Residential Code of New York State

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Marginal Markings
New York modifications to code language are indicated by NY tape (NY) in the margin, and New York text is underlined. Deletion of code language by New York is indicated by an arrow (→) in the margin.

“Reserved” indicates that a section or portion of the International Code™ has been deleted, but its number or position has been retained.

Letter Designations in Front of Section Numbers
The content of sections in this code which begin with a letter designation are maintained by another code development committee in accordance with the following: [B] = International Building Code Development Committee; [F] = International Fire Code Development Committee; [M] = International Mechanical Code Development Committee; [P] = International Plumbing Code Development Committee; [RBE] = International Residential Code Building and Energy Development Committee; [RMP] = International Residential Code Mechanical/Plumbing Development Committee; and [E] = International Energy Conservation Code Development Committee.
# TABLE OF CONTENTS

**Part I—Administrative** ........................................ 1

**CHAPTER 1 GENERAL REQUIREMENTS** ............... 1

Section
R101 Title, Scope and Purpose ................. 1
R102 Applicability ................................ 1
R103 Office of Code Enforcement ............... 2
R104 Code Enforcement Official ............... 2
R105 Permits ...................................... 2
R106 Construction Documents ................. 2
R107 Reserved ....................................
R108 Fees ....................................... 2
R109 Inspections ................................ 3
R110 Certificate of Occupancy ............... 3
R111 Reserved ....................................
R112 Variance Procedures .................... 3
R113 Violations ................................ 3
R114 Stop Work Order ......................... 3

**Part II—Definitions** ........................................ 5

**CHAPTER 2 DEFINITIONS** ......................... 5

Section
R201 General ...................................... 5
R202 Definitions ..................................

**Part III—Building Planning and Construction** ....... 25

**CHAPTER 3 BUILDING PLANNING** ............ 25

Section
R301 Design Criteria ............................ 25
R302 Location on Lot ............................ 39
R303 Light, Ventilation and Heating ........ 39
R304 Minimum Room Areas ................... 40
R305 Ceiling Height ............................. 40
R306 Sanitation .................................. 40
R307 Toilet, Bath and Shower Spaces ....... 41
R308 Glazing ..................................... 42
R309 Garages and Carports .................... 43
R310 Emergency Escape and Rescue Openings .... 44
R311 Exits ...................................... 45
R312 Landings ................................... 45
R313 Ramps ...................................... 45
R314 Stairways .................................. 45
R315 Handrails .................................. 46
R316 Guards ..................................... 46
R317 Smoke Alarms and Automatic Sprinkler Systems .... 46
R318 Foam Plastic ............................... 47
R319 Flame Spread and Smoke Density .... 48
R320 Insulation .................................. 48
R321 Dwelling Unit Separation ............... 49
R322 Moisture Vapor Retarders .................. 50
R323 Protection Against Decay .................. 50
R324 Protection Against Termites ............ 51
R325 Site Address ............................... 51
R326 Accessibility ............................... 52
R327 Flood-resistant Construction .......... 52

**CHAPTER 4 FOUNDATIONS** ....................... 55

Section
R401 General ...................................... 55
R402 Materials ................................... 55
R403 Footings ..................................... 56
R404 Foundation Walls ......................... 64
R405 Foundation Drainage ..................... 74
R406 Foundation Waterproofing and Dampproofing .... 74
R407 Columns .................................... 76
R408 Under-floor Space ......................... 76

**CHAPTER 5 FLOORS** ............................. 77

Section
R501 General ...................................... 77
R502 Wood Floor Framing ...................... 77
R503 Floor Sheathing ............................ 85
R504 Pressure Preservatively Treated-wood Floors (On Ground) .... 87
R505 Steel Floor Framing ....................... 87
R506 Concrete Floors (On Ground) .......... 100

**CHAPTER 6 WALL CONSTRUCTION** .......... 101

Section
R601 General ...................................... 101
R602 Wood Wall Framing ....................... 101
R603 Steel Wall Framing ....................... 120
R604 Wood Structural Panels ............... 163
R605 Particleboard ............................. 163
R606 General Masonry Construction ........ 163
R607 Unit Masonry ............................... 171
R608 Multiple Wythe Masonry ............... 173
R609 Grounted Masonry ....................... 173
R610 Glass Unit Masonry ...................... 175
R611 Insulating Concrete Form Wall Construction .... 177
R612 Conventionally Formed Concrete Wall Construction .......... 196
R613 Exterior Windows and Glass Doors .... 196

**CHAPTER 7 WALL COVERING** ............... 199

Section
R701 General ...................................... 199
R702 Interior Covering ......................... 199
R703 Exterior Covering ......................... 202
CHAPTER 8 ROOF-CEILING CONSTRUCTION ............. 211
Section
R801 General ........................................... 211
R802 Wood Roof Framing .............................. 211
R803 Roof Sheathing .................................. 231
R804 Steel Roof Framing .............................. 231
R805 Ceiling Finishes .................................. 242
R806 Roof Ventilation .................................. 243
R807 Attic Access ...................................... 243
R808 Insulation Clearance ............................. 243

CHAPTER 9 ROOF ASSEMBLIES ............... 245
Section
R901 General ........................................... 245
R902 Roof Classification .............................. 245
R903 Weather Protection ............................. 245
R904 Materials ......................................... 245
R905 Requirements for Roof Coverings ............... 246
R906 Roof Insulation .................................. 253
R907 Reroofing .......................................... 253

CHAPTER 10 CHIMNEYS AND FIREPLACES .......... 255
Section
R1001 Masonry Chimneys .............................. 255
R1002 Factory-built Chimneys ........................ 258
R1003 Masonry Fireplaces ............................. 259
R1004 Factory-built Fireplaces ........................ 263
R1005 Exterior Air Supply .............................. 263
R1006 Masonry Heaters ................................. 264

Part IV—Energy Conservation ................. 265

CHAPTER 11 ENERGY EFFICIENCY ............... 265
Section
N1101 General .......................................... 265
N1102 Building Envelope .............................. 269
N1103 Mechanical Systems ........................... 272
N1104 Service Water Heating ........................ 273

Part V—Mechanical ................................. 277

CHAPTER 12 MECHANICAL ................. 277
Section
M1201 General .......................................... 277
M1202 Existing Mechanical Systems ............... 277

CHAPTER 13 GENERAL MECHANICAL SYSTEM REQUIREMENTS .......... 279
Section
M1301 General .......................................... 279
M1302 Approval ......................................... 279
M1303 Labeling of Appliances ........................ 279
M1304 Type of Fuel ...................................... 279
M1305 Appliance Access ............................... 279
M1306 Clearances from Combustible Construction 280
M1307 Appliance Installation .......................... 280
M1308 Mechanical Systems Installation .......... 281

CHAPTER 14 HEATING AND COOLING EQUIPMENT .......... 285
Section
M1401 General .......................................... 285
M1402 Central Furnaces ............................... 285
M1403 Heat Pump Equipment ......................... 285
M1404 Refrigeration Cooling Equipment .............. 285
M1405 Baseboard Conectors ........................... 285
M1406 Radiant Heating Systems ....................... 285
M1407 Duct Heaters ..................................... 286
M1408 Vented Floor Furnaces ........................ 286
M1409 Vented Wall Furnaces ......................... 286
M1410 Vented Room Heaters ........................... 287
M1411 Refrigeration Cooling Equipment .............. 287
M1412 Absorption Cooling Equipment ............... 288
M1413 Evaporative Cooling Equipment ............... 288
M1414 Fireplace Stoves ................................ 288
M1415 Kerosene and Oil-fired Stoves and Heaters .... 288

CHAPTER 15 EXHAUST SYSTEMS .......... 289
Section
M1501 Clothes Dryers Exhaust ......................... 289
M1502 Range Hoods ..................................... 289
M1503 Installation of Microwave Ovens ............... 289
M1504 Overhead Exhaust Hoods ....................... 289
M1505 Exhaust Ducts .................................... 290
M1506 Mechanical Ventilation ......................... 290

CHAPTER 16 DUCT SYSTEMS .......... 291
Section
M1601 Duct Construction .............................. 291
M1602 Return Air ........................................ 293
M1603 Supply Air ........................................ 293

CHAPTER 17 COMBUSTION AIR .......... 295
Section
M1701 General .......................................... 295
M1702 All Air from Inside the Building ............... 295
M1703 All Air from Outdoors ........................... 295

CHAPTER 18 CHIMNEYS AND VENTS .......... 305
Section
M1801 General .......................................... 305
M1802 Vent Components ............................... 305
M1803 Chimney and Vent Connectors ................. 306
M1804 Vents ............................................. 307
M1805 Masonry and Factory-built Chimneys .......... 307
CHAPTER 19 SPECIAL FUEL-BURNING EQUIPMENT .................. 309
Section
M1901 Cooking Appliances ............................ 309
M1902 Sauna Heaters .................................. 309

CHAPTER 20 BOILERS/WATER HEATERS ...... 311
Section
M2001 Boilers ........................................ 311
M2002 Operating and Safety Controls .............. 311
M2003 Expansion Tanks ................................ 311
M2004 Water Heaters Used for Space Heating .... 311
M2005 Water Heaters ................................ 311
M2006 Pool Heaters ................................ 312

CHAPTER 21 HYDRONIC PIPING ............... 313
Section
M2101 Hydronic Piping Systems Installation ........ 313
M2102 Baseboard Conectors .......................... 313
M2103 Floor Heating Systems .......................... 313
M2104 Low Temperature Piping ...................... 313
M2105 Ground Source Heat Pump System Loop Piping .... 314

CHAPTER 22 SPECIAL PIPING AND STORAGE SYSTEMS ............ 317
Section
M2201 Oil Tanks ..................................... 317
M2202 Oil Piping, Fitting and Connections ........... 317
M2203 Installation .................................. 317
M2204 Oil Pumps and Valves ......................... 318

CHAPTER 23 SOLAR SYSTEMS ................. 319
Section
M2301 Solar Energy Systems .......................... 319

Part VI—Fuel Gas .................................. 321

CHAPTER 24 FUEL GAS ......................... 321
Section
G2401 General .................................. 321
G2402 General .................................. 321
G2403 Definitions .................................. 321
G2404 General Regulations .......................... 322
G2405 Structural Safety ............................... 322
G2406 Appliance Location ............................. 322
G2407 Combustion, Ventilation and Dilution Air .... 322
G2408 Installation .................................. 326
G2409 Clearance Reduction .......................... 327
G2410 Electrical .................................. 330
G2411 Gas Piping Systems ............................ 330
G2412 Pipe Sizing .................................. 330
G2413 Piping Materials ............................. 332
G2414 Piping System Installation ..................... 334
G2415 Piping Bends and Changes in Direction .... 335
G2416 Inspection, Testing and Purging ............... 336
G2417 Piping Support ............................... 337
G2418 Drips and Sloped Piping ....................... 337
G2419 Gas Shutoff Valves ............................ 337
G2420 Flow Controls ............................... 338
G2421 Appliance Connections ......................... 338
G2422 CNG Gas-dispensing Systems .................. 338
G2423 Piping Support Intervals ....................... 339
G2424 Chimneys and Vents .......................... 339
G2425 Vents ...................................... 340
G2426 Venting of Equipment ......................... 340
G2427 Sizing of Category I Appliance Venting Systems .... 350
G2428 Direct-vent, Integral Vent, Mechanical Vent and Ventilation/Exhaust Hood Venting ............ 358
G2429 Factory-built Chimneys ......................... 358
G2430 Special Appliances ............................ 358
G2431 Decorative Appliances for Installation in Fireplaces .... 358
G2432 Log Lighters .................................. 359
G2433 Vented Decorative Appliances ................. 359
G2434 Vented Wall Furnaces ......................... 359
G2435 Floor Furnaces ................................ 359
G2436 Clothes Dryers ................................ 360
G2437 Clothes Dryer Exhaust ........................ 360
G2438 Sauna Heaters ................................ 360
G2439 Pool and Spa Heaters .......................... 361
G2440 Forced-air Warm-air Furnaces .................. 361
G2441 Conversion Burners ............................ 362
G2442 Unit Heaters .................................. 362
G2443 Unvented Room Heaters ......................... 362
G2444 Vented Room Heaters .......................... 362
G2445 Cooking Appliances ........................... 362
G2446 Water Heaters ................................ 362
G2447 Air Conditioning Equipment .................... 363
G2448 Illuminating Appliances ....................... 363
G2449 Infrared Radiant Heaters ....................... 363
G2450 Boilers ....................................... 363
G2451 Chimney Damper Opening Area .................. 363
G2452 Vented Gas Fireplace Heaters .................. 363
G2453 Fuel Cell Power Plants ........................ 364

Part VII—Plumbing ............................. 365

CHAPTER 25 PLUMBING ............................ 365
Section
P2501 General .................................. 365
P2502 Existing Plumbing Systems .................... 365
P2503 Tests and Inspections .......................... 365

CHAPTER 26 GENERAL PLUMBING REQUIREMENTS ............... 367
Section
P2601 General .................................. 367
CHAPTER 36 BRANCH CIRCUIT AND Feeder Requirements .................................. 431
Section
E3601 General ........................................... 431
E3602 Branch Circuit Ratings ......................................... 431
E3603 Required Branch Circuits ....................................... 432
E3604 Feeder Requirements ........................................... 433
E3605 Conductor Sizing and Overcurrent Protection .......... 434
E3606 Panelboards .................................................. 436

CHAPTER 37 Wiring Methods .......... 437
Section
E3701 General Requirements ......................................... 437
E3702 Above-ground Installation Requirements ............... 437
E3703 Underground Installation Requirements ................. 437

CHAPTER 38 Power and Lighting Distribution ................. 443
Section
E3801 Receptacle Outlets ........................................... 443
E3802 Ground-fault and Arc-fault Circuit-interrupter Protection ................. 443
E3803 Lighting Outlets ............................................. 445
E3804 General Installation Requirements ....................... 445
E3805 Boxes, Conduit Bodies and Fittings ......................... 446
E3806 Installation of Boxes, Conduit Bodies and Fittings ........ 458
E3807 Cabinets and Panelboards ..................................... 460
E3808 Grounding ...................................................... 460
E3809 Flexible Cords .................................................. 462

CHAPTER 39 Devices and Lighting Fixtures .................. 463
Section
E3901 Switches .................................................... 463
E3902 Receptacles ................................................... 463
E3903 Fixtures ....................................................... 464
E3904 Fixture Installation ............................................ 466
E3905 Track Lighting .................................................. 466

CHAPTER 40 Appliance Installation .... 467
Section
E4001 General ...................................................... 467

CHAPTER 41 Swimming Pools .... 469
Section
E4101 General ...................................................... 469

E4102 Wiring Methods for Pools, Spas, Hot Tubs and Hydromassage Bathtubs .............. 469
E4103 Equipment Location and Clearances ...................... 470
E4104 Bonding ....................................................... 472
E4105 Grounding ..................................................... 473
E4106 Equipment Installation ....................................... 474
E4107 Storable Swimming Pools ................................... 476
E4108 Spas and Hot Tubs ............................................ 476
E4109 Hydromassage Bathtubs ..................................... 477

Part IX—Referenced Standards ................. 481

CHAPTER 43 Referenced Standards ...... 481

APPENDIX A Sizing and Capacities of Gas Piping ............ 497

APPENDIX B Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed for Use and Type B Vents ........... 501

APPENDIX C Reserved .......... 511

APPENDIX D Recommended Procedure for Safety Inspection of an Existing Appliance Installation ............... 513

APPENDIX E Manufactured Housing Used as Dwellings .... 515

Section
AE101 Scope ......................................................... 515
AE102 Application to Existing Manufactured Homes and Building Service Equipment .................. 515
AE201 Definitions .................................................. 516
AE301 Reserved ..................................................... 516
AE302 Reserved ..................................................... 516

RESIDENTIAL CODE OF NEW YORK STATE
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, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures and one-family dwellings converted to a bed and breakfast.

R101.2.1 Community residences. For the purposes of this code, community residences for 14 or fewer mentally disabled persons, operated by or subject to licensure by the Office of Mental Health or the Office of Mental Retardation and Developmental Disabilities, shall be classified as one- or two-family dwellings.

R101.2.2 Hospice residences. A one- or two-family dwelling operated for the purpose of providing care to more than two but not more than eight hospice patients, created pursuant to Article 40 of the Public Health Law, and as defined in Section 4002 of said Law.

R101.2.3 Manufactured homes. A home bearing a seal signifying conformance to the design and construction requirements of Department of Housing and Urban Development (HUD), Manufactured Home Construction and Safety Standards, 24 CFR Part 3280.

R101.2.4 Mobile homes. A home constructed in a factory prior to June 15, 1976, with or without a label certifying compliance with NFPA, ANSI or a specific state standard.

R101.2.5 Modular homes. Factory manufactured dwelling units conforming to applicable provisions of this code and bearing insignia of approval issued by the Secretary of State of New York State.

R101.3 Purpose. The purpose of this code is 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 govern. 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 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.

R102.4 Reference 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 reference standards, the provisions of this code shall apply.

R102.5 Appendices. The following appendices have been adopted and are made part of this code:

Appendix D - Recommended Procedure for Safety Inspection of an Existing Appliance Installation
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

R102.6 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.

R102.7 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.

R102.7.1 Additions, alterations or repairs. Additions, alterations or repairs to any structure shall conform to that required for a new structure without requiring the existing structure to comply with all of 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.
R102.8 Stormwater runoff. Operators of construction sites from which stormwater runoff is discharged to state waters may need to first obtain a State Pollutant Discharge Elimination System (SPDES) permit authorizing such discharge. This usually means acquiring coverage under a SPDES General Construction Activity Stormwater Permit, which requires the operator to implement management practices that are aimed at minimizing pollutants in the discharged runoff. The operator shall contact the New York State Department of Environmental Conservation (DEC) regional office having jurisdiction in the geographical area where the discharge will occur for information concerning SPDES general permit coverage and information on how to manage and reduce pollution associated with stormwater runoff.

SECTION R103
OFFICE OF CODE ENFORCEMENT

R103.1 Creation of enforcement agency. A city, town, village or county that is responsible for administration and enforcement of this code shall designate a code enforcement official in accordance with the applicable provisions of local law.

A state agency that is responsible for administration and enforcement of this code shall be in compliance with the applicable provisions of state agency regulations.

SECTION R104
CODE ENFORCEMENT OFFICIAL

R104.1 General. A city, town, village or county that is responsible for administration and enforcement of this code shall establish its local program in accordance with the applicable provisions of local law.

A state agency that is responsible for administration and enforcement of this code shall be in compliance with the applicable provisions of state agency regulations.

R104.2 and R104.3 Reserved.

R104.4 Inspections. A city, town, village or county that is responsible for administration and enforcement of this code shall provide for inspections in accordance with the applicable provisions of local law.

A state agency that is responsible for administration and enforcement of this code shall be in compliance with the applicable provisions of state agency regulations.

R104.5 and R104.6 Reserved.

R104.7 Department records. A city, town, village or county that is responsible for administration and enforcement of this code shall establish and maintain records in accordance with the applicable provisions of local law.

A state agency that is responsible for administration and enforcement of this code shall be in compliance with the applicable provisions of state agency regulations.

R104.8 Reserved.

R104.9 Approved materials and equipment. Materials, equipment and devices approved by a recognized testing laboratory shall be constructed and installed in accordance with such approval.

R104.9.1 Used materials and equipment. Used materials that meet the requirements of this code for new materials are permitted.

R104.10 Reserved.

R104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation 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. An alternative material, design or method of construction shall be approved where the State Fire Prevention and Building Code Council finds that the proposed design is satisfactory and complies with the intent of the provisions of this code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code.

SECTION R105
PERMITS

R105.1 Required. A city, town, village or county that is responsible for administration and enforcement of this code shall determine local permit requirements in accordance with the applicable provisions of local law.

A state agency that is responsible for administration and enforcement of this code shall be in compliance with the applicable provisions of state agency regulations.

SECTION R106
CONSTRUCTION DOCUMENTS

R106.1 Submittal documents. A city, town, village or county that is responsible for administration and enforcement of this code shall determine the submittal and review of appropriate documents in accordance with the applicable provisions of local law.

A state agency that is responsible for administration and enforcement of this code shall be in compliance with the applicable provisions of state agency regulations.

SECTION R107
RESERVED

SECTION R108
FEES

R108.1 Payment of fees. A city, town, village or county that is responsible for administration and enforcement of this code shall establish fees in accordance with the applicable provisions of local law.

A state agency that is responsible for administration and enforcement of this code shall be in compliance with the applicable provisions of state agency regulations.
SECTION R109
INSPECTIONS

R109.1 Types of inspections. A city, town, village or county that is responsible for administration and enforcement of this code shall determine necessary inspections in accordance with the applicable provisions of local law.

A state agency that is responsible for administration and enforcement of this code shall be in compliance with the applicable provisions of state agency regulations.

SECTION R110
CERTIFICATE OF OCCUPANCY

R110.1 Use and occupancy. A city, town, village or county that is responsible for administration and enforcement of this code shall provide for the issuance of certificates of occupancy in accordance with the applicable provisions of local law.

A state agency that is responsible for administration and enforcement of this code shall be in compliance with the applicable provisions of state agency regulations.

SECTION R111
RESERVED

SECTION R112
VARIANCE PROCEDURES

R112.1 Application for variance or appeal. Variance or appeal for any part of this code shall be in accordance with the provisions of 19 NYCRR. 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 this code.

SECTION R113
VIOLATIONS

R113.1 Violations. Violations of this code shall be dealt with in a manner appropriate to the applicable provisions of a city, town, village or county and shall be in accordance with the applicable provisions of local law.

Violations of this code on state property shall be dealt with in a manner appropriate to a state agency.

SECTION R114
STOP WORK ORDER

R114.1 Notice to owner. A city, town, village or county that is responsible for administration and enforcement of this code shall determine the criteria for the issuance of stop work orders in accordance with the applicable provisions of local law.

A state agency that is responsible for administration and enforcement of this code shall be in compliance with the applicable provisions of state agency regulations.
Part II — Definitions

CHAPTER 2
DEFINITIONS

SECTION R201
GENERAL

R201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings indicated in this chapter.

R201.2 Interchangeability. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

R201.3 Terms defined in other codes. Where terms are not defined in this code, such terms shall have meanings ascribed to them as in other code publications of the International Code Council.

R201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION R202
DEFINITIONS

ACCESS (TO). That which enables a device, appliance or equipment to be reached by ready access or by a means that first requires the removal or movement of a panel, door or similar obstruction (see also “Ready access”).

ACCESSIBLE. Signifies access that requires the removal of an access panel or similar removable obstruction.

ACCESSIBLE, READILY. Signifies access without the necessity for removing a panel or similar obstruction.

ACCESSORY STRUCTURE. In one- and two-family dwellings not more than three stories high with separate means of egress, a building, the use of which is incidental to that of the main building and which is located on the same lot.

ADAPTER FITTING. An approved connecting device that suitably and properly joins or adjusts pipes and fittings that do not otherwise fit together.

ADDITION. An extension or increase in floor area or height of a building or structure.

AIR ADMITTANCE VALVE. A one-way valve designed to allow air into the plumbing drainage system when a negative pressure develops in the piping. This device shall close by gravity and seal the terminal under conditions of zero differential pressure (no flow conditions) and under positive internal pressure. The purpose of an air admittance valve is to provide a method of allowing air to enter the plumbing drainage system without the use of a vent extended to open air and to prevent sewer gases from escaping into a building.

AIR BREAK, DRAINAGE SYSTEM. An arrangement in which a discharge pipe from a fixture, appliance or device drains indirectly into a receptor below the flood-level rim of the receptor, and above the trap seal.

AIR CIRCULATION, FORCED. A means of providing space conditioning utilizing movement of air through ducts or plenums by mechanical means.

AIR CONDITIONING. The treatment of air so as to control simultaneously the temperature, humidity, cleanliness and distribution of the air to meet the requirements of a conditioned space.

AIR-CONDITIONING SYSTEM. A system that consists of heat exchangers, blowers, filters, supply, exhaust and return-air systems, and shall include any apparatus installed in connection therewith.

AIR, EXHAUST. Air being removed from any space or piece of equipment and conveyed directly to the atmosphere by means of openings or ducts.

AIR GAP, DRAINAGE SYSTEM. The unobstructed vertical distance through free atmosphere between the outlet of a waste pipe and the flood-level rim of the fixture or receptor into which it is discharging.

AIR GAP, WATER-DISTRIBUTION SYSTEM. The unobstructed vertical distance through free atmosphere between the lowest opening from a water supply discharge to the flood-level rim of a plumbing fixture.

AIR-HANDLING UNIT. A blower or fan used for the purpose of distributing supply air to a room, space or area.

AIR, MAKEUP. Air that is provided to replace air being exhausted.

ALTERATION. Any construction or renovation to an existing structure other than repair or addition that requires a permit. Also, a change in a mechanical system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a permit.

ANCHORS. See “Supports.”

ANODELESS RISER. A transition assembly in which plastic piping is installed and terminated aboveground outside of a building.

ANTISIPHON. A term applied to valves or mechanical devices that eliminate siphonage.

APPLIANCE. A device or apparatus that is manufactured and designed to utilize energy and for which this code provides specific requirements.