

CHAPTER 1

SCOPE AND ADMINISTRATION

PART 1—GENERAL PROVISIONS

SECTION 101 TITLE, SCOPE AND PURPOSE

101.1 Title. These provisions shall be known as the New York State Uniform Fire Prevention and Building Code and referred to herein as the “Uniform Code”.

The Uniform Code includes the following code documents as published by the International Code Council: 2015 IRC 2nd printing, 2015 IBC 3rd printing, 2015 IPC 3rd printing, 2015 IMC 3rd printing, 2015 IFGC 3rd printing, 2015 IFC 3rd printing, 2015 IPMC 4th printing, and 2015 IEBC 5th printing. Each of these International Code Council documents shall be deemed to be amended by the publication entitled 2017 Uniform Code Supplement, as published by the New York Department of State.

Each code document has a specific scope with regard to the minimum standards for building construction and fire prevention, as outlined in Section 101.2 Scope.

101.2 Scope. The provisions of the Uniform Code shall apply to all new and existing buildings, structures, systems and equipment as indicated in Sections 101.2.1 through 101.2.8, with the following exceptions:

Exceptions:

1. Structures, systems and equipment lawfully in existence at the time of adoption of the Uniform Code shall be permitted to have their use continued, provided that the use is in accordance with the original design and no hazard to life, health or property is created by such structure, system or equipment and except when provisions of the 2015 IRC, 2015 IBC, 2015 IPC, 2015 IMC, 2015 IFGC, 2015 IFC, 2015 IPMC, and 2015 IEBC specifically apply to existing buildings.
2. Additions, alterations, renovations or repairs to any structure, system or equipment shall conform to that required for new construction without requiring the existing structure, system or equipment to comply with all of the requirements of the Uniform Code. Additions, alterations or repairs shall not cause an existing structure, system or equipment to become unsafe, unsanitary, hazardous or overloaded. Minor additions, alterations, renovations and repairs to existing structure, system or equipment shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing, is not hazardous, and is approved.
3. Construction trailers used as a temporary office for the purpose of monitoring construction at a construction site.
4. Structures such as radio and television transmission, communication and wind generation towers not attached to buildings.

101.2.6 The Fire Code. The provisions of the 2015 IFC shall apply to all matters affecting or relating to structures, processes, premises and safeguards regarding all of the following:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;
3. Fire hazards in the structure or on the premises from occupancy or operation;
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems; and
5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.

101.2.6.1 Construction and design provisions. The construction and design provisions of the 2015 IFC shall apply to:

1. Structures, facilities and conditions arising after the adoption of the 2015 IFC.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of the 2015 IFC.
3. Existing structures, facilities and conditions where identified in the 2015 IFC.

Exceptions:

1. Agricultural buildings, including barns, sheds, poultry houses and other buildings and equipment on the premises used directly and solely for agricultural purposes. “Agricultural building” shall mean a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products, excluding any structure designed, constructed or used, in whole or in part, for human habitation, as a place of employment where agricultural products are processed, treated or packaged, or as a place used by the public.

101.2.6.2 Administrative, operational and maintenance provisions. The administrative, operational and maintenance provisions of the 2015 IFC shall apply to:

1. Conditions and operations arising after the adoption of the 2015 IFC.
2. Existing conditions and operations.

101.2.6.3 Maintenance of required safeguards. Where any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of the Fire Code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with the 2015 IFC, the 2015 IPMC, and applicable referenced standards.

101.2.6.4 Existing non-required safeguards. 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 the Fire Code and applicable referenced standards or shall be removed in its entirety.

Exceptions:

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 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.

101.2.6.4.1 Fire protection systems at motor fuel-dispensing facilities. Existing fire extinguishing systems at motor fuel-dispensing facilities shall be permitted to be removed in their entirety only after all existing elements of the motor fuel-dispensing systems have been upgraded to comply with all of the safety requirements in the current 2015 IFC.

101.2.6.5 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in the 2015 IFC.

101.2.6.5.1 Test and inspection records. Required test and inspection records shall be available at all times.

101.2.6.5.2 Re-inspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with the 2015 IFC.

101.2.6.6 Rendering equipment inoperable. Fire protection equipment or building systems and equipment that provide life safety functions shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

101.2.6.7 Unsafe structures and equipment. If during the inspection of a premises, building or structure, or any building system or equipment, in whole or in part, there exists a clear and imminent threat to human life, safety or health, the authority having jurisdiction charged with the administration and enforcement of the Uniform Code shall exercise its powers in

due and proper manner so as to extend to the public protection from the hazards of threat to human life, safety, or health.

101.2.6.7.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or to 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, or structurally unsafe; or is of such faulty construction or unstable foundation that partial or complete collapse is possible. A vacant structure that is not secured against unauthorized entry as required by Section 311 of the 2015 IFC shall be deemed unsafe.

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

101.2.6.7.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the structure is unsafe, unlawful, or because of the degree to which the structure is in disrepair or lacks maintenance or the location of the structure constitutes a hazard to the occupants of the structure or to the public.

101.2.6.7.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than are permitted under the 2015 IFC, or was erected, altered or occupied contrary to law.

101.2.6.7.5 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, a placard of condemnation shall be posted on the premises, and the structure shall be closed up so as not to be an unattractive nuisance.

101.2.6.7.6 Prohibited occupancy. No person shall occupy a placarded structure.

101.2.6.7.6.1 Placard removal. The placard shall be removed whenever the defect or defects on which the condemnation and placarding action were based have been eliminated.

101.2.6.7.7 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.

101.2.6.7.8 Imminent danger. The occupants shall vacate premises when there exists:

1. Imminent danger of failure or collapse of a building or structure which endangers life;
2. A structure where the entire or part of the structure has fallen and life is endangered by the occupation of the structure;

3. 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
4. Operation of defective or dangerous equipment.
5. There shall be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and its Occupancy Has Been 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 demolishing the structure.

101.2.6.7.9 Fire department notification. The fire chief shall notify the code enforcement official of any fire or explosion involving any structural damage, fuel-burning appliance, chimney, flue or gas vent.

SECTION 102 APPLICABILITY

102.1 General. Where, in any specific case, different sections of the Uniform Code specify different materials, methods of construction or other requirements, the most restrictive shall be applicable. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

102.2 Other laws and regulations. The Uniform Code is promulgated pursuant to Article 18 of the New York State Executive Law. The provisions of the Uniform Code shall not be deemed to nullify any federal, state or local law, ordinance, administrative code, rule or regulation relating to any matter as to which the Uniform Code does not provide. However:

1. Pursuant to Section 383(1) of the Executive Law, and except as otherwise provided in subparagraphs a, b and c of Section 383 of the Executive Law, the provisions of the Uniform Code supersede any other provision of a general, special or local law, ordinance, administrative code, rule or regulation inconsistent or in conflict with the Uniform Code;
2. Pursuant to Section 379(3) of the Executive Law, no city, town, village, county or other municipality shall have the power to supersede, void, repeal, or make less restrictive any provision of the Uniform Code; and
3. The ability of any city, town, or village, or the County of Nassau, to enact or adopt, and to enforce, a local law or ordinance imposing higher or more restrictive standards for construction within the jurisdiction of such city, town, village, or county than are applicable generally to such city, town, village, or county in the Uniform Code is subject to the provisions and requirements of Section 379 of the Executive Law.

Nothing in this Section 102.2 shall be construed: (1) as affecting the authority of the State Labor Department to enforce a safety or health standard issued under provisions of Sections 27 and 27-a of the Labor Law; (2) to relieve a person from complying with a stricter standard issued pursuant to the Occupational Safety and Health Act of 1970, as amended; or, (3) as superseding, limiting,

impairing or otherwise affecting any provision in Parts 1219 to 1228 of Title 19 of the New York Codes, Rules and Regulations, as now in effect and as hereafter amended from time to time.

102.2.1 Other New York Codes, Rules and Regulations (NYCRR). Additional New York Codes, Rules and Regulations exist that may affect new and existing buildings structures, systems and equipment. Such regulations include, but are not limited to:

1. 19 NYCRR Part 300 (Universal Symbol of Access),
2. 19 NYCRR Part 1261 (Recordkeeping – Smoke Detectors in Multiple Dwellings),
3. 19 NYCRR Part 1264 (Identification of Buildings Utilizing Truss Type Construction), and
4. 19 NYCRR Part 1265 (Residential Structures with Truss Type Construction, Pre-Engineered Wood Construction and/or Timber Construction).

A link to the unofficial version of the New York Codes, Rules and Regulations is found on the New York State Department of State, Division of Administrative Rules website at: <http://www.dos.ny.gov/info/nycrr.html>.

102.3 Change of use or occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of the 2015 IRC or 2015 IEBC, as applicable.

102.4 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 the applicable code book or as otherwise modified by this Supplement.

102.4.1 References to Chapter 1 of the International Code Council (ICC) Books. All references made to Sections 101 through 117, or subsections thereof, in the 2015 IRC, 2015 IBC, 2015 IPC, 2015 IMC, 2015 IFGC, 2015 IFC, 2015 IPMC, and 2015 IEBC shall not apply, such sections having been replaced in their entirety by Chapter 1 of this Supplement. However, this shall not limit the administration and enforcement duties and powers of the building official allowed by Sections 107 and 108 of this Supplement.

102.5 Referenced standards. The standards referenced in the Uniform Code shall be considered part of the requirements of the same, to the prescribed extent of each such reference. Where differences occur between provisions of the Uniform Code and referenced standards, the provisions of the Uniform Code shall apply.

102.6 Appendices. The following appendices have been adopted and are made part of the Uniform Code:

The Fire Code

1. Appendix D – Fire Apparatus Access Roads.

102.7 Partial invalidity. In the event that any part or provision of the Uniform 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.

102.8 Existing structures. The legal occupancy of any structure existing on the date of adoption of Uniform Code or its amendments shall be permitted to continue without change, except as is specifically addressed by the provisions of the Uniform Code.

SECTION 103 MATERIALS, EQUIPMENT AND METHODS OF CONSTRUCTION

103.1 Approved materials and equipment. Materials, equipment and devices approved by the code enforcement official for use shall be constructed and installed in accordance with such approval. Materials, equipment and devices tested by an approved testing laboratory shall be permitted to be constructed and installed in accordance with such approval.

103.2 Used materials and equipment. Material, equipment and devices shall not be reused unless they meet the requirements of Uniform Code for new materials.

103.3 Alternate materials, design and methods of construction and equipment. The Uniform Code is not intended to prevent the use of any material not specifically prescribed by Uniform Code or to prohibit any design or method of construction not specifically prescribed by Uniform Code, provided that any such alternative material, design or method of construction has been approved by the code enforcement official or the State Fire Prevention and Building Code Council. An alternative material, design or method of construction may be approved only when the code enforcement official or the State Fire Prevention and Building Code Council shall have determined, in writing, that such alternative material, design or method of construction (1) complies with the intent of the provisions of Uniform Code and (2) is at least equivalent of that prescribed in Uniform Code in quality, strength, effectiveness, fire resistance, durability and safety. Nothing in this Section 103.3 shall be construed as permitting any code enforcement official, or any town, village, city, county, or state agency charged with the administration and enforcement of the Uniform Code, to waive, vary, modify or otherwise alter any provision or requirement of Uniform Code. Provisions or requirements of the Uniform Code may be varied or modified only pursuant to procedures established by the Secretary of State pursuant to Section 381(1)(f) of the Executive Law.

103.4 Safeguards during construction. All construction work covered in Uniform Code, including any demolition, shall comply with the requirements of the 2015 IFC and Chapter 33 of the 2015 IBC.

103.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of the Uniform Code shall be executed and installed in accordance with Uniform Code and the manufacturer's installation instructions.

SECTION 104 SERVICE UTILITIES

104.1 Connection of service utilities. Connections from a utility, source of energy, fuel or power to any building or system which is regulated by Uniform Code shall be made in accordance with the regulations of the public utility or other authority having jurisdiction.

104.2 Temporary power. Temporary power shall comply with the requirements of Chapter 27 of the 2015 IBC.

SECTION 105 TEMPORARY STRUCTURES

105.1 Conformance. Temporary structures shall conform to Chapter 31 of the 2015 IBC, and Chapter 31 of the 2015 IFC.

SECTION 106 MODULAR BUILDINGS

106.1 Modular buildings. Such buildings shall be constructed and installed in accordance with the requirements of Uniform Code and shall bear the Insignia of Approval by the Secretary of State. Modular building shall mean a building wholly or in substantial part manufactured in a manufacturing facility, intended or designed for permanent installation or assembly on a building site, and whereby all portions may not be reasonably inspected at the installation site without disassembly or destruction thereof.

Exception:

An Insignia of Approval shall not be required for the following buildings:

1. Modular buildings with structural components that cannot be inspected at the installation site but can be inspected in accordance with Section 1704 of the 2015 IBC at the manufacturing facility in which it was built.
2. Buildings of Group S or U occupancy having an area not exceeding 400 square feet and not customarily used for human occupancy.

SECTION 107 ADMINISTRATION AND ENFORCEMENT

107.1 Definitions. In this Section 107, the following terms shall have the following meanings:

“Authority Having Jurisdiction” means the governmental unit or agency responsible for administration and enforcement of the Uniform Code.

“Code Enforcement Program” means the program under which an Authority Having Jurisdiction administers and enforces the Uniform Code, as such program is currently in effect and as such program may hereafter be amended from time to time.

“Energy Code” means the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

“Part 1202” means the regulations set forth in 19 NYCRR Part 1202 (“Uniform Code: Administration and Enforcement in Certain

Local Governments”), as currently in effect and as hereafter amended from time to time.

“**Part 1203**” means the regulations set forth in 19 NYCRR Part 1203 (“Uniform Code: Minimum Standards for Administration and Enforcement”), as currently in effect and as hereafter amended from time to time.

“**Part 1204**” means the regulations set forth in 19 NYCRR Part 1204 (“Uniform Code: Administration and Enforcement by State Agencies”), as currently in effect and as hereafter amended from time to time.

“**Part 1205**” means the regulations set forth in 19 NYCRR Part 1205 (“Uniform Code: Variance Procedures”), as currently in effect and as hereafter amended from time to time.

“**Uniform Code**” means the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

107.2 Administration and enforcement. The identity of the Authority Having Jurisdiction in a given situation is determined in accordance with Article 18 of the Executive Law and the regulations promulgated by the Secretary of State pursuant to Executive Law § 381(1). In general, the Authority Having Jurisdiction is the local government (city, town or village) in which the building or structure is located. In certain situations, the Authority Having Jurisdiction may be the county in which the building or structure is located. In certain other cases, the State, the Secretary of State (acting through the Department of State) or some other State agency may be the Authority Having Jurisdiction. The Authority Having Jurisdiction responsible for administration and enforcement of the Uniform Code with respect to a building or structure is also responsible for administration and enforcement of the Energy Code with respect to such building or structure.

Administration and enforcement of the Uniform Code and Energy Code shall be in accordance with the following, as applicable:

1. Where a city, town, village or county is the Authority Having Jurisdiction:
 - a) such city, town, village or county shall provide for administration and enforcement of the Uniform Code and Energy Code by local law, ordinance, other appropriate regulation, or combination thereof;
 - b) the Code Enforcement Program established by such local law, ordinance or other appropriate regulation, or combination thereof, must include the features described in Part 1203 and must satisfy all other requirements of Part 1203; and
 - c) such city, town, village or county shall administer and enforce the Uniform Code in accordance with the Code Enforcement Program established by such local law, ordinance or other appropriate regulation, or combination thereof.
2. Where the State is the Authority Having Jurisdiction pursuant to 19 NYCRR section 1201.2(d):
 - a) the Code Enforcement Program shall be as established by Part 1204; and

- b) the State, acting through one or more State agencies, shall administer and enforce the Uniform Code and Energy Code in accordance with Part 1204.

3. Where the Department of State is the Authority Having Jurisdiction,
 - a) the Code Enforcement Program shall be as established by Part 1202; and
 - b) the Department of State shall administer and enforce the Uniform Code and Energy Code in accordance with Part 1202.
4. Where any governmental unit or agency not included in paragraphs 1, 2, and 3 above is the Authority Having Jurisdiction:
 - a) such governmental unit or agency shall provide for administration and enforcement of the Uniform Code and Energy Code by regulation;
 - b) the Code Enforcement Program established by such regulation must include the features described Part 1203 and must satisfy all other requirements of Part 1203; and
 - c) such governmental unit or agency shall administer and enforce the Uniform Code and Energy Code in accordance with the Code Enforcement Program established by such regulation.

Every governmental unit or agency thereof charged with administration and enforcement of the Uniform Code shall exercise its powers in due and proper manner so as to extend to the public protection from the hazards of fire and inadequate building construction.

Any person or entity constructing or renovating a building or structure, changing the use or occupancy of a building or structure, or engaging in any other activity that is subject to the provisions of the Code Enforcement Program of the Authority Having Jurisdiction responsible for administration and enforcement of the Uniform Code with respect to such building shall comply with all applicable provisions of such Code Enforcement Program.

In addition, persons and entities who construct, renovate, use and occupy buildings and structures shall comply with all applicable provisions of Section 108.

107.3 Due process. Nothing in this Chapter 1, or elsewhere in the Uniform Code, or in any regulation promulgated pursuant to Executive Law § 381(1), shall be construed as authorizing any governmental unit or agency responsible for administration and enforcement of the Uniform Code to do so in a manner that deprives any person or entity of due process of law. In particular, but not by way of limitation, nothing in this Chapter 1 relating to posting, placarding and/or condemnation of buildings or structures that are unsafe, unfit for human occupancy or unlawful shall be construed as authorizing any governmental unit or agency responsible for administration and enforcement of the Uniform Code to post, placard or condemn any such building or structure and/or to remove any owner or occupant or cause any owner or occupant to be removed from any such building or structure without providing such notice and opportunity to be heard (and, if applicable, right of appeal) as may be required under the applicable circumstances by applicable Constitutional provisions.

107.3.1 Imminent danger. In cases of imminent danger, posting, placarding, and condemning a building or structure and removing owners and occupants or causing owners and occupants to be removed without first providing an opportunity to be heard shall be permitted to the extent consistent with applicable Constitutional provisions, provided that the affected persons and entities are afforded the opportunity for a post-action hearing to the extent required by applicable Constitutional provisions.

107.4 Modification. No town, village, city or county, nor any state agency charged with the administration and enforcement of Uniform Code may vary, modify, waive or otherwise alter any provision or requirement of the Uniform Code. Provisions or requirements of the Uniform Code may be varied or modified only in accordance with procedures established by Part 1205.

107.5 Application for variance or appeal. An application for a variance or modification of any provision or requirement of Uniform Code shall be in accordance with the provisions of Part 1205. An appeal of any order or determination, or the failure within a reasonable time to make an order or determination, of an administrative official charged to enforce or purporting to enforce the Uniform Code may be made in accordance with the provisions of Part 1205.

SECTION 108 BUILDING PERMITS, APPLICATIONS FOR BUILDING PERMITS, CONSTRUCTION INSPECTIONS, STOP WORK ORDERS, CERTIFICATES OF OCCUPANCY, AND OPERATING PERMITS

108.1 Purpose. The purpose of this Section 108 is to add provisions requiring persons and entities who construct, renovate, use and occupy buildings and structures to apply for and obtain building permits, to facilitate construction inspections, to obey stop work orders, to obtain certificates of occupancy, and to obtain operating permits to the Uniform Code. The provisions added to the Uniform Code by this Section 108 are considered to be integral parts of the Uniform Code's standards for construction, maintenance, and fire protection equipment and systems.

108.2 Definitions. In this Section 108, the terms "Authority Having Jurisdiction," "Code Enforcement Program," "Energy Code," "Part 1203," and "Uniform Code" shall have the meanings ascribed in Section 107.1, and the following terms shall have the following meanings:

"Building Permit" means a building permit, construction permit, demolition permit or permit that authorizes the performance of work.

"Certificate of Occupancy" means a certificate of occupancy, certificate of compliance, or other certificate granting permission to use or occupy a building or structure or any portion thereof.

"Part 1203-Compliant Code Enforcement Program" means a code enforcement program that includes the features required by Part 1203 and satisfies the requirements of Part 1203.

108.3 Building Permits. No person or entity shall commence, perform or continue any work that must conform with the Uniform Code and/or the Energy Code unless:

1. such person or entity has applied to the Authority Having Jurisdiction for a Building Permit;
 2. the Authority Having Jurisdiction has issued a Building Permit authorizing such work,
 3. such permit has not been revoked or suspended, and
 4. such permit has not expired.
- Exception.

A Building Permit is not required for work in any category that is excluded from the permit requirement by the Authority Having Jurisdiction's Code Enforcement Program, provided that Part 1203 allows an Authority Having Jurisdiction to exclude such category of work from the permit requirement. An exemption from the requirement to obtain a Building Permit shall not be deemed to be an authorization for work to be performed in violation of the Uniform Code or Energy Code.

108.4 Applications for Building Permits. A person or entity applying for a Building Permit shall submit an application to the Authority Having Jurisdiction. An application for a Building Permit shall include:

1. the information and documentation required by the stricter of the Authority Having Jurisdiction's Code Enforcement Program or a Part 1203-Compliant Code Enforcement Program;
2. construction documents (drawings and/or specifications) that define the scope of the proposed work and satisfy the requirements of the stricter of the Authority Having Jurisdiction's Code Enforcement Program or a Part 1203-Compliant Code Enforcement Program; and
3. such other information and documentation as the Authority Having Jurisdiction may determine to be necessary to allow the Authority Having Jurisdiction to determine whether the proposed work conforms with the Uniform Code and Energy Code.

108.5 Construction Inspections. Any person or entity performing work for which a Building Permit has been issued shall keep work accessible and exposed until the work has been inspected and accepted by the Authority Having Jurisdiction, or its authorized agent, at each element of the construction process that is applicable to the work and specified in the stricter of the Authority Having Jurisdiction's Code Enforcement Program or a Part 1203-Compliant Code Enforcement Program.

108.6 Stop Work Orders. No person or entity shall commence, perform or continue any work that must conform with the Uniform Code and/or Energy Code if the Authority Having Jurisdiction has issued a Stop Work Order with respect to such work.

108.7 Certificate of Occupancy. Where the stricter of the Authority Having Jurisdiction's Code Enforcement Program or a Part 1203-Compliant Code Enforcement Program requires a Certificate of Occupancy for permission to use or occupy a building or structure, or any portion thereof, no person or entity

shall use or occupy such building or structure, or such portion thereof, unless:

1. the Authority Having Jurisdiction has issued such Certificate of Occupancy,
2. such Certificate of Occupancy has not been revoked or suspended, and
3. in the case of a temporary Certificate of Occupancy, such temporary Certificate of Occupancy has not expired.

108.7.1 Authorized uses and occupancies. Where a Certificate of Occupancy has been issued for a building or structure, or any portion thereof, no person or entity shall use or occupy such building or structure, or such portion thereof, for any use or occupancy other than that authorized by such Certificate of Occupancy.

108.7.2 Change of use or occupancy. Without regard to whether a Certificate of Occupancy shall have been issued, no person or entity shall convert the use or occupancy of a building or structure, or any portion thereof, from one use or occupancy to another without first obtaining a Building Permit to perform the work, if any, required for such conversion; performing such work, if any; and obtaining a Certificate of Occupancy from the Authority Having Jurisdiction.

108.8 Operating permits. Where the stricter of the Authority Having Jurisdiction's Code Enforcement Program or a Part 1203-Compliant Code Enforcement Program requires an operating permit to conduct an activity or to use a category of building, no person or entity shall conduct such activity or use such category of building without obtaining an operating permit from the Authority Having Jurisdiction. The procedures for applying for, issuing, revoking, and suspending operating permits shall be as set forth in the stricter of the Authority Having Jurisdiction's Code Enforcement Program or a Part 1203-Compliant Code Enforcement Program.

108.9 Violations. Any violation of any provision set forth in sections 108.3 through 108.8 shall be a violation of the Uniform Code, and any person or entity violating any such provision shall be subject to the penalties prescribed in Executive Law § 382(2). In addition, to the extent that any act or omission that violates any provision set forth in sections 108.3 through 108.8 is also a violation of any other law, any person or entity guilty of such act or omission shall also be subject to the penalties prescribed in or otherwise applicable to a violation of such other law. For the purpose of this section 108.9, the term "other law" shall include the Authority Having Jurisdiction's Code Enforcement Program; any regulation, local law or ordinance establishing the Authority Having Jurisdiction's Code Enforcement Program; and any other applicable statute, rule, regulation, local law or ordinance

SECTION 109 INSPECTION OF SOLID FUEL BURNING HEATING APPLIANCES, CHIMNEYS AND FLUES

This Section 109 is made part of the Uniform Code pursuant to Executive Law § 378 (5-c). In this Section 109, the term "Authority Having Jurisdiction" shall have the meaning ascribed in Section 107.1.

Prior to the installation of any solid fuel burning heating appliance, chimney or flue in any dwelling used as a residence, the owner thereof, or his agent, shall first secure a building permit from the Authority Having Jurisdiction.

An appropriate and qualified inspector, as determined by the Authority Having Jurisdiction, shall cause an inspection to be made of the solid fuel burning heating appliance, chimney or flue at a time when such inspection will best determine conformity of such installation with the Uniform Code, provided, however, that the Authority Having Jurisdiction may waive such inspection for good cause shown.

Upon approval of such installation, the appropriate local government official shall issue a certificate evidencing compliance with the appropriate provisions of the Uniform Code.

No owner of any dwelling used as a residence shall operate, or cause to be operated, any solid fuel burning heating appliance until such installation, including chimney and flue, has been approved and a certificate indicating such approval obtained from the Authority Having Jurisdiction.

In the event of an accidental fire, requiring the services of a fire department, in a solid fuel burning heating appliance, chimney or flue, the chief of the fire department so responding may issue a temporary thirty day certificate indicating substantial conformity with the Uniform Code, until such time as an official inspector, as determined by the Code Enforcement Program of the Authority Having Jurisdiction, or in the case of a local government that relies on State inspection, a State inspector, shall cause an inspection to be made and a certificate to be issued indicating conformity of such solid fuel burning heating appliance, chimney or flue with the Uniform Code.

The issuance of such certificate of compliance shall not be deemed to give rise to any claim or cause of action for damages against the Authority Having Jurisdiction or any official of the Authority Having Jurisdiction for damages resulting from operation or use of such solid fuel burning heating appliance, chimney or flue.

The Authority Having Jurisdiction may establish and collect a reasonable fee for such inspection from the owner of such property or such owner's agent.

Any violation of this Section 109 shall be deemed a violation and be punishable by a fine not to exceed two hundred fifty dollars.

Notwithstanding the foregoing provisions of this Section 109, in the event of an emergency, where a delay occasioned by the requirement of securing a building permit could reasonably be expected to cause irreparable damage to the property or serious personal injury to the occupants or other person, the owner or his agent may commence such installation without first obtaining such building permit provided application therefor is filed within three business days after such work is commenced.