

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2013**

No. 109

Introduced by Council Members Levin, Chin, Comrie, James, Lander, Mendez, Richards, Rose, Gentile, Van Bramer, Rodriguez, Barron and Williams. Passed under a Message of Necessity from the Mayor.

A LOCAL LAW

To amend the administrative code of the city of New York and the New York city building code, in relation to removing barriers to the usage of temporary flood control and response devices.

Be it enacted by the Council as follows:

Section 1. Section 18-109 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows

c. This section shall not prevent or make unlawful the installation of footings for temporary barriers or shields in accordance with section 3202.1.1.1 of the New York city building code or temporary flood shields, stairs or ramps in accordance with section 3202.4.3 of the New York city building code.

§2. Section 18-113 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. This section shall not prevent or make unlawful the installation of footings for temporary barriers or shields in accordance with section 3202.1.1.1 of the New York city building code or temporary flood shields, stairs or ramps in accordance with section 3202.4.3 of the New York city building code.

§3. Chapter 32 of the New York city building code is amended by adding new section

3201.9 to read as follows:

3201.9 Department of Transportation approval. *Any encroachment into the public right-of-way that exceeds the limitation provided for in this chapter shall require the approval of the Department of Transportation.*

§4. Section BC 3202 of the New York city building code is amended by adding a new section 3202.1.1.1 to read as follows:

3202.1.1.1 Footings for temporary barriers or shields in areas of special flood hazard or shaded X-Zones. *In areas of special flood hazard or shaded X-Zones, continuous footings for the support and attachment of temporary, removable dry floodproofing barriers or shields may be constructed to project beyond the street line not more than 12 inches (305 mm) both at grade and below grade.*

§5. Section BC 3202 of the New York city building code is amended by adding new section 3202.2.2.3 to read as follows:

3202.2.2.3 Flood shield supports. *In areas of special flood hazard or shaded X-Zones, permanent attachments to building facades necessary for the support and attachment of temporary, removable dry floodproofing barriers or shields may be constructed to project beyond the street line for a distance of not more than 6 inches (152 mm).*

§6. Section 3202.4 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

3202.4 Temporary encroachments. Encroachments of temporary nature shall comply with Sections 3202.4.1 [and 3202.4.2] through 3202.4.3.

3202.4.1 Sidewalk cafés. Enclosures for sidewalk cafés, where permitted by the Commissioner of the Department of Consumer Affairs pursuant to applicable law and constructed in compliance with Section 3110, may be constructed beyond the street line.

3202.4.2 Storm enclosures. Storm enclosures projecting not more than 18 inches (457 mm) beyond the street line may be permitted during the period between November 15 and the following April 15. Such enclosures shall be removed at the end of this period. Construction of storm enclosures must comply with the requirements of this code including the fire resistance rating of the building to which it is appurtenant and Chapter 11 of this code.

3202.4.3 Temporary flood shields, stairs and ramps in areas of special flood hazard and shaded X-Zones. *In areas of special flood hazard and shaded X-Zones, temporary flood*

shields, stairs and ramps shall comply with Sections G308.6 and G308.7 of Appendix G of the New York City Building Code and shall be permitted in accordance with plans approved by the department subject to the following conditions:

- 1. Such flood shields, stairs and ramps shall project no more than one foot (305 mm) beyond the street line;*
- 2. Such flood shields, stairs and ramps shall be removed in a timely manner after a flood event.*

§7. Appendix G of the New York city building code is amended by adding new sections G308.6 and G308.7 to read as follows:

G308.6 Temporary flood shields. *Temporary flood shields shall be permitted in accordance with Section 6.2.3 of ASCE 24.*

G308.7 Temporary stairs and ramps. *Temporary stairs and ramps shall comply with the requirements of Sections G308.7.1 and G308.7.2.*

G308.7.1 Evacuated buildings. *Temporary stairs and ramps shall be permitted to provide elevated ingress and egress in compliance with Item 3 of Section 6.2.2 of ASCE 24 for buildings or portions of buildings that are planned to be evacuated during design flood conditions, except for maintenance and emergency personnel, provided that such temporary stairs and ramps shall not be permitted to serve as a required means of egress for a dwelling unit or for any area described in Item 2.2.1 of Section G304.1.2 required to be located at or above the design flood elevation.*

G308.7.2 Existing buildings. *Temporary stairs and ramps for an existing building or portions thereof shall be permitted to provide elevated ingress and egress in compliance with Item 3 of Section 6.2.2 of ASCE 24, including as a required means of egress for dwelling units or for areas described in Item 2.2.1 of Section G304.1.2 required to be located at or above the design flood elevation, where such temporary stairs and ramps comply with Sections 1009 and 1010.*

§8. Section G501.1 of the New York city building code, as added by local law number 33 for the year 2007, is amended by adding a modification to subsection 6.2.3 of ASCE 24 to read as follows:

Section 6.2.3. *Section 6.2.3 (Limits on Human Intervention) is amended to read as follows:*

Section 6.2.3 Limits on Human Intervention. *Dry floodproofing measures that require human intervention to activate or implement prior to or during a flood, including temporary stairs or ramps, shall be permitted only when all of the following conditions are satisfied:*

1. The flood warning time (alerting potential flood victims of pending flood situation) shall be a minimum of 12 hours, unless the community operates a flood warning system and implements an emergency plan to ensure safe evacuation of flood hazard areas, in which case human intervention is allowed only if the community can provide a minimum flood warning time equal to or longer than the cumulative:

(a) time to notify person(s) responsible for installation of floodproofing measures, plus

(b) time for responsible persons to travel to structure to be floodproofed, plus

(c) time to install, activate, or implement floodproofing measures, plus

(d) time to evacuate all occupants from the flood hazard area;

2. All removable shields or covers for openings such as windows, doors, and other openings in walls and temporary stairs or ramps shall be designed to resist flood loads specified in Section 1.6; and

3. Where removable shields or temporary stairs or ramps are to be used, a flood emergency plan shall be approved by the authority having jurisdiction and shall specify, at a minimum, the following information: storage location(s) of the shields and temporary stairs and ramps; the method of installation and removal; conditions activating installation and removal; maintenance of shields and attachment devices and temporary stairs and ramps; periodic practice of installing and removing shields and temporary stairs and ramps; testing sump pumps and other drainage measures; and inspecting necessary material and equipment to activate or implement floodproofing. The flood emergency plan shall be permanently posted in at least two conspicuous locations within the structure.

§9. This local law shall take effect immediately.

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 November 14, 2013 and approved by the Mayor on December 2, 2013.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 109 of 2013, Council Int. No. 1093-A of 2013) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.