

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1993**

No. 107

Introduced by Council Member Spigner (by the request of the Mayor); also Council Members Robinson and Williams.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the examination and approval of plans and the issuance of permits for the installation or alteration of plumbing and fire suppression piping systems.

Be it enacted by the Council as follows:

Section 1. Section 26-112 of the Administrative Code of the city of New York is amended to read as follows:

§26-112 Falsely impersonating an officer. Any person who falsely represents himself or herself as an officer, inspector or employee of the department or of a not-for-profit corporation performing services on behalf of the department pursuant to article twenty-seven of subchapter one of chapter one of title twenty-seven of the code, or as acting under the authority of the department or of such not-for-profit corporation, or who without authority uses, wears or displays a shield or other insignia or emblem such as is worn by such officer, inspector or employee, shall be guilty of a misdemeanor.

§2. Section 26-124 of such code is amended by adding a new subdivision c to read as follows:

c. *The provisions of this section shall apply with respect to any certificate, form, signed statement, application or report submitted to a not-for-profit corporation performing services on behalf of the department pursuant to article twenty-seven of subchapter one chapter one of title twenty-seven of the code.*

§3. Subdivisions 2 and 5 of section 26-212 of such code, as amended by local law 38 of 1990, are amended to read as follows:

2. Building alterations. The fees for permits to alter buildings shall be computed as follows:

(a) For a one-family, two-family or three-family dwelling, fifty-five dollars for the first one thousand dollars or fraction thereof, of the cost of alteration, *not including the cost for the installation or alteration of any plumbing or plumbing system or fire suppression piping system*; ten dollars per one thousand dollars, or fraction thereof of the next four thousand dollars of such cost; and five thousand dollars per one thousand dollars, or fraction thereof of [the] such cost of alteration in excess of five thousand dollars but not less than one hundred dollars.

(b) For any building not described in paragraph (a) of this subdivision, fifty-five dollars for the first one thousand dollars or fraction thereof, of the cost of alteration, *not including the cost for the installation or alteration of any plumbing or plumbing system or fire suppression piping system*; twenty dollars per one thousand dollars, or fraction thereof, of the next four thousand dollars of such dollars, or fraction thereof, of [the] such cost of alteration in excess of five thousand dollars, but not less than one hundred dollars.

5. *Plumbing and suppression piping systems. (a) Existing buildings.* The fees for permits to install and alter plumbing and plumbing systems *and for permits to install and alter fire suppression piping systems in existing buildings* shall be computed [in the same manner as the computation of fees to alter buildings, except that for permits for plumbing alterations costing less than one thousand dollars and not involving a structural change or a change in occupancy, the required minimum fee shall be forty-five dollars for the first five hundred dollars or any fraction thereof of the cost of alteration, and seventy dollars when the cost is over five hundred dollars and not less than one thousand dollars] as follows:

(1) *For a one-family, two-family or three-family dwelling, fifty-five dollars for the first one thousand dollars, or fraction thereof, of the cost of such installation or alteration; ten dollars per one thousand dollars, or fraction thereof, of the next four thousand dollars of such cost; and five dollars per one thousand dollars, or fraction thereof, of such cost in excess of five thousand dollars, but not less than one hundred dollars.*

(2) *For any building not described in subparagraph (1) of this paragraph, fifty-five dollars for the first one thousand dollars, or fraction thereof, of the cost of such installation or alteration; twenty-dollars per one thousand dollars, or fraction thereof, of the next four thousand dollars of such cost; and ten dollars per one thousand dollars, or fraction thereof, of such cost in excess of five thousand dollars, but not less than one hundred dollars.*

(b) *New buildings.* The fees for permits to install plumbing systems and permits to install fire suppression piping systems in new buildings shall be computed by allocating a portion of the fee for the permit to construct such new building, computed in the manner provided in subdivision one, to the applicable plumbing permit or fire suppression piping system permit, but in no event shall the fee for a permit to install a plumbing system or for a permit to install a fire suppression piping system in a new building be less than one hundred dollars.

Such allocation shall be made in accordance with rules promulgated by the commissioner. Any portion of the fee charged for a permit to install a plumbing system or of the fee charged for a permit to install a fire suppression piping system in a new building that is in excess of one hundred dollars shall be deducted for the amount of the fee, computed in the manner provided in subdivision one, charged for the permit to construct such new building.

§4. Paragraph a of subdivision 7 of section 26-212 of such code is amended to read as follows:

a. The fees for permits to install or alter service equipment, *other than fire suppression piping systems*, shall be computed in the same manner as the computation of fees for alteration of buildings, except as hereinafter provided.

§5. Section 27-149 of such code is amended to read as follows:

§27-149 Separate permits required. Separate permits shall be required, as provided above, except that separate permits for foundations and earthwork [, or for the installation

or alteration of plumbing and plumbing systems], or for the installation or alteration of service equipment, *other than fire suppression piping systems*, shall not be required whenever plans for such work are included in and form a part of the plans for the construction of new buildings or the alteration of existing buildings.

§6. Section 27-153 of such code is amended to read as follows:

§27-153 Place of filing applications. [All] *Except as otherwise provided by rule*, applications for permits and accompanying papers and plans shall be filed in the department office in the borough in which the work or equipment is located. Applications shall be numbered and docketed promptly as received; and for purposes of identification and reference, all such papers shall be marked with the block and lot number of the property to which they apply, and with street and house number where possible.

§7. Section 27-180 of such code is amended to read as follows:

§27-180 When equipment work permits required. Except as provided in section 27-184 of this article, equipment work permits shall be required for the installation or alteration of the following types of service equipment:

- (a) Air conditioning and ventilating systems.
- (b) Elevators, escalators, moving walks, and stairways, dumbwaiters, etc.
- (c) Fuel burning and fuel oil storage equipment.
- (d) Refrigerating systems.
- (e) Heating systems.
- (f) Boilers.
- (g) [Standpipe systems.
- (h) Sprinkler systems.] *Fire suppression piping systems*.

§8. Subdivisions (g) and (h) of section 27-182 of such code are amended to read as follows:

(g) *Fire suppression piping systems. All applications shall include a plot plan to scale indicating the location of the system in relation to the rest of the building.*

(1) Standpipe systems. Plans for standpipe systems shall contain at least the following data and information:

[(1)] (a) The location and size of all risers, cross-connections, hose racks, valves, siamese connections, sources of water supply, piping, and other essential features of the system.

[(2)] (b) A floor plan for floors that have typical riser locations and no special features within the floor level, with the title of this plan indicating clearly the floors to which the arrangement is applicable.

[(3)] (c) A riser diagram showing the essential features of the system and indicating the risers, cross-connections, valves, siamese connections, tanks, pumps, sources of water supply, pipe sizes, capacities, floor heights, zone pressures, and other essential data and features of the system.

[(4)] (d) The available water pressure at the top and bottom floors of each zone, and at each floor where the weight pipe fittings change, shall be shown on the riser diagram. For street pressure-fed systems and fire pumps, a statement from the department of environmental protection, giving the minimum water pressure in the main serving the building, shall be supplied.

[(h)] (2) Sprinkler systems. Plans for sprinkler systems, whether automatic or non-automatic, shall contain at least the following data and information.

[(1)] (a) The location and size of water supplies and the location, spacing, number, and type of sprinklers to be used, with approximate location and size of all feed mains, risers, valves, siamese connections and other essential features of the system.

[(2)] (b) A diagram showing the proposed sprinkler system in relation to principal construction features of the building, such as its size, walls, columns, and partitions; and such other information as may be necessary for the evaluation of the system.

[(3)] (c) The location, number, and type of any electrical or automatic devices to be used in the system.

[(4)] (d) The available water pressure at the top and bottom floors of each zone shall be shown on the riser diagram. For street pressure-fed systems and fire pumps, a statement from the department of environmental protection, giving the minimum water pressure in the main serving the building, shall be supplied.

(3) *Other fire suppression piping systems. Plans for chemical or gaseous fire suppression piping systems shall contain at least the following data and information:*

(a) *Type, model number and location of all surface, plenum and duct nozzles; the type, location and surface dimensions of all cooking appliances; the location and type of the automatic fuel shut-off and statement as to type (gas or electric); location and distance of the remote control or manual pull station.*

(b) *A statement that board of standards and appeals or department approved grease filters are to be used in any kitchen hood; the dimensions of all hoods and all related ducts.*

(c) *The brand name, model and board of standards and appeals or department approval number of the fire suppression piping system; the type of extinguishing agent and number and size of agent containers; size, length, and type of all piping that will be used; number and location of all fusible links or detectors and the temperature setting; type, model number and location of all surface, plenum and duct nozzles.*

(d) *For halon systems, the plan should also include type and concentration of the halon, the method of providing power supply to smoke or heat detectors, of reserve supply is being provided, fire rating of partitions and if the area involved is sprinklered, location of all audible/visible alarms within and outside the location involved and the details of construction of the room to contain the halon.*

§9. Section 27-232 of such code is amended by adding a definition of FIRE SUPPRESSION PIPING SYSTEM to follow the definition of FORE STOP to read as follows:

FIRE SUPPRESSION PIPING SYSTEM. *Any system including any and all equipment and materials in connection therewith the purpose of which is to control, to contain, to suppress or to extinguish fire.*

§10. Subchapter 1 of chapter 1 of title 27 of such code is amended by adding a new article 27 to read as follows:

Article 27

Alternative Procedure for Certain Permits

§27-228.6 **Contract with not-for-profit corporation.** *Notwithstanding any other provision of law, the commissioner may enter into a contract with not-for-profit corporation described in section 27-228.7 to provide for the examination and approval of plans and the issuance of permits by such corporation on behalf of the department for the installation or alteration of plumbing and plumbing systems, including gas piping, as provided in article fifteen of this subchapter, and for the installation or alteration of fire*

suppression piping systems, as provided in article seventeen of this subchapter. Such contract shall require the not-for-profit corporation to agree to provide such services in conformity with section. 27-228.8, 27-228.9, 27-228.10, 27-228.11, 27-228.12, 27-228.13 and 27-228.14.

§27-228.7 *Not-for-profit corporation.* No contract shall be entered into pursuant to this article except with a not-for-profit corporation, a majority of the members of the board of directors of which are city officials. Such members shall include officers or employees of the department and the fire department, serving *ex officio*. For the purposes of this article the term "corporation" shall mean a not-for-profit corporation as set forth in this section.

§ 27-228.8 *Examination and approval of plans.* (a) The corporation shall examine and approve plans in accordance with and in the manner prescribed by the provisions of the charter, the code and the rules of the department relating to the examination and approval of plans by the department, except as hereinafter provided.

(b) Except where authorized by the commissioner, the corporation shall not have the authority to designate portions of the examination of plans submitted by architects or engineers for limited supervisory check pursuant to section 27-143 of the code.

(c) All plans approved by the corporation shall be endorsed with the official seal of the corporation.

(d) The corporation shall use forms for applications which shall be prescribed by the commissioner.

§27-228.9 *Issuance of permits.* (a) The corporation shall issue permits in accordance with and in the manner prescribed by the provisions of the charter, the code and the rules of the department relating to the issuance of permits by the department, except as hereinafter provided.

(b) Whenever work which requires a plumbing permit or a fire suppression piping system permit is a part of the construction of a new building or the alteration of an existing building, the corporation shall not issue such plumbing permit or fire suppression piping system permit until after the department has issued a new building permit or a building alteration permit to the applicant. The applicant shall submit to the corporation the final plans, approved by the department, for such new building or alteration and a copy of the new building permit of the building alteration permit issued by the department before the plumbing permit and/or the fire suppression piping system permit may be issued.

(c) The corporation shall act in accordance with guidelines which the commissioner shall establish under which the corporation shall defer the approval of plans or the issuance of permits pending appropriate action by other city agencies.

(d) The corporation shall not have the power to revoke any of the permits issued by the corporation but may recommend revocation to the commissioner. The commissioner may revoke permits issued by the corporation pursuant to section 27-197 of the code.

(e) All determination of the corporation shall be subject to review by the board of standards and appeals to the same extent and in the same manner as if such determination were made by the department.

(f) All permits issued by the corporation shall bear the signature of the chief operating officer of the corporation.

§27-228.10 Fees. *The corporation shall collect fees on behalf of the department for permits which the corporation issues. The disposition of such fees shall be governed by the contract between the corporation and the city.*

§27-228.11 Employment conditions. (a) *The corporation shall require its salaried officers and employees to agree in writing:*

(1) *to refuse to accept gratuities in the performance of their duties for the corporation;*

(2) *to be subject to the restrictions set forth in chapter sixty-eight of the New York City charter; and*

(3) *to be subject to the restrictions upon outside work, employment and financial interests set forth in section 26-114 of the code.*

(b) *The corporation shall require its per diem employees and consultants to agree in writing to refuse to accept gratuities in the performance of their duties for the corporation.*

(c) *The corporation shall adopt disciplinary and other procedures to ensure compliance with such agreements.*

§27-228.12 Inspection. *With respect to the permits issued by the corporation, the corporation shall perform the inspections described in sections 27-208, 27-209 and 27-210 of the code. For such purpose, employees of the corporation shall be designated as authorized representatives of the commissioner pursuant to section 27-205 with authority to enter upon and examine and inspect at all reasonable times any building.*

§27-228.13 Records. *The corporation shall keep and maintain records relating to the services performed on behalf of the department in a manner and for such period of time as shall be agreed upon between the department and the corporation.*

§27-228.14 Corruption prevention program. *The corporation shall develop and implement a corruption prevention program to detect and punish corrupt conduct by employees in carrying out their duties on behalf of the corporation which shall not be less restrictive than the corruption prevention program for employees of the department. Such program shall provide for the dismissal of employees who are found to be engaged in corrupt activities, including the solicitation and acceptance of gratuities. The corruption shall not commence services pursuant to the contract until a plan for the implementation of such program has been reviewed and approved by the commissioner.*

§27-228.15 Performance review by the commissioner. *The commissioner shall establish such procedures for the audit, inspection, examination and review of services performed by the corporation on behalf of the department as may be necessary to ensure that the examination and approval of plans, the issuance of permits and conduct of inspections performed by the corporation are carried out in a manner consistent with the provisions of this article.*

§27-228.16 Jurisdiction of the fire department. *The provisions of this article shall not be construed to affect, alter or amend the jurisdiction of the fire department over the inspection and testing of plumbing and fire suppression piping systems.*

§11. Paragraph (a) of subdivision 6 of section 666 of the New York City charter is amended to read as follows:

(a) *except as otherwise provided by law, any order, requirement, decision or determination of the commissioner of buildings or any borough superintendent of buildings acting under a written delegation of power from the commissioner of buildings filed in accordance with the provisions of subdivision (b) of section six hundred forty-five,*

or not-for-profit corporation acting on behalf of the department of buildings pursuant to section 27-228.6 of the code, or

§12. This local law shall take effect immediately. Notwithstanding the foregoing provision article 27 of subchapter 1 of chapter 1 of title 27 of the administrative code of the city of New York added by section 10 of this local law shall expire and shall be deemed repealed twenty-four months after the effective date of the first contract entered into with a not-for-profit corporation pursuant to the provisions of such article 27. Such contract shall make provision for the orderly transfer to the department of buildings of the functions exercised by such corporation on behalf of the department pursuant to such contract within a period of time which shall not exceed three months after the date of the expiration of such article 27.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of the City of New York, passed by the Council on December 21, 1993, and approved by the Mayor on December 28, 1993.

CARLOS CUEVAS, City Clerk, Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 107 of 1993, Council Int. No. 830) contains the correct text and:

Received the following vote at the meeting of the New York City Council on December 21, 1993: 37 for, 11 against.

Was approved by the Mayor on December 28, 1993.

Was returned to the City Clerk on December 29, 1993.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel