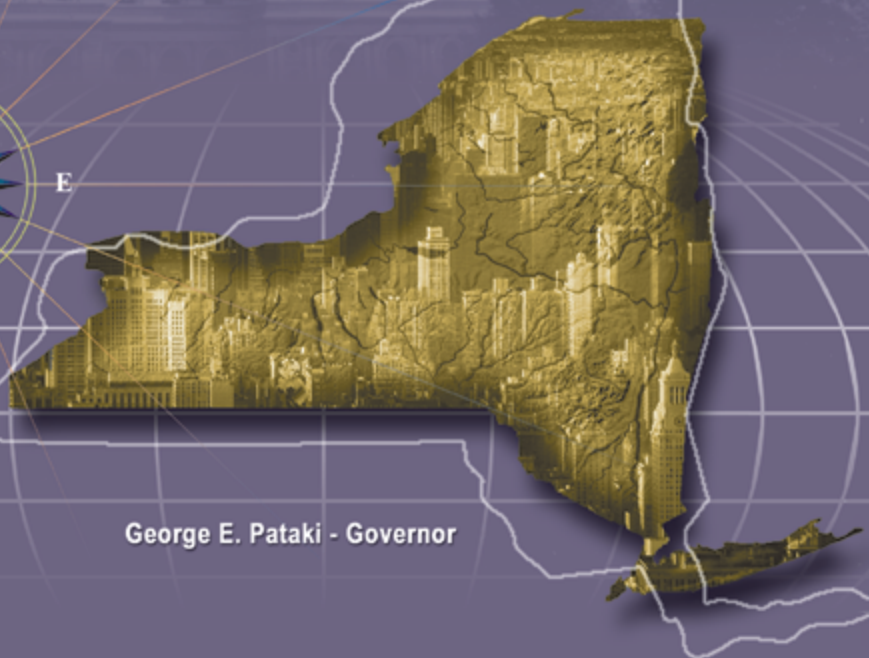
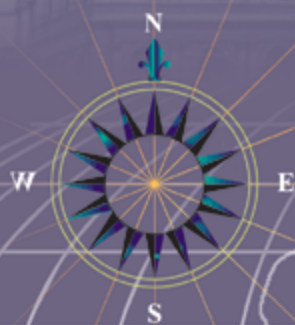


Property Maintenance Code of New York State

**New York State
Department of State**

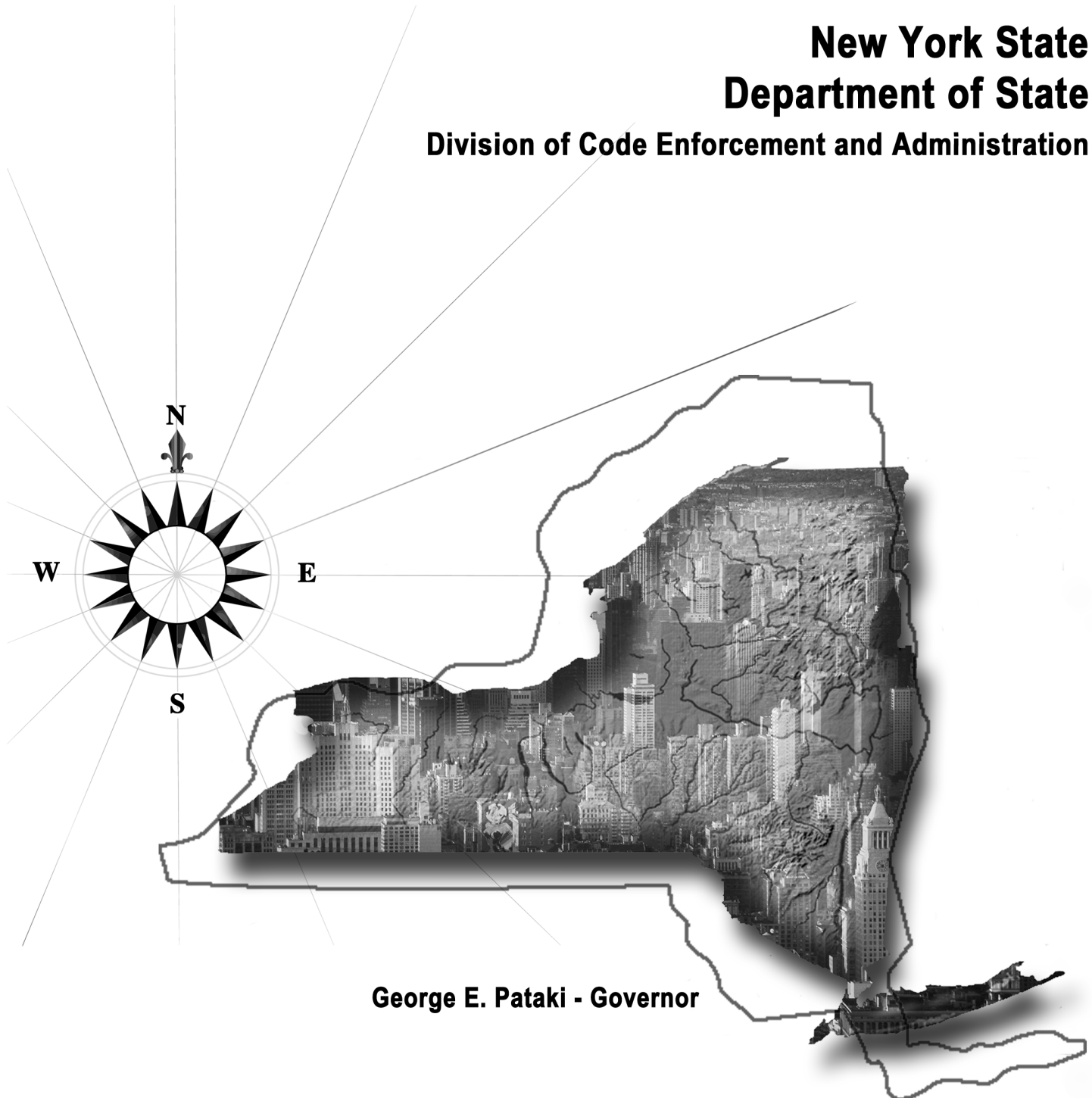
Division of Code Enforcement and Administration



George E. Pataki - Governor

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Marginal Markings

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

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CHAPTER 1

GENERAL REQUIREMENTS

SECTION 101 REQUIREMENTS

101.1 Title. These provisions shall be known as the *Property Maintenance Code of New York State* and shall be cited as such, and will be referred to herein as "this code."

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises; and for administration, enforcement and penalties.

101.3 Purpose. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102 APPLICABILITY

102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

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

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

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

1. Non-required devices, equipment and systems are permitted to be removed in entirety;
2. Non-required devices, equipment and systems are permitted to be disabled, provided that all visible elements are removed;
3. Electrically charged devices, equipment and systems are permitted to be disabled, provided that they are disconnected from power sources and all visible elements are labeled as not being energized; and
4. Non-required fire protection systems are permitted to be disabled, provided that sprinkler heads, exposed valves, fire department connections, initiating and notification devices and similar equipment are removed, and any remaining visible components are labeled as not being in service.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the applicable procedures and provisions of the Residential Code of New York State, the Building Code of New York State, the Plumbing Code of New York State, the Mechanical Code of New York State, the Fuel Gas Code of New York State, the Fire Code of New York State and the Energy Conservation Construction Code of New York State.

102.4 Reserved.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with this code and the manufacturer's installation instructions.

102.6 Reserved.

102.7 Referenced standards. The standards referenced in this code shall be those that are listed in Chapter 8 and 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 the referenced standards, the provisions of this code shall apply.

102.8 Reserved.

102.9 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.

SECTION 103 CODE ENFORCEMENT OFFICE

103.1 General. 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.

⇒ 103.2 through 103.5 Reserved.

103.6 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 104 DUTIES AND POWERS OF THE CODE ENFORCEMENT OFFICIAL

104.1 General. 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.

⇒ 104.2 Reserved.

104.3 Inspections. Property maintenance inspections conducted by a city, town, village or county shall be in accordance with the applicable provisions of local law.

Property Maintenance inspections conducted by a state agency shall be in accordance with the applicable provisions of state agency regulations.

⇒ 104.4 through 104.6 Reserved.

104.7 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 keep records in compliance with the applicable provisions of state agency regulations.

SECTION 105 APPROVAL

⇒ 105.1 Reserved.

105.2 Alternative materials and methods. The provisions of this code are not intended to prevent the installation of any design or material or to prohibit any 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 in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Reserved.

105.4 Material and equipment reuse. Material, equipment and devices shall not be reused unless they meet the requirements of the *Building Code of New York State*, the *Residential Code of New York State*, the *Fire Code of New York State*, the *Plumbing Code of New York State*, the *Mechanical Code of New York State*, the *Fuel Gas Code of New York State*, the *Energy Conservation Construction Code of New York State* and this code for new materials.

SECTION 106 VIOLATIONS

106.1 Unlawful acts. 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 107 RESERVED

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

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

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

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

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

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

N
Y
N
Y
N
Y
N
108.2 Vacant structures. Vacant structures shall comply with Sections 311.1 through 311.4 of the *Fire Code of New York State*.

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

⇒ 108.4 Reserved.

N
Y
N
108.5 Prohibited occupancy. No person shall occupy a placarded premises or shall operate placarded equipment.
⇒

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

SECTION 109 EMERGENCY MEASURES

⇒ 109.1 Imminent danger. When there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the occupants shall vacate the premises forthwith. There shall
⇒ be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been
N
Y
Prohibited by the Code Enforcement Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

⇒

SECTION 110 RESERVED

⇒

SECTION 111 VARIANCE PROCEDURES

N
Y
N
Y
N
Y
N
Y
N
Y
N
Y
N
111.1 Application for variance or appeal. Variance or appeal for any part of this code shall be in accordance with the provisions of 19 NYCRR, titled "Variance Procedures," which is administered by the Secretary of State. 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.
⇒

⇒

CHAPTER 2

DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *Building Code of New York State*, the *Fire Code of New York State*, the *Plumbing Code of New York State*, and the *Mechanical Code of New York State*, such terms shall have the meanings ascribed to them as in those codes.

201.4 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.

201.5 Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202 GENERAL DEFINITIONS

APPROVED. Acceptable to the code enforcement official.

AUTHORITY HAVING JURISDICTION. The local government, county government or state agency responsible for the administration and enforcement of an applicable regulation or law.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes.

CODE ENFORCEMENT OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.