificate of Approval number on the elevator car or escalator inspection certificate.

(5) During inspection and after testing, all parts of the equipment shall be inspected to determine that they are in safe operating condition and that parts subject to wear have not worn to such an extent as to affect the safe operation of the installation.

(6) If an inspection reveals that any elevator or escalator is unsafe or hazardous to life and safety, the device is to be taken out of service immediately by the inspection agency. The building owner shall be notified immediately. In addition, a copy of such notification shall be sent by certified mail to the Department of Buildings, Elevator Division within 24 hours.

### **§11-02 Elevator and Escalator Violations Constituting a Condition Dangerous to Human Life and Safety.**

(a) *Dangerous conditions.* Any of the following elevator and escalator violations constitute a condition dangerous to human life and safety.

- (1) Elevator out-of-service when there is only one elevator in the building or building section.
- (2) Fireman service not functioning in premises.
- (3) Badly worn, defective, or damaged hoist cables and/or governors cables.
- (4) Defective hoistway doors.
- (5) Defective hoistway door interlocks.
- (6) Defective car door/gate.
- (7) Defective car door/gate switch.
- (8) Defective/missing vision panels.
- (9) Defective car safety devices.
- (10) Defective brake assembly.
- (11) Defective hoist machine.
- (12) Defective selector/assembly.
- (13) Missing top emergency covers.
- (14) Defective escalator fire shutters.
- (15) Defective escalator comb plates.
- (16) Defective escalator stop switch.

(17) Excessive escalator skirt panel clearances.

(18) Defective or non-functional safety switches.

(19) Badly worn, defective, or damaged relays or controllers and/or selector.

(20) Defective, badly worn, or damaged car safety device parts.

(21) Defective car and/or counterweight buffers.

(22) Any damaged, badly worn or defective equipment, which could result in elevator breakdown.

(b) *Civil penalties.* In the event any person fails to remove any of the violations listed in these rules, after having been served with a notice personally or by a certified mail indicating that removal of such condition exists and requiring such removal or compliance unless the removal of such condition is prevented by a labor dispute or is the result of vandalism beyond the control of the owner, he shall be liable for civil penalty of not less than one hundred fifty dollars per day commencing on the date of the service of such notice and terminating on the date that such removal or compliance has been substantially completed in addition to other penalties set forth in law. When service of such notice is made by mail to the owner, civil penalties as herein provided shall commence five days from the date of such mailing.

(c) *Discontinuance of action upon removal of violation.* Where a notice requiring removal of a violation listed in these rules has been issued, liability shall cease and the corporation counsel, on request of the commissioner, shall discontinue prosecution only if the removal or compliance so required has been completed or substantially completed within ten days after the service of such notice. The commissioner shall, upon good cause shown, grant additional time for such removal or compliance. In addition, the civil penalties shall be tolled from the date the owner certifies under oath, on [sic] a form prescribed by the commissioner, that the removal of the violation has been substantially completed. If subsequent inspection by the department shows a failure to have removed the violation, the civil penalties shall be deemed to have accrued as of the first day notice of violation has been served.

### **§11-03 Cease Use Orders for Elevators, Personnel Hoists, Escalators and Moving Walks.**

A cease use order should be issued for all elevators, personnel hoists, escalators, and moving walks pursuant to §26-127 of the Administrative Code of the City of New York whenever an imminently hazardous condition exists. In addition, the device should be tagged as unsafe. This tag may not be removed without prior approval from the Department of Buildings. Such imminently hazardous conditions include but are not limited to:

- (a) Elevator running with an open hoistway door or car gate/door.
- (b) Elevator running with broken or non-functioning upper or lower final hoistway or machine limit switches.
- (c) Hoistway or car door vision glass and grille guard missing.
- (d) Unraveling or broken hoist, counterweight, governor or compensation cables.
- (e) Missing hoistway door or car door gibs.
- (f) Inoperable governor.
- (g) Elevator running with non-functioning interlock.
- (h) Emergency top exit cover missing (passenger elevator).
- (i) Side emergency exit door open (passenger elevator).
- (j) Emergency stop switch not working (automatic elevator,