

BERO ARCHITECTURE PLLC

ARCHITECTURE SUSTAINABILITY PRESERVATION

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SOME THOUGHTS ON NEW YORK BUILDING CODES

New York State has adopted a family of codes which regulate the operation and construction of buildings.

Building Operation

Codes applicable to operation of all existing buildings include:

Property Maintenance Code of New York State
Fire Code of New York State

Codes applicable to operation of all existing buildings except residences include:

Fuel Gas Code of New York State
Mechanical Code of New York State
Plumbing Code of New York State

Bero Architecture recommends that operators of buildings obtain copies of these codes, review their provisions, and comply with their requirements. *The Property Maintenance Code* and the *Fire Code*, in particular, are written for the average building operator and do not require the specialized knowledge assumed by writers of the *Fuel Gas*, *Mechanical*, and *Plumbing Codes*.

The *Property Maintenance Code of New York State* is a brief document, “. . . intended to provide minimum requirements to safeguard public safety, health and general welfare insofar as they are affected by the occupancy and maintenance of structures and premises.” It requires all sites and buildings be kept in good repair; and all systems (heating, plumbing, electrical, fire suppression, etc.) be kept in good working order. Exterior wood must be painted, windows must be operable, etc. This code applies to all existing buildings, whenever built.

The *Fire Code of New York State*, “. . . is intended to provide minimum requirements consistent with nationally recognized good practices that offer a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises.” This Code also applies to all buildings, whenever built. It focuses on, among other things, fire safety of flammable materials, system maintenance (particularly fire protection systems), access for fire fighting, and maintenance of egress from buildings. If you are interested in the code requirements for a Christmas tree stand, Section 804 of this Code is where you will find them.

Building Changes

Codes applicable to new and changed buildings include the operational codes discussed above plus:

Building Code of New York State
Existing Building Code of New York State
Energy Conservation Construction Code of New York State

The *Building Code of New York State* is the code usually referenced by building professionals. It is primarily applicable to new buildings but if the use of an existing building is changed, the *Building Code* applies as if it were a new building.

The *Existing Building Code of New York State*, contrary to its name, does not apply to existing buildings, it applies only to the “. . . repair, alteration, change of occupancy, addition and relocation of existing buildings.”

In other words, these Codes are usually triggered only by change; absent changes, there is rarely an obligation to alter your building to comply. If changes are minor, only the changes need to comply with these Codes. If changes are major, the entire building may be required to comply with these Codes.

So, an existing building, as it stands, without changes, is not required to comply with most provisions of the *Building*, the *Existing Building*, and the *Energy Conservation Construction Codes*. Nevertheless, these codes are good standards to use as a target for improvements. For all repair work we recommend reference to these Codes to help ensure that buildings are safe and secure.

All the Codes incorporate by reference the *National Electrical Code* which governs the installation of electrical equipment in buildings. It has evolved outside the normal governmental code development process due property insurers' need for confidence buildings they insure are reasonably safe from fires caused by faulty electrical installations.

Residences

Residences are “Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height above grade with separate means of egress and their accessory structures . . .” Both new and existing residences are regulated by their own code governing both construction and operation, the *Residential Code of New York State*.

Agricultural Buildings

Barns, sheds, poultry houses, and other buildings and equipment used directly and solely for agricultural purposes are specifically exempted from provisions of the *Building*, the *Existing Building*, and the *Fire Codes of New York State*.