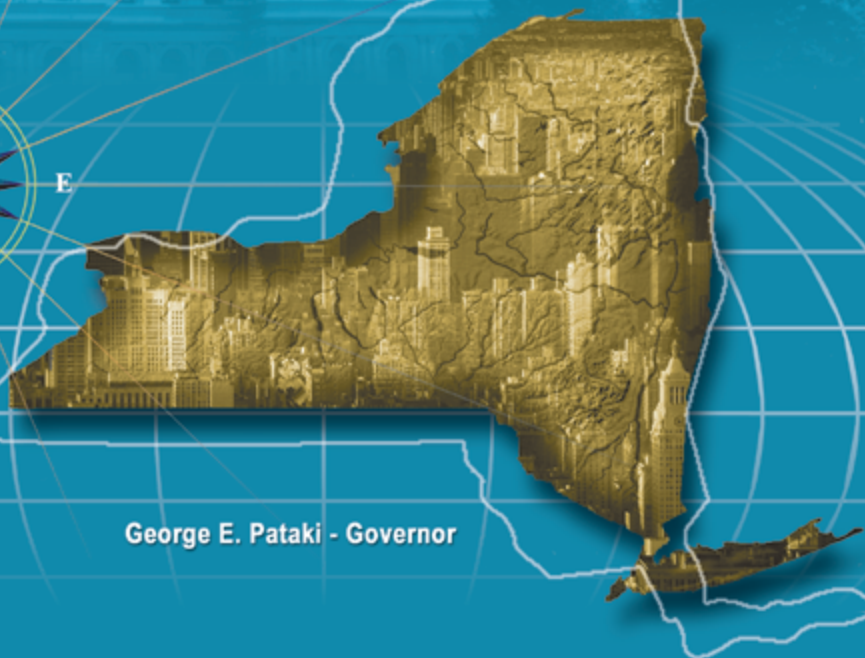


Residential Code of New York State

**New York State
Department of State**

Division of Code Enforcement and Administration

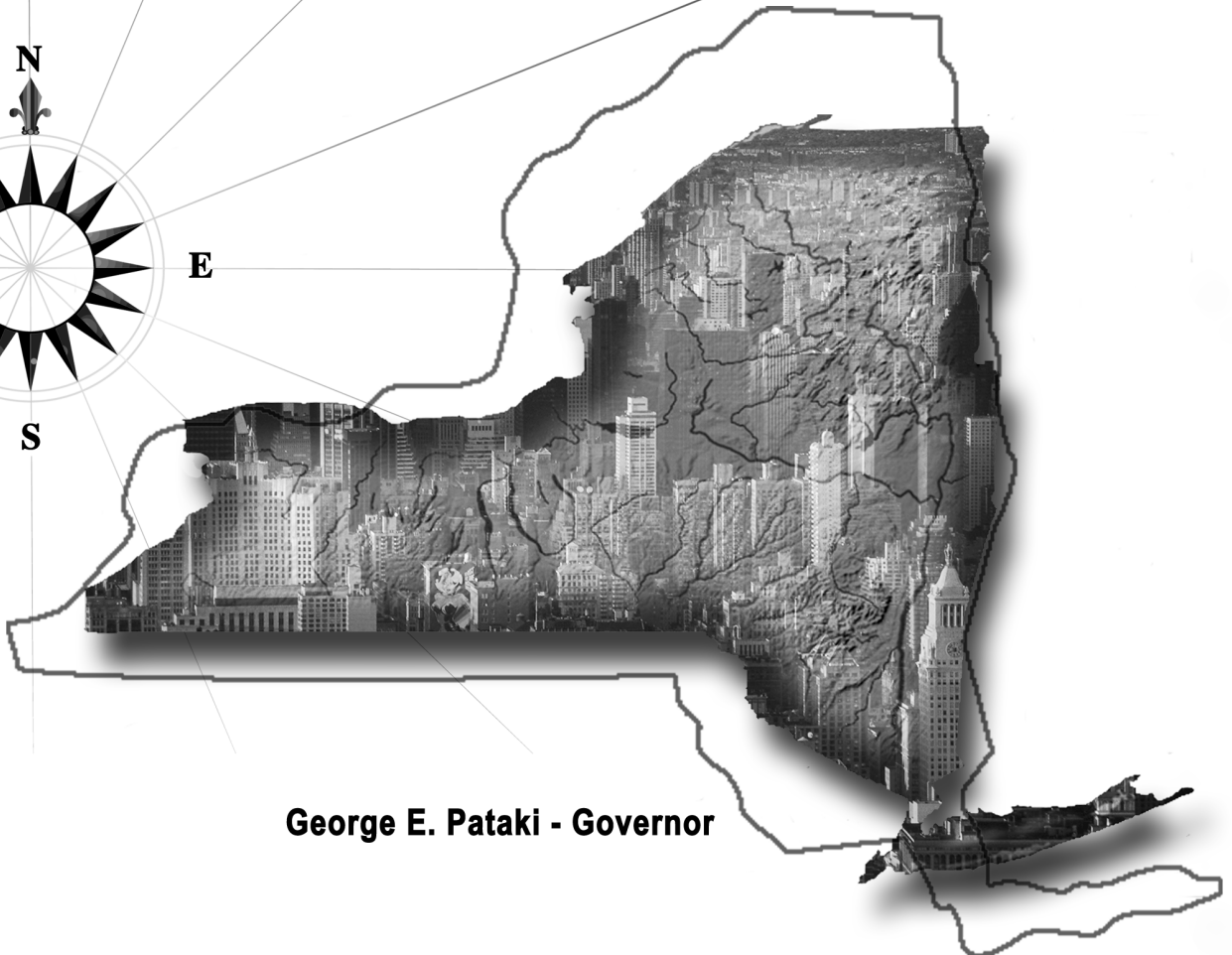
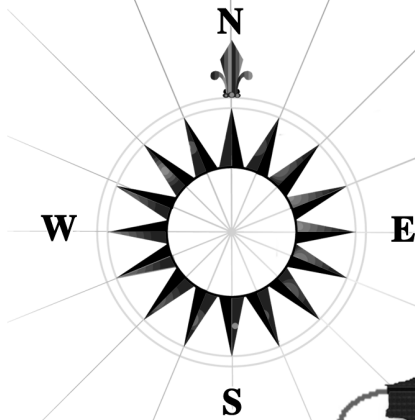


George E. Pataki - Governor

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review of "ICC NY-IRC-2000". [Click here to purchase the full version from the ANSI store.](#)



George E. Pataki - Governor

Residential Code of New York State

Publication Date: May 2002

First printing

ISBN # 1-58001-088-1 (soft-cover edition)

ISBN # 1-58001-095-4 (loose-leaf edition)

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by

International Code Council
5203 Leesburg Pike, Suite 600
Falls Church, VA 22041

New York State
Department of State
41 State Street
Albany, NY 12231
518.474-4073

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PRINTED IN THE U.S.A.

ACKNOWLEDGEMENTS

The Department of State gratefully acknowledges the following individuals who contributed to the development of the *Residential Code of New York State*:

State Fire Prevention and Building Code Council

Randy A. Daniels, Secretary of State (Chair)
Alexander F. Treadwell, former Secretary of State (Chair 1995–2001)
John W. Hasper, Deputy Secretary of State (designee)
James A. Burns, State Fire Administrator
Ogden J. Clark (designee)
Antonia Coello Novello, M.D., Commissioner of Health
Barbara DeBuono, M.D., former Commissioner of Health
Richard Svenson (designee)
Linda Angello, Commissioner of Labor
James McGowan, former Commissioner of Labor
Denis Peterson (designee)
Thomas V. Ognibene, Councilman, City of New York
Roy A. Bernardi, former Mayor, City of Syracuse
Nick Altieri (designee)
James P. Griffin, Mayor, City of Olean
Christopher Young (designee)
Michael Behling, Legislator, County of Jefferson
Paul Noto, Legislator, County of Westchester
Kevin Donohue, Councilman, Town of LaGrange
Scott Wohl, Trustee, Village of Goshen
Stephen Brescia, Mayor, Village of Montgomery
Carmen Dubaldi (designee)
Gunnar Neilson, Fire Service Official
Robert G. Shibley, AIA, Registered Architect
Ronald Bugaj, Registered Architect (deceased)
Dr. James J. Yarmus, P.E., Professional Engineer
John H. Flanigan, Code Enforcement Official
Robert Hankin, Builders' representative
John J. Torpey, Trade union representative
Terence J. Moakley, Persons with disabilities representative

Department of State

Frank Milano, First Deputy Secretary of State
Dorothy M. Harris, Assistant Secretary of State (Project coordinator)
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Cheryl Kraft, Louis Goodman, Phil LaRocque, Roger Louise, Dennis McCabe, Jim Morganson, Jeffrie Wilkinson

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International Conference of Building Officials - Publications Staff

Kim Akhavan (Managing Editor), Alberto Herrera (Typesetter), Yolanda Nickoley (Typesetter), Suzane Nunes (Product Development Manager), Mary Bridges, Marje Cates, Greg Dickson, Carmel Gieson, Jessica Hoffman, Roger Mensink, Rhonda Moller, Cindy Rodriguez, Mike Tamai and Lisa Valentino

Cover Photograph

Dave Feiden

Content

The *Residential Code of New York State* combines language from the 2000 *International Residential Code*®, 2001 Supplement to the *International Residential Code*, and New York modifications developed by the State Fire Prevention and Building Code Council and its Residential Code Technical Subcommittee. In addition, administrative modifications to the 2000 *International Residential Code* were developed by the Department of State's Administrative Task Group.

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 (⇒) 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	R322	Moisture Vapor Retarders	50
CHAPTER 1 GENERAL REQUIREMENTS	1	R323	Protection Against Decay	50
Section		R324	Protection Against Termites	51
R101	Title, Scope and Purpose	R325	Site Address	51
R102	Applicability	R326	Accessibility	52
R103	Office of Code Enforcement	R327	Flood-resistant Construction	52
R104	Code Enforcement Official			
R105	Permits			
R106	Construction Documents			
R107	Reserved			
R108	Fees			
R109	Inspections			
R110	Certificate of Occupancy			
R111	Reserved			
R112	Variance Procedures			
R113	Violations			
R114	Stop Work Order			
Part II—Definitions	5	CHAPTER 4 FOUNDATIONS	55	
CHAPTER 2 DEFINITIONS	5	Section		
Section		R401	General	55
R201	General	R402	Materials	55
R202	Definitions	R403	Footings	56
Part III—Building Planning and Construction	25	R404	Foundation Walls	64
CHAPTER 3 BUILDING PLANNING	25	R405	Foundation Drainage	74
Section		R406	Foundation Waterproofing and Dampproofing	74
R301	Design Criteria	R407	Columns	76
R302	Location on Lot	R408	Under-floor Space	76
R303	Light, Ventilation and Heating			
R304	Minimum Room Areas			
R305	Ceiling Height			
R306	Sanitation			
R307	Toilet, Bath and Shower Spaces			
R308	Glazing			
R309	Garages and Carports			
R310	Emergency Escape and Rescue Openings			
R311	Exits			
R312	Landings			
R313	Ramps			
R314	Stairways			
R315	Handrails			
R316	Guards			
R317	Smoke Alarms and Automatic Sprinkler Systems			
R318	Foam Plastic			
R319	Flame Spread and Smoke Density			
R320	Insulation			
R321	Dwelling Unit Separation			
		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	Grouted 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 Convectors 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 Convectors 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

P2602	Individual Water Supply and Sewage Disposal	367
P2603	Structural and Piping Protection	367
P2604	Trenching and Backfilling	368
P2605	Support	368
P2606	Waterproofing of Openings	368
P2607	Workmanship	369
P2608	Materials Evaluation and Listing	369

CHAPTER 27 PLUMBING FIXTURES 371

Section		
P2701	Fixtures, Faucets and Fixture Fittings	371
P2702	Fixture Accessories	371
P2703	Tail Pieces	371
P2704	Access to Connections	371
P2705	Installation	371
P2706	Waste Receptors	371
P2707	Directional Fittings	372
P2708	Showers	372
P2709	Shower Receptors	373
P2710	Shower Walls	373
P2711	Lavatories	373
P2712	Water Closets	373
P2713	Bathtubs	374
P2714	Sinks	374
P2715	Laundry Tubs	374
P2716	Food-waste Grinder	374
P2717	Dishwashing Machines	374
P2718	Clothes Washing Machine	374
P2719	Floor Drains	374
P2720	Whirlpool Bathtubs	374
P2721	Bidet Installations	375
P2722	Fixture Fitting	375
P2723	Macerating Toilet Systems	375
P2724	Specialty Temperature Control Devices and Valves	375

CHAPTER 28 WATER HEATERS 377

Section		
P2801	General	377
P2802	Water Heaters Used for Space Heating	377
P2803	Relief Valves	377

CHAPTER 29 WATER SUPPLY AND DISTRIBUTION 379

Section		
P2901	General	379
P2902	Protection of Potable Water Supply	379
P2903	Water-supply System	381
P2904	Materials, Joints and Connections	384
P2905	Changes in Direction	388
P2906	Support	388
P2907	Drinking Water Treatment Units	388

CHAPTER 30 SANITARY DRAINAGE 389

Section		
P3001	General	389

P3002	Materials	389
P3003	Joints and Connections	389
P3004	Determining Drainage Fixture Units	392
P3005	Drainage System	392
P3006	Sizing of Drain Pipe Offsets	395
P3007	Sumps and Ejectors	395
P3008	Backwater Valves	395

CHAPTER 31 VENTS 397

Section		
P3101	Vent Systems	397
P3102	Vent Stacks and Stack Vents	397
P3103	Vent Terminals	397
P3104	Vent Connections and Grades	397
P3105	Fixture Vents	398
P3106	Individual Vent	398
P3107	Common Vent	399
P3108	Wet Venting	399
P3109	Waste Stack Vent	399
P3110	Circuit Venting	399
P3111	Combination Waste and Vent System	400
P3112	Island Fixture Venting	400
P3113	Vent Pipe Sizing	400
P3114	Air Admittance Valves	401

CHAPTER 32 TRAPS 409

Section		
P3201	Fixture Traps	409

Part VIII—Electrical 411

CHAPTER 33 GENERAL REQUIREMENTS 411

Section		
E3301	General	411
E3302	Building Structure Protection	411
E3303	Approval	411
E3304	General Equipment Requirements	411
E3305	Equipment Location and Clearances	412
E3306	Electrical Conductors and Connections	414
E3307	Conductor and Terminal Identification	414

CHAPTER 34 ELECTRICAL DEFINITIONS 417

Section		
E3401	General	417

CHAPTER 35 SERVICES 421

Section		
E3501	General Services	421
E3502	Service Size and Rating	421
E3503	Service, Feeder and Grounding Electrode Conductor Sizing	422
E3504	Overhead Service-drop and Service Conductor Installation	423
E3505	Service-entrance Conductors	425

E3506	Service Equipment—General	426
E3507	System Grounding	426
E3508	Grounding Electrode System	426
E3509	Bonding	427
E3510	Grounding Electrode Conductors	428
E3511	Grounding Electrode Conductor Connection to the Grounding Electrodes	428

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

CHAPTER 42 CLASS 2 REMOTE-CONTROL, SIGNALING AND POWER-LIMITED CIRCUITS 479

Section		
E4201	General	479
E4202	Power Sources	479
E4203	Wiring Methods	479
E4204	Installation Requirements	480

Part IX—Referenced Standards 481

CHAPTER 43 REFERENCED STANDARDS 481

Part X—Appendices 497

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

AE303	Reserved	516
AE304	Reserved	516
AE305	Reserved	516
AE306	Reserved	516
AE307	Reserved	516
AE401	Occupancy Classification	516
AE402	Reserved	516
AE501	Design	516
AE502	Foundation Systems	517
AE503	Skirting and Perimeter Enclosures	517
AE504	Structural Additions	517
AE505	Building Service Equipment	517
AE506	Exits	518
AE507	Occupancy, Firesafety and Energy Conservation Standards	518
AE600	Special Requirements for Foundation Systems	518
AE601	Footings and Foundations	518
AE602	Pier Construction	518
AE603	Height of Piers	518
AE604	Anchorage Installations	518
AE605	Ties, Materials and Installation	519

APPENDIX F RESERVED 521

**APPENDIX G SWIMMING POOLS, SPAS AND
HOT TUBS 523**

Section		
AG101	General	523
AG102	Definitions	523
AG103	Swimming Pools	523
AG104	Spas and Hot Tubs	523
AG105	Barrier Requirements	523
AG106	Abbreviations	524
AG107	Standards	524

APPENDIX H PATIO COVERS 525

Section		
AH101	General	525
AH102	Definition	525
AH103	Permitted Uses	525
AH104	Design Loads	525
AH105	Light and Ventilation/Emergency Egress	525
AH106	Footings	525

APPENDIX I RESERVED 527

**APPENDIX J EXISTING BUILDINGS AND
STRUCTURES 529**

Section		
AJ101	Purpose and Intent	529
AJ102	Compliance	529

AJ103	Preliminary Meeting	529
AJ104	Evaluation of an Existing Building	529
AJ105	Permit	530
AJ201	Definitions	530
AJ202	Energy Efficiency	531
AJ301	Repairs	531
AJ401	Renovations	531
AJ501	Alterations	532
AJ601	Reconstruction	532
AJ701	Bed and Breakfast Dwellings	533

APPENDIX K SOUND TRANSMISSION 535

Section		
AK101	General	535
AK102	Airborne Sound	535
AK103	Structural-borne Sound	535

INDEX 537

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.



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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, cleanness 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.