



# Department of Buildings & Regulatory Compliance

# Code Enforcement Handbook

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## *Residential Buildings*

***This booklet was created to quickly assist inspectors when performing Residential Code Enforcement inspections. The purpose of this booklet is to be used to supplement your codebooks and not in their place.***

*2010 NYS ICC Codes*

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## RESPONSIBILITY OF OWNER, OPERATOR OR AGENT

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The owner, operator or agent in control of the building shall be responsible for the following:

1. Limiting occupancy to the maximum number of person permitted and prohibiting unlawful uses;

2. Posting required statement of maximum number of occupants permitted;
3. Maintenance of the premises in a clean, safe and sanitary condition;
4. Maintenance of the operation of service facilities in good order and condition;
5. Maintenance of plumbing, heating and electrical equipment and systems, appliances, fixtures, as well as other building equipment and facilities, in an appropriate, good operative, clean and sanitary condition.
6. Maintenance of walls, floors and ceiling in public places in a clean and sanitary condition;
7. Keeping exits free and clear; and
8. Disposing of garbage, refuse and junk in a safe and sanitary manner and keeping the premises free and clear therefrom, and broom-clean, and extermination of insects, vermin, rodents, pests and elimination of harborage.

## RESPONSIBILITY OF OCCUPANTS

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With respect to that part of a building which the occupant occupies, controls or uses, the occupant shall be responsible for the following:

1. Occupancy limitations and its lawfully permitted use;
2. Maintenance in a clean, safe and sanitary condition;
3. Maintenance of plumbing, cooking and refrigeration equipment, appliances and facilities in a clean and sanitary condition, and providing reasonable care in the operation and use thereof;
4. Keeping exits free and clear;
5. Disposing of garbage and refuse into provided facilities in a sanitary manner, and keeping the premises free and clear therefrom; and
6. Keeping domestic animals and pets in an appropriate manner and under control.

## NYS PROPERTY MAINTENANCE CODE

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### MINIMUM CONDITIONS

#### EXTERIOR PROPERTY AREAS

**PMC 302.1 Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.



**PMC 302.2 Grading and drainage.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

EXCEPTION: Approved retention areas and reservoirs.

**PMC 302.3 Sidewalks and driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

**PMC 302.4 Weeds.** All premises and immediate exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be de-fined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

*Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with The City of Albany Code of Ordinances. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.*

**PMC 302.5 Rodent harborage.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

**PMC 302.6 Exhaust vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

**PMC 302.7 Accessory structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

**PMC 303.1 Swimming pools.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

**PMC 303.2 Enclosures.** An approved enclosure, at least 4 feet (1219 mm) in height, shall be provided around outdoor swimming pools, so that such pools are inaccessible to children. The enclosure may surround either the pool area or the property.

## **EXTERIOR STRUCTURE**

**PMC 304.1 General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

**PMC 304.2 Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces de-signed for stabilization by oxidation are exempt from this requirement.

**PMC 304.3 Premises identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

**PMC 304.4 Structural members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

**PMC 304.5 Foundation walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

**PMC 304.6 Exterior walls.** All exterior walls shall be free from holes, breaks and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

**PMC 304.7 Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

**PMC 304.8 Decorative features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**PMC 304.9 Overhang extensions.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good re-pair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**PMC 304.10 Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

**PMC 304.11 Chimneys and towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**PMC 304.12 Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**PMC 304.13 Window, skylight and door frames.** Every window, sky-light, door and frame shall be kept in sound condition, good repair and weather tight.

**PMC 304.13.1 Glazing.** All glazing materials shall be maintained free from cracks and holes.

**PMC 304.13.2 Openable windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

**PMC 304.15 Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with PMC 702.3.

**PMC 304.16 Basement hatchways.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drain-age water.

**PMC 304.17 Guards for basement windows.** Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

## **INTERIOR STRUCTURE**

**PMC 305.1 General.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

**PMC 305.2 Structural members.** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

**PMC 305.3 Interior surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

**PMC 305.4 Stairs and walking surfaces.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

**PMC 305.5 Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**PMC 305.6 Interior doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

## **RUBBISH AND GARBAGE**

**PMC 307.1 Accumulation of rubbish or garbage.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

**PMC 307.1.1 Dry vegetation, combustible waste and refuse.** Combustible waste, refuse and large quantities of dry vegetation, which by reason of their proximity to buildings or structures would constitute a fire hazard or contribute to the spread of fire, shall be removed.

**PMC 307.2 Disposal of rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

**PMC 307.2.1 Rubbish storage facilities.** The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

**PMC 307.2.2 Refrigerators.** Refrigerators and similar equipment shall not be discarded, abandoned, or stored on premises accessible to children without first removing the doors.

**PMC 307.3 Disposal of garbage.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

**PMC 307.3.1 Garbage facilities.** The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

**PMC 307.3.2 Containers.** The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

## **EXTERMINATION**

**PMC 308.1 Infestation.** All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

**PMC 308.2 Owner.** The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

**PMC 308.5 Occupant.** The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

**EXCEPTION:** Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

## LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

### LIGHT

**PMC 402.1 Habitable spaces.** Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

**EXCEPTION:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.

**PMC 402.2 Common halls and stairways.** Every common hall and stair-way in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stair-ways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot candle (11 lux) at floors, landings and treads.

**PMC 402.3 Other spaces.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

### VENTILATION

**PMC 403.1 Habitable spaces.** Every habitable space shall have at least one operable window. The total operable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in PMC 402.1.

**EXCEPTION:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

**PMC 403.2 Bathrooms and toilet rooms.** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by PMC 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

**PMC 403.3 Cooking facilities.** Cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

**PMC 403.4 Process ventilation.** Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Contaminated air shall be exhausted to the exterior and not be recirculated to any space.

**PMC 403.5 Clothes dryer exhaust.** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

## **OCCUPANCY LIMITATIONS**

**PMC 404.1 Privacy.** Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

**PMC 404.2 Minimum room widths.** A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

### **EXCEPTIONS:**

1. Manufactured housing regulated in the *Residential Code of New York State* shall be permitted to retain room dimensions for at time of manufacture.
2. Spaces legally in existence before January 1, 2003, and spaces for which a variance has been legally granted shall be allowed to be occupied.

**PMC 404.3 Minimum ceiling heights.** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

### **EXCEPTIONS:**

1. In one-and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one-and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.
4. Manufactured housing regulated in the *Residential Code of New York State* shall be permitted to retain ceiling heights for at time of manufacture.
5. Spaces legally in existence before January 1, 2003, and spaces for which a variance has been legally granted shall be allowed to be occupied.
6. Ceiling heights reduced by necessary repairs shall be no lower than 6 feet, 8 inches.

**PMC 404.4 Bedroom requirements.** Every bedroom shall comply with the requirements of PMC 404.4.1 through PMC 404.4.5.

**PMC 404.4.1 Area for sleeping purposes.** Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m<sup>2</sup>) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.

**PMC 404.4.2 Access from bedrooms.** Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

**EXCEPTION:** Units that contain fewer than two bedrooms.

**PMC 404.4.3 Water closet accessibility.** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

**EXCEPTION:** Owner-occupied, one-family dwellings.

**PMC 404.4.4 Prohibited occupancy.** Kitchens and nonhabitable spaces shall not be used for sleeping purposes.



**PMC 404.4.5 Other requirements.** Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter PM5; the heating facilities and electrical receptacle requirements of Chapter PM6; and the smoke detector and emergency escape requirements of Chapter PM7.

**PMC 404.5 Overcrowding.** Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

**PMC 404.5.1 Sleeping area.** The minimum occupancy area required by Table PM404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with PMC 404.4.

**PMC 404.5.2 Combined spaces.** Combined living room and dining room spaces shall comply with the requirements of Table PM404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

**PMC 404.6 Efficiency unit.** Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.
4. The maximum number of occupants shall be three.

**PMC 404.7 Food preparation.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

## PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

### REQUIRED FACILITIES

**PMC 502.1 Dwelling units.** Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

**PMC 502.2 Rooming houses.** At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

**PMC 502.3 Hotels.** Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

**PMC 502.4 Employees' facilities.** A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

**PMC 502.4.1 Drinking facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

### TOILET ROOMS

**PMC 503.1 Privacy.** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

**PMC 503.2 Location.** Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

**PMC 503.3 Location of employee toilet facilities.** Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employees' regular working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or public customer facilities.

**EXCEPTION:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease

or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

## **PLUMBING SYSTEMS AND FIXTURES**

**PMC 504.1 General.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

**PMC 504.2 Fixture clearances.** Plumbing fixtures shall have adequate clearances for usage and cleaning.

**PMC 504.3 Plumbing system hazards.** Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the defects shall be corrected to eliminate the hazard.

## **WATER SYSTEM**

**PMC 505.1 General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Plumbing Code of New York State.

**PMC 505.2 Contamination.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

**PMC 505.3 Supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

**PMC 505.4 Water heating facilities.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 120°F (49°C). A fuel-burning water heater shall not be located in any bath-room, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination

temperature and pressure-relief valve and relief valve dis-charge pipe shall be properly installed and maintained on water heaters.

## **SANITARY DRAINAGE SYSTEM**

**PMC 506.1 General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

**PMC 506.2 Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

## **STORM DRAINAGE**

**PMC 507.1 General.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

## **MECHANICAL AND ELECTRICAL REQUIREMENTS**

### **HEATING FACILITIES**

**PMC 602.2 Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter design dry-bulb temperature for the locality indicated in the *Energy Conservation Construction Code of New York State*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

**PMC 602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 15th to May 31st to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

**EXCEPTION:** When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required, provided that the heating system is operating at its full design capacity. The winter design dry-bulb temperature for the locality shall be as indicated in the *Energy Conservation Construction Code of New York State*.

**PMC 602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from September 15th to May 31st to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

**EXCEPTIONS:**

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

**PMC 602.6 Room temperature measurement.** The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

## **MECHANICAL EQUIPMENT**

**PMC 603.1 Mechanical appliances.** All mechanical appliances, fire-places, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

**PMC 603.2 Removal of combustion products.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

**EXCEPTION:** Fuel-burning equipment and appliances which are labeled for unvented operation.

**PMC 603.3 Clearances.** All required clearances to combustible materials shall be maintained.

**PMC 603.4 Safety controls.** All safety controls for fuel-burning equipment shall be maintained in effective operation.

**PMC 603.5 Combustion air.** A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

**PMC 603.6 Energy conservation devices.** Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

## **ELECTRICAL FACILITIES**

**PMC 604.1 Facilities required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and PMC 605.

**EXCEPTION:** Owner-occupied, one-family dwellings.

**PMC 604.2 Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with Chapter 27 of the Building Code of New York State.

**PMC 604.3 Electrical system hazards.** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the defects shall be corrected to eliminate the hazard.

## **ELECTRICAL EQUIPMENT**

**PMC 605.1 Installation.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

**PMC 605.2 Receptacles.** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

**PMC 605.3 Lighting fixtures.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

## **ELEVATORS, ESCALATORS AND DUMBWAITERS**

**PMC 606.1 General.** Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

**PMC 606.2 Elevators.** In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

EXCEPTION: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

## **DUCT SYSTEMS**

**PMC 607.1 General.** Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

## **FIRE SAFETY REQUIREMENTS**

### **MEANS OF EGRESS**

**PMC 702.1 General.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *Fire Code of New York State*.

**PMC 702.2 Aisles.** The required width of aisles in accordance with the *Fire Code of New York State* shall be unobstructed.

**PMC 702.3 Locked doors.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hard-ware conforms to that permitted by the *Fire Code of New York State*.

**PMC 702.4 Emergency escape openings.** Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following: Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction, and such de-vices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening.

## **FIRE-RESISTANCE RATINGS**

**PMC 703.1 Fire-resistance-rated assemblies.** The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

**PMC 703.2 Opening protectives.** Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

## **FIRE PROTECTION SYSTEMS**

**PMC 704.1 General.** All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *Fire Code of New York State*.

**PMC 704.2 Smoke alarms.** Single-or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3 and R-4 regard-less of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels,

a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single- or multiple-station smoke alarms shall be installed in other groups in accordance with the Fire Code of New York State.

**PMC 704.3 Power source.** In Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring, provided that such wiring is served from a commercial source, and is equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

**EXCEPTION:** Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

**PMC 704.4 Interconnection.** Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3 or R-4, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

**EXCEPTIONS:**

1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure.
3. Smoke alarms shall not be required to be interconnected where battery-operated alarms are permitted.

## **CARBON MONOXIDE ALARMS**

**PMC 705.1 General.** Carbon monoxide alarms and detectors shall comply with the *Fire Code of New York State*.



# MULTIPLE RESIDENCE LAW

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***MRL 26 Egress from dwellings.*** In every such dwelling three stories or more in height there shall be at least two means of egress, accessible on the same story from each apartment or suite. The first means of egress shall open into a public hall connected with a stair affording safe access to a street, or to a yard, court or passageway affording continuous, safe and unobstructed access to a street. The second means shall be directly to a fire escape or to an enclosed stair without passing through the first means, except where the first means includes an interior stair which is closed off at each floor level by fire-retarded construction with a fireproof self-closing door therein, the second means may be another such interior stair or a fire escape directly accessible on the same story from a public hall therein whether or not such public hall is also a part of the first means provided such fire escape is not a wire, chain, cable, vertical ladder or rope fire escape. In lieu of a second means of egress a sprinkler system may be installed in the public halls and stairs.

***MRL 27 Fire escapes.*** Wire, chain, vertical ladder or rope fire escapes shall not be accepted as a required or alternative means of egress and, unless such fire escapes are supplemental to a required means of egress, they shall be removed and replaced by a system of fire escapes constructed and arranged as provided in section 133. All fire escapes erected on or after July 1, 1953 to serve as a second means of egress shall be in conformity with the provisions of section 133. It shall be unlawful to remove any fire escape without permission from the department. Such systems shall be installed, arranged and maintained in a manner satisfactory to the department and in accordance with rules adopted by the commission.

***MRL 28 Stairs and entrance halls.*** In every such dwelling three stories or more in height the wood wainscoting in all halls shall be removed and replaced with incombustible or other fire-resistive materials. In lieu of such removal, a sprinkler system may be installed in such halls or the wood wainscoting therein may be treated or covered with an approved surface fire-retardant. In such dwelling, however, any entrance door and every door opening into any entrance hall, stair hall or other public hall connected therewith, shall be self-closing. Every interior sash, or opening other than a door, in the walls or partitions of such halls and every window therein not opening to the outer air shall be sealed with fire-resistive materials.

***MRL 30 Cellar ceilings.*** In every such dwelling three stories or more in height the ceiling of the cellar, or of the lowest story if there be no cellar, shall be fire-retarded or be equipped with a sprinkler system, unless such ceiling has already been plastered to the satisfaction of the department.

**MRL 31 Inside cellar stairs.** Every stair leading from a cellar to the floor above in all multiple dwellings shall be enclosed with a fire retarded self-closing door located as the department may approve.

**MRL 40 Repairs and cleanliness.** All old multiple dwellings shall be maintained in conformity with the provisions of section 174.

## CITY CODE OF ALBANY, NY

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### RESIDENTIAL HOME SECURITY

**CC133.60A1 Entry door locks.** Each entry door to a dwelling unit shall be equipped with an operating single-cylinder dead-bolt lock with a minimum 1" throw. The strike plate for said lock shall be firmly attached with a minimum of 2 screws.

**CC133.60A2 Self-locking doors.** In buildings of 1 and 2 units, all common entrances, including main, rear and service, shall have doors which are capable of self-locking, equipped with a latch, at least a 1/2" throw and equipped with a dead-bolt as provided for in section 133.60A. In buildings of 3 or more units, common entrance doors shall be equipped with a dead-latch with at least a 1/2" throw. Such latch shall remain fully operation from the interior in accordance with the Building Code and shall be capable of self-locking. Building with 3 units, in which 2 units share common entrance doors and the third unit maintains separate entrance doors, shall be subject to the requirements of 1 and 2 unit buildings.

**CC133.60B1 Main entrance doors.** Hollow-core doors shall be prohibited from use as any door which provided egress to the exterior of a building, including front, side and rear entrance doors. Windows located in main entrance doors with 2' of the door lock shall be covered by or replaced with a clear, shatter resistant material or glazed not less than 1/4" in thickness.

**CC133.60B2 Optical viewer.** All door(s) to individual dwelling units shall be equipped with an optical viewer with a 180 field of vision unless there is glass immediately adjacent to or within the door that provided an adequate view of the doorway. In addition, such doors shall not be hollow-core.

**CC133.60C Windows –locks/pins.** Every window at first floor or basement levels or openings onto a fire escape or which is accessible from another building or the ground shall be equipped with a secure, operating locking device. In addition, all such accessible double-hung windows shall be equipped with window pins, clips or similar safety devices which, when in use, prevent the window from locking open more than 6".

**CC133.60D Lighting.** Main entrance doors and any other door which constitutes an entrance into a dwelling unit shall be fitted with an exterior operating light fixture, accessible to operation by the tenant, with no less than one 40 watt bulb or the equivalent, such fixture to be located no farther than 4' from said entrance which provides safe, adequate lighting to the entrance area. Timed light-sensitive or motion-sensitive systems may be substituted, provided that they function during hours of darkness.

**CC133.60F Doorbells.** Each dwelling unit shall be equipped with a signaling device such as a doorbell, intercom or phone system to notify occupants of the unit of visitors.

## **GENERAL**

**CC133-54 Unsafe and unfit buildings.** The Commissioner may determine that a building is unsafe by reason of the condition of the building or premises, including but not limited to structural instability in whole or in part, failure, inoperability or absence of adequate sanitary waste disposal, water supply, electrical, plumbing, heating and ventilations systems or facilities, vermin and insect infestation or unsanitary, dilapidated, decaying or overcrowded conditions.

**CC133.78.1 Carbon Monoxide Detectors.** Carbon Monoxide detectors are required within the apartment/dwelling unit only if:

1. that apartment/dwelling unit has fossil fuel burning equipment within that apartment/dwelling unit; or
2. the apartment/dwelling unit has forced hot air leading from the furnace to the unit; or
3. Any apartment/dwelling unit that has duct work from the furnace to that residential unit; or
4. Any rental residential units that has ventilated shafts that connect to any room that has fossil fuel burning boiler or heater.

**CC197-5 Fire in yards and buildings.** No person shall kindle, make or keep a fire in any yard or building in the City unless in a wire, steel, concrete, brick or other fireproof enclosure or receptacle. A fire so kindled, built or maintained, as aforesaid, on the outside of any building shall be continuously under the care and direction of a competent adult from the time it is kindled until it is extinguished. Any fire kindled or built outside of any building shall be at least 25 feet from any wood structure, and in no event shall such fire be built within 10 feet of any type of structure. The Chief of the Department of Fire or his representative shall have the authority in all cases to prohibit the use of any fireplace or fire-burning receptacle within or outside of any building, as aforesaid, which in his opinion shall be deemed hazardous and dangerous. In no event

shall this article be construed to permit the burning of garbage or any material which would produce noxious odors.

**CC313-42C Litter receptacles.** All litter receptacles shall be maintained in a clean condition and shall be adequately covered to prevent the blowing about of its contents.

**CC313-42D Dumpsters.** Unless otherwise authorized by the written consent of the Director of Buildings and Regulatory Compliance, all dumpsters located on private property shall be located far enough from sidewalks, public places or public rights-of-way to prevent odor, insects or any other negative impact, including visual impact, upon the character of the public places or streetscapes involved.

**CC359-66 Unlawful to abandon vehicle.** It shall be unlawful to park, store or leave in the open or to abandon a junk vehicle upon private property for a period of more than one (1) week except as permitted by license pursuant to §136 of the General Municipal Law as enacted by Chapter 1040 of the Laws of 1965, unless the same is necessary for the operation of a business enterprise lawfully upon said premises.

**CC375-7 Definition of 'family'.**

1. Shall mean
  1. One, two or three persons occupying a dwelling unit or
  2. Four or more persons occupying a dwelling unit and living as a traditional family or the functional equivalent or a traditional family
2. It shall be presumptive evidence that four or more unrelated persons living in a single dwelling unit do not constitute the functional equivalent of a traditional "family"

*Therefore, three unrelated persons occupying a dwelling unit is the maximum allowed by this ordinance.*

# Notes

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