

ARTICLE 13. SPECIAL OCCUPANCY STRUCTURES

Sub-Article 1. General Provisions for Special Occupancy Structures

(12.1.1) §C26-715.0 Application of Requirements for Special Occupancy Structures.-

a. Every structure or part of a structure, intended to be used for entertainment or instruction of any kind, erected after January first, nineteen hundred thirty-eight, for the accommodation of more than three hundred persons, shall be built to comply with the requirements of this article, except as otherwise provided in sections C26-281.0, C26-719.0, and C26-720.0. Structures occupied exclusively by an elementary grade school, high school, or other strictly education institution where students are enrolled for regular courses of study, shall be exempt from the requirements of this article, except that the auditoriums of such structures shall comply with this article, except that the auditoriums of such structures shall comply with this article. It shall be unlawful to use for public entertainment or instruction of any kind, any structure or part of a structure, which on January first, nineteen hundred thirty-eight, is not in actual use for such purposes, or to use any structure erected after January first, nineteen hundred thirty-eight, not in conformity with the requirements of this article until such structures conform to this article.

b. For the purposes of this section the existence of a valid certificate of occupancy shall constitute actual use.

(12.1.2). §C26-716.0 Approval of Special Occupancy Structures Required.-It shall be unlawful to open any structure described in section C26-715.0, to the public for theatrical or operatic purposes, or for public entertainment or instruction of any kind, until the superintendent and the fire commissioner shall have stated in writing that the structure conforms to the requirements of this article. Any such structure in which departure from the provisions of this article has been made under an approval of the superintendent or of the board, and which, previous to May first, nineteen hundred sixteen, had been duly approved for use, may be approved as conforming to the requirements of this article, so long as it is deemed reasonably safe by the superintendent. It shall be unlawful for the superintendent to approve any structure when the courts have held that a permit for the alteration or reconstruction of such structure is void.

(12.1.3). §C26-717.0 Limitations on Use and Occupancy of Special Occupancy Structures.-

a. It shall be unlawful to occupy or use any part of a structure, constructed or used for the purposes described in section C26-715.0, for factory or storage purposes, or for any occupancy or use for which a combustible occupancy permit is required.

b. It shall be unlawful to perform any kind of construction above the stage area of a structure constructed or used for the purposes described in section C26-715.0 unless the construction of the roof or uppermost tier above the stage area shall be separated from the structure above by four-hour construction capable of sustaining a live load of not less than 150 pounds per square foot and at least 100 pounds per square foot in excess of the otherwise required design load; and that the tier above the stage area shall not be pierced except by vent flues constructed according to the provisions of section C26-724.0 or by steam, water or plumbing pipes. Such pipes shall be run through individual pipe sleeves set in the slab, and the space between the sleeve and the pipe shall be packed solidly with mineral wool, and the sleeve shall be covered at top and underside of the slab by flat metal plates fitted snugly to the pipe, secured to the floor construction or to the sleeve. The enclosure of the stage vent flue or flue

for stage skylight shall comply with the requirements for a low temperature chimney, section C26-710.0, b.

c. The space under the stage shall be used only as an accessory to and part of the stage proper, except as otherwise provided in this article. Other parts of any such structure including the area over the auditorium, may be used for any purpose not otherwise forbidden in this title, provided that:

1. The parts so used are separated from the theatre by unpierced walls and floors having a fire resistive rating of at least four hours and are constructed throughout in compliance with the requirements of section C26-239.0, and the means of egress from the parts so used are entirely separate from the means of egress from the theatre portion of the structure;

2. All openings in the walls of the structure facing the stage area for the first one hundred feet above the roof of the stage are provided with self-closing doors or automatic windows, containing either plate or wired glass, and having a fire resistive rating of at least three-quarters of an hour;

3. The edge of the stage skylight is located at least six feet from any wall of the structure facing the stage area;

4. Any part used as a multiple dwelling complies with the multiple dwelling law as to such part of the structure;

5. All ducts, pipes, conduits and similar facilities which may be required for servicing the occupancy above or below the auditorium are confined to spaces outside of the auditorium walls, and crossovers or horizontal lines of these facilities are also confined to spaces outside of the unpierced four-hour floor or wall.

d. The space below the auditorium and other portions of the theatre where separated by construction having a fire-resistive rating of at least four hours may be used for occupancies not in conjunction with special occupancies, provided such occupancies are such as not to require a combustible occupancy permit, and provided such space is separated from the special occupancy by construction as provided for occupancies above auditoriums.

(12.1.3.1). §C26-718.0 Certificate of Occupancy for the Use of the Roofs.-It shall be unlawful to use the roof of any structure, including factories and multiple dwellings, for witnessing contests, games, exhibitions, amusements or similar spectacles, or as a place of public assembly for any purpose, unless such structure or such part thereof has been designated in its certificate of occupancy as a place to be used for such purposes.

(12.1.4). §C26-719.0 Structures Used for Religious Purposes.-

- a. The means of egress from auditoriums used for religious purposes shall comply with the provisions of article seven of this code.

- b. Balconies within such auditoriums shall comply with section C26-732.0, and section C26-735.0.

- c. The means of egress from rooms and spaces used for purposes of religious worship, instruction or recreation, other than the auditorium portion of such structure, shall comply with article seven of this title.

(12.1.5). §C26-720.0 Auditoriums in School Structures and Public Museums.-

- a. Auditoriums in school structures and public museums shall comply with the provisions of section C26-1381.0 in respect to standpipes.

b. Auditoriums in school structures and public museums which are without provision for stages, scenery, dressing rooms or other theatrical accessories shall be exempt from the requirements of this article.

c. Auditoriums in school structures and public museums with provisions for stages, scenery, dressing rooms or other theatrical accessories shall be exempt from the requirements of this article, provided that:

1. The entire structure is occupied as a school primarily for the education of children in the elementary or high school grades or as a public museum;
2. The exit facilities for the auditorium comply with all of the requirements for means of egress prescribed in article seven of this title, except that the arrangement of fixed seats shall comply with section C26-729.0, and the arrangement of aisles with section C26-738.0;
3. The stage is enclosed on both sides and rear with partitions having a fire resistive rating of at least four hours, openings in these partitions are protected by means of protective assemblies having a fire resistive rating of at least three-quarters of an hour, and the proscenium opening is equipped with a single asbestos fibre curtain approved by the superintendent;
4. Scenery, drops and valances are of incombustible material or are treated so as neither to ignite nor actively support combustion;
5. A complete system of automatic sprinklers is installed in dressing rooms, property rooms, wardrobe rooms and under the stage roof; a line of automatic sprinklers is provided over the proscenium opening on the stage side of the asbestos curtain; and the sprinkler system is supplied from either the house water supply system or a separate source of supply, which will give the required volume at a pressure of at least fifteen pounds per square inch at the highest line of sprinklers;
6. Dressing rooms, wardrobe rooms, wardrobe rooms, property rooms and any carpenter shops are located outside of the fire resistive partitions enclosing the stage; these rooms are enclosed in partitions having a fire resistive rating of at least three hours and openings in such partitions are equipped with protective assemblies having a fire resistive rating of at least three-quarters of an hour;
7. An automatic skylight, of five percent of the area of the stage between the enclosing partitions and the asbestos curtain line, is installed in the roof over the stage, or if such skylight is impracticable, a vent duct, or ducts, of like area is extended from the top of the stage to a point above the roof. If ducts are installed, they may be either open or provided with plain glass dampers held closed by means of fusible links, and having three-quarters inch or smaller mesh wire screens immediately below as approved by the superintendent;
8. Such hand fire-extinguishing equipment as the superintendent may deem necessary is installed;
9. The handling of curtain, scenery, spotlights and other electrical equipment is done by trained adults;
10. Sufficient adult ushers are employed to handle the audience properly; pupils are not used as ushers;
11. Matches, open flames, torches, pistols, fire crackers or any devices producing an exposed spark or flame are not used;
12. All persons admitted to the auditorium are furnished with seats;

13. No seats, chairs, stools or other furniture are placed in any aisle or passageway leading to a means of egress;

14. Dry foliage, flowers and branches are used as stage setting or scenery only when so treated as to neither ignite nor support combustion.

Sub-Article 2. Construction of Special Occupancy Structures

(12.2). §C26-721.0 Construction of Special Occupancy Structures.-

a. Every structure intended to be used for public entertainment as stated in section C26-715.0 shall be a class 1, fireproof structure, except as otherwise specifically provided in this article and except that a theatre having a seating capacity of six hundred people or less may be of class 2, fire-protected construction, within the limitations of section C26-254.0.

b. It shall be unlawful to cover any of the walls or ceilings of such structures with combustible material, except that regardless of the height of the structure, wood wainscoting not over six feet in height may be used in the auditorium, orchestra pit, lobbies, foyers and promenades and wood flooring may be used in the auditorium and stage when the space behind the wainscoting or between the floor arch and the flooring is filled solidly with incombustible material, and except that, regardless of the height of the structure, combustible wall coverings may be used when pasted or cemented directly to the plaster surface and that combustible fabrics not pasted or cemented directly to the plaster surface may be used, if such fabrics are so treated that they will neither ignite nor actively support combustion and are tested to insure compliance with the rules of the board and provided such fabrics have one inch lap seams for each panel, and except that wood or other combustible material in the form of a veneer one-twentieth of an inch or less in thickness may be used as a wall covering.

c. Screens for the projection of motion, audible or sound, or television pictures shall be either made of incombustible material or treated so as neither to ignite nor actively to support combustion.

d. Notwithstanding any other provisions to the contrary in this article, combustible trim and decorations may be used in outer lobbies which open directly to the street, also in outer vestibules which are separated from the street by not more than two sets of doors and which are completely separated from the auditorium by fireproof doors and used solely for entrance and egress and which do not connect directly with rooms or stairways serving the auditorium provided:

1. That the aggregate area and width of said lobbies and vestibules shall not be encroached upon nor reduced below legal requirements.

2. That the said trim or decoration is closely attached to the masonry or plaster surface forming the enclosure of said lobbies or vestibules and that all spaces behind said trim or decoration are solidly filled with gypsum plaster or its equivalent.

3. That no portion of said trim or decoration projects more than 12 inches in front of the enclosure walls of said lobbies or vestibules.

4. That printed or painted advertising matter that may be displayed is kept behind tight glass enclosures or, if in the open, the same is not more than 3/16ths of an inch in thickness and is completely flame proofed in accordance with rules of the board, and is placed so as not to obstruct free entrance or egress.

e. In the case of any existing theatre on which there was on May 6, 1941 display advertising in the nature of ground signs or false fronts beyond the building line, such display advertising

shall conform to the provisions hereinafter enumerated or shall be removed, or removed and replaced by display advertising conforming with the provisions hereinafter enumerated.

1. That the same does not extend at any point more than eight inches beyond the street wall of the building, that the same shall not extend above the bottom of the window sill of the second floor, and that no existing openings in the wall shall be covered by this construction, and that Siamese connections to the sprinkler and the standpipe (fire line) and ammonia Siamese connections shall be unobstructed.

2. That the same is constructed of material at least three-sixteenths inch in thickness and adequately stiffened and attached directly to the street wall or other incombustible backing.

3. That all of the provisions of sections B26-5.0 to B26-19.0 inclusive, shall apply so far as not inconsistent herewith.

f. Theatres designed and used exclusively for the display of motion, audible or sound, or television pictures, and without stage, dressing rooms or scenery of any kind and without a platform exceeding ten feet in depth shall not be required to comply with section C26-724.0 through section C26-727.0 of this article. The platform shall be of fireproof construction, but may be covered with wood flooring. Sets, decorations or scenery are not to be used on such platforms. The use of furniture shall not be prohibited.

Sub-Article 3. Stage

(12.3). §C26-722.0 Stage; General.-

a. That portion of the stage floor extending from each side of the proscenium opening to the enclosure walls and from the stage side of the proscenium wall to the front edge of the apron shall be of construction having a fire resistive rating of at least four hours. Regardless of the height of the structure, untreated wood flooring may be used on the stage floor. For a width of six feet more than the proscenium opening, the stage may be constructed of wood.

The term stage shall not include an unenclosed raised platform placed on an open floor as described in section C26-141.0 of the Administrative Code.

b. The stage shall be separated from the auditorium by a fire wall of solid masonry extending from the foundation to at least four feet above the stage roof or the auditorium roof if the latter be the higher. Such walls may be offset in the manner described in section C26-632.0.

c. Such wall shall be without openings above the stage level, except the proscenium opening and one door opening on each side of the stage at the stage level. Three door openings may be provided in this wall below the stage level. Door openings shall be three feet or less in width. Only one duct may be provided on each side of the proscenium wall under the stage provided with a fire damper on each side of the wall if the duct for ten feet on each side of the opening in the proscenium wall is of construction having a fire resistive rating of at least three hours.

d. The apron of the stage shall be located between two and seven feet from the curtain line. Platforms, extending along a portion or all of the stage, adjacent to or contiguous with the stage, constructed of incombustible material, for the operation of cameras and electronic equipment for television programs may be constructed in front of such stage aprons provided that required aisles and exits are maintained unobstructed and that electrical equipment has been approved by the Department of Water Supply, Gas and Electricity. Such platforms may be used with scenery or properties or both for television programs only when in compliance with the foregoing and following provisions:

1. All such scenery, including but not limited to drapes and curtains, shall be made of incombustible material, or shall be treated as neither to ignite nor actively support combustion, or shall be flame-proofed in accordance with the requirements of section C19-161.1 of the code;

2. All such scenery shall be placed not less than four feet from any seats occupied by the public;

3. Portable fire extinguishing appliances shall be provided as may be directed by the fire commissioner; and

4. The area of the asbestos curtain fall shall remain free and clear.

e. Door openings from underneath the stage to the auditorium and from under the stage to pipe passages and plenum chambers shall be protected on each side of the wall with a self-closing door, having a fire resistive rating of at least three-quarters of an hour, arranged to open from either side of the wall. Door openings from the stage to the pit shall be protected with single self-closing doors, having a fire resistive rating of at least three quarters of an hour, arranged to open from either side of the wall.

f. The space underneath the stage shall be subdivided, at the sides of the proscenium opening, by solid masonry walls having a fire resistive rating of at least three hours, extending from the proscenium wall to the rear wall of the stage, and from the ground to the under side of the stage floor, and so located that the distance between these walls shall not be more than six feet greater than the width of the proscenium opening.

g. Openings in these walls shall be equipped with self-closing doors having a fire resistive rating of at least one hour.

(12.3.1). §C26-723.0 Mechanically Operated Stages.-Where at least one-half of the area of the stage between the proscenium opening, the curtain line and the back wall is equipped with a stage elevator or platform electrically or hydraulically operated, the space below the stage floor on each side of the stage may be used as a fireproof vault to receive scenery assembled on trucks, provided the following conditions are met:

1. Such vaults are entirely enclosed by fire walls, floors and ceilings unpierced by pipes, conduits, ducts or electrical apparatus, and having a fire resistive rating of at least four hours;

2. The doorways opening from such vaults are protected by fire doors having a fire resistive rating of at least one and one-half hours, operated mechanically in conjunction with the stage elevator or platform so that such doors can be opened only when the stage or platform is fully lowered, and closed automatically when the stage elevator or platform is at the stage level;

3. The area of such vaults is fifty percent or less of the floor area of the stage elevator or platform;

4. Where more than one such vault is constructed, adjoining vaults are separated from each other by walls having a fire resistive rating of at least four hours;

5. Each such vault is ventilated by an open flue starting at the ceiling of the vault and terminating within five feet of the main stage skylight; where such flues are installed the skylight is erected so that an automatic device will be located in each flue to open the skylight in case of fire: a protective wire mesh screen which will reject a ball one-half inch in diameter is placed immediately below the ceiling outlet of each such flue; the area of each flue is one-twelfth the area of the doors serving that vault;

6. Such vaults are equipped with automatic sprinkler systems.

Sub-Article 4. Stage Skylight

(12.4). §C26-724.0 Stage Skylight.-

- a. A skylight having a glazed area of at least one-eighth of the area of the stage shall be provided over the stage. Such skylights shall be glazed with single thick plain glass having a thickness between eleven and one-half and ten sheets to the inch, in panes having a minimum area of three hundred square inches. A protective wire mesh screen shall be placed immediately above and below the skylight.
- b. In the skylight, ventilators of a type approved by the board shall be placed in the highest part of the stage roof, and those parts which open shall be equal in aggregate area to one-eighth of the area of the stage. The covers or doors shall be constructed of incombustible material, shall be arranged to open in case of fire by an automatic device or by cutting a fibre cord. The ventilators shall be so designed as to function regardless of weather conditions.
- c. Mechanical exhaust ventilation may be provided for the stage area in lieu of skylight by one or more individual vent flues constructed in accordance with the requirements for low temperature chimneys in section C26-710.0, extending above the main roof independently of any other flue and having an aggregate cross-sectional area of one square foot for every one hundred square feet of stage area. The flue opening at the base shall be twice the area of the flue for a minimum height of eight feet and the base shall be protected by wire mesh screens. Each flue shall be connected to power-operated exhaust fans located on the roof or in any intermediate level as approved by the superintendent and provided with gravity dampers in the flue outlets; where a single flue is provided, the fan shall be operated by two electric motors, each of sufficient power to operate the fan independently. Flue connections shall be arranged so as to permit direct passage of the products of combustion to the outer air with a by-pass connection in which the exhaust fan or fans shall be located. An automatic multi-leaf fire damper shall be provided in the direct run of the flue at the by-pass above the inlet to the fan or fans and below the outlet from the fan and arranged to open in case of fire. The fan or fans shall be of aggregate capacity for providing in the stage at least fifteen changes of air exhaust per hour. The fan or fans shall be so arranged that the fan wheel only will be subject to the products of combustion. Prominently labeled manual starting switches and automatic rate-of-rise, heat actuated starting switches for each fan shall be provided and shall be located in a manner acceptable to the superintendent. The source of power supply for operating the fan or fans shall be from the main switch or emergency panel, independent of all other electrical services. Each fan shall be started and its operation observed for not less than five minutes prior to the commencement of each performance.
- d. Where there are occupied areas above the stage a gravity exhaust flue may be provided for the stage area in lieu of mechanical exhaust ventilation. The flue shall extend independently of any other flue to and above the roof, having a cross-sectional area of at least one square foot for every ten square feet of stage area, and in accordance with the requirements for low temperature chimneys of section C26-710.0. A skylight conforming to the requirements of subdivisions a, b, and c of this section except that the area shall be at least equal to the area of the flue, shall be provided at the top of the flue.

**Sub-Article 5. Protective Curtains, Curtain Supports and Rigging Lofts in Special
Occupancy Structures**

**(12.5). §C26-725.0 Protective Curtains, Curtain Supports and Rigging Lofts in Special
Occupancy Structures.-**

- a. The proscenium opening shall be provided with a curtain of incombustible material constructed on a rigid frame approved by the superintendent, having a lap of two feet at the top and eighteen inches at each side, sliding at each side in steel or iron grooves, which shall have a minimum depth of twelve inches. The curtain shall be securely fastened to the proscenium wall and at its lowest position shall rest on masonry at least twelve inches thick extending from the foundation to the curtain, or upon a strip of linoleum, cork or rubber composition directly affixed to such masonry. The footlights shall be placed at least two feet away from the curtain line. The curtain shall be raised only at the commencement of each performance and lowered at the close and shall be operated by approved machinery.
- b. Satisfactory proof must be submitted and filed with the application that the curtain is so constructed and mounted as to prevent the passage of fire, to permit the passage of only a minor amount of smoke, and to show no glow on the auditorium side, when exposed to a temperature rising to seventeen hundred degrees Fahrenheit in thirty minutes.
- c. Beams supporting curtain slots in the rigging loft shall be designed to sustain a minimum load of four hundred pounds per linear foot in addition to a uniformly distributed load of fifty pounds per square foot on the rigging loft. Beams supporting headlocks shall be designed to sustain a load of at least twelve hundred pounds per linear foot vertically, and one thousand pounds per linear foot horizontally. The design of beams supporting the proscenium curtain or curtain sheaves shall provide for an impact allowance of one hundred percent.
- d. All girders, beams or platforms over the stage or in the fly galleries shall be of incombustible materials.

Sub-Article 6. Scenery, Fittings and Scene Docks

(12.6). §C26-726.0 Scenery, Fittings and Scene Docks.-

- a. Stage scenery, curtains and decorations made of combustible material, and woodwork on or about the stage shall be so treated as to satisfy the superintendent that such scenery, curtains and decorations will neither ignite nor actively support combustion.
- b. Where the scenery is stored on the premises otherwise than as permitted by subdivision (a) of this section and by section C26-723.0, there shall be provided a scene dock or space adjacent to the stage, constructed with walls, floors and ceilings having a fire resistive rating of at least four hours and connected with the stage by a doorway with a maximum area of eighty square feet protected by automatic doors having a fire resistive rating of one and one-half hours. Scene docks shall be equipped with automatic sprinkler systems and with skylights meeting the requirements of section C26-724.0, as to size and construction. The use of such scene docks for paint bridges shall be permitted.

Sub-Article 7. Dressing Rooms

(12.7). §C26-727.0 Dressing Rooms.-Dressing rooms shall be separated from the stage and auditorium by walls and floors having a fire resistive rating of at least four hours. The walls and floors between dressing rooms and auditorium shall be unpierced. Openings in the dividing walls shall be equipped on both sides with self-closing doors having a fire resistive rating of at least three-quarters of an hour. Dressing rooms located on or above the stage level shall have an

independent means of exit directly to the street or to emergency courts or passageways. The maximum distance from a dressing room door to a stairway or passageway to the street shall be thirty-five feet. The area under the stage shall contain no dressing rooms. When dressing rooms are located below the stage level, at least two exits therefrom shall be provided, one of which shall lead directly to the street. Every dressing room door shall be within thirty-five feet of a stairway. Dressing rooms shall be ventilated by windows or skylights opening directly to the outer air or shall be independently ventilated with at least six changes of air per hour. Dressing room furniture and fixtures, other than chairs, shall be incombustible.

Sub-Article 8. Workshops, Storage and Property Rooms

(12.8). §C26-728.0 Workshops, Storage and Property Rooms.-

- a. Workshops and storage or property rooms shall be located only at the stage level, except as otherwise provided in section C26-723.0, and on the stage side of the proscenium wall. They shall be separated from the stage by solid masonry or reinforced concrete walls having a fire resistive rating of at least four hours. Openings to the stage shall have automatic or self-closing doors having a fire resistive rating of at least three-quarters of an hour on both sides of the wall. Furniture and fixtures, other than chairs, in workshops, storage or property rooms shall be of incombustible material. It shall be unlawful to provide paint bridges.
- b. Such shops or rooms shall be provided with windows or fireproof vents to the outer air, of an effective ventilating area of five percent or more of the floor area of each shop or room.

Sub-Article 9. Seats in Special Occupancy Structures

(12.9). §C26-729.0 Seats in Special Occupancy Structures.-

- a. Seats, except those in boxes, shall be at least thirty-two inches from back to back, and firmly secured to the floor. The maximum number of seats in any row extending from one aisle to another shall be fourteen and the maximum number of seats in any row extending from one aisle to a wall shall be seven. Provided, that if the seatings are fixed chairs with self-raising seats so spaced that when the seats are lowered there is an unobstructed space of not less than sixteen inches horizontal projection measured between two plumb lines between the rows of seats, and provided that along both sides of the theatre at the ends of the rows of seats there are aisles with a minimum width of four feet, and exit doors or openings are provided not more than fifteen feet center to center apart along both sides of the auditorium, the number of seats in a row between such aisles shall not exceed one hundred. The above exit doors or openings shall open on the streets, courts or passageways as required under section C26-731.0.
- b. The difference in levels between balcony seating platforms shall not exceed 22 1/2 inches. These platforms shall be at least thirty-two inches wide; except that when the difference in platform levels is more than fifteen inches the platforms shall be at least thirty-six inches wide. Risers of balcony steps in the aisles shall not exceed a maximum height of seven and three-quarters inches.
- c. It shall be unlawful to place any stools or seats in any aisle.

Sub-Article 10. Normal Exits in Special Occupancy Structures

(12.10.1). §C26-730.0 Normal Street Exits.-

a. Every structure intended to be used for the purposes described in section C26-715.0 unless otherwise specifically provided in this article, shall have means of normal exit on one or more street frontages as hereinafter required.

b. Where there is a grade in excess of five percent in a street frontage of a theatre, the location of the normal exits on such street frontage shall be left to the discretion of the superintendent.

c. In addition to the emergency exits required by subdivision d of section C26-731.0 the minimum aggregate width of normal exit doorways for the total number of persons to be accommodated on all tiers shall be at least ten feet and shall be determined from the number of persons to be accommodated as follows: Street normal exit doorways shall be provided at the rate of twenty inches for each one hundred of the first fifteen hundred persons; fifteen inches for each one hundred of the first thousand persons in excess of fifteen hundred; and ten inches for each one hundred persons in excess of twenty-five hundred persons. All normal exit doors shall be located on the street fronts except that one-half of any width in excess of ten feet may be on emergency courts or passageways provided such doors are placed between the rear wall of the auditorium and the last row of seats in the orchestra.

Where theatre is more than ten feet above curb or more than six feet below curb as measured to the level of the space in the rear of the last row of seats in the orchestra or to the level of the cross-over in front of the first riser in a stadium structure, the normal exit doors shall be provided between the lobby and the orchestra instead of on the street fronts, except that one-half of any width in excess of ten feet may be located on emergency courts or passageways, provided such doors are placed in the rear wall or between the rear wall of the auditorium and the last row of seats in the orchestra. In such case all doors shall be fireproof, self-closing, approved for at least one hour fire-resistive rating.

d. The floor level of the space in the rear of the last row of seats in the orchestra or the level of the crossover in front of the first riser in a stadium structure, shall not be more than twenty feet below the curb level. The difference in level between this space and the street level shall be taken up by steps or ramps. It shall be unlawful to locate steps in the middle of any ramp. Steps in front of doorways opening in the direction of egress shall have a platform equal to the swing of the door and at least five feet in width. Where the entrance lobby or lobbies do not lead directly to the rear of the orchestra or the crossover in front of the first riser in a stadium structure, there shall be at least two interior passageways or stairways each not less than four feet in width to the rear of the orchestra or to the crossover of a stadium structure. When the occupancy of the auditorium exceeds two hundred persons, each such passageway or stairway shall be increased in width at the rate of three inches for everyone hundred persons or fraction thereof in excess of two hundred persons. Such passageways shall be located in accordance with the requirements of section C26-734.0. The size of steps and risers shall conform to the requirement for balcony stairs in section C26-732.0. Handrails shall be provided in both sides of stairways, projecting not more than three and one-half inches into the required width of such stairways.

e. Theatres may be placed more than ten feet above the curb level or more than six feet below curb level as measured to the level of the space in the rear of the last row of seats in the orchestra or to the level of the crossover in front of the first riser in a stadium structure when in addition to the egress stairways required under section C26-731.0, there shall be a normal

exit stairway leading directly from the street to the lobby, for the exclusive use of the theatre. The lobby shall be located on the same story as the orchestra of the theatre and shall be adjacent to the auditorium. This stairway shall have a clear width between stringers of six feet for the first one thousand persons to be accommodated in the entire auditorium plus one foot for each additional three hundred persons or part thereof. In place of this stair, one or more stairs may be provided if the total width of such stairs is not less than required for the one stair and provided no stair is less than four feet in width. Such stairways shall be enclosed in partitions having at least a three hour fire-resistive rating and openings shall be protected by fireproof, self-closing doors having at least a one hour fire-resistive rating. The lobby shall be separated from the stairs as provided for the separation of emergency passageways from stairs in section C26-731.0. All openings into the lobby shall be protected by fireproof, self-closing doors, approved for at least a one hour fire-resistive rating, where the theatre is above or below street level as specified in this subdivision. Also in such cases the lobby shall have a minimum width and height of ten feet and shall have a floor area of not less than one-third of the total seating capacity of the theatre multiplied by one and one-half square feet.

f. Each normal exit entrance doorway shall have a minimum clear width of five feet measured between door stops. When there are no mullions between the leaves of entrance doors and the doors are hung on top and bottom pivots, the doors when opened shall not project more than a total of six inches into the required clear width of the exit. Normal exit doors shall swing outwardly and shall be held in the closed position by panic bolts or other releasing devices arranged to operate by the application of pressure to the inner side of the device.

g. It shall be unlawful to lock doors, used as a means of entrance or exit, during any presentation or at any time when the structure is open to the public.

(12.10.2). §C26-731.0 Emergency Exits from Special Occupancy Structures.-Emergency courts or passageways required for special occupancy structures.-

a. Except as otherwise provided in subdivision i of this section and section C26-735.0, every theatre accommodating three hundred or more persons shall have an open court, or a passageway, for emergency use on each side of each tier of the auditorium except that where a theatre is at the street level such court or passageway shall not be required for a side bordering on a street. Such courts and passageways shall lead directly to a street or to the emergency stairs as provided in subdivision j of this section.

(12.10.2.2). b. Design of required courts or passageways for special occupancy structures.

1. The minimum clear width of such emergency courts or passageways shall be six feet and the clear height shall be at least ten feet. Where such courts or passageways lead to a stair, each court or passageway shall have a floor area of not less than one-third of the total seating capacity of the theatre, multiplied by one and one-half square feet.

2. When the occupancy of any tier exceeds six hundred persons, the width of the court or passageway for that tier shall be increased at the rate of one foot for each five hundred persons or fraction thereof.

3. The size of the court from the orchestra shall be calculated independently and where the emergency stairs from above combine with such court the court shall be increased in width to accommodate the total occupancy served. The width of the court shall mean the clear, unobstructed width.

4. Passageways shall be of materials or assemblies having a fire resistive rating of at least four hours, with solid floors and roof. Where such passageways go through the stage or through other structures but not where the passageway goes through other parts of the same structure, the roof shall be capable of sustaining a uniformly distributed load of five hundred pounds per square foot.

5. Such passageways and courts shall connect to the street at sidewalk level unless connected to the emergency stair as provided in subdivision j of this section. Difference in elevation of floors of such courts and passageways shall be overcome only by ramps having a maximum grade of one in ten or by stairs of maximum height of riser of seven and one-half inches and width of tread of at least ten inches. Where stairs and ramps are used in conjunction such stairs may only be placed at either or both ends of the ramps.

6. Where enclosed passageways are used they shall be vented to the street or outer air in a horizontal direction by means of wire mesh grilles with clear ventilating areas of at least 12 square feet at each end of the passageway or within ten percent of the length of the passageway from either end. Walls of passageways shall be whitewashed or finished in materials of a light color, or painted a light color.

7. When the stage exits into such a passageway there shall be between the stage and the passageway a vestibule at least five feet deep extending the full width of the court or passageway and separated from the stage and passageway by self-closing doors having a fire resistive rating of at least one hour.

8. The doors on the orchestra floor opening on the required emergency courts, passageways or streets shall have a minimum clear width of five feet measured between door stops. One such door opening on each required emergency court or passageway or street shall be located not more than thirty-five feet from the first row of seats. The first row of seats shall be that row of seats nearest to the stage, platform, or projection screen. An additional emergency exit on each required emergency court or passageway shall be located not more than fifty feet from the last row of seats. Such emergency exits shall be separated by a distance at least equal to fifty percent of the distance from the first to the last row of seats. Additional doors shall be provided as necessary so that no seat on the orchestra floor shall be located more than one hundred and twenty-five feet from an exit or entrance door measured along the line of travel.

9. Where auditoriums are adjacent to any other structure bordering on any structure, emergency exits from the auditorium may be by means of passageways through such structures, except when, in the opinion of the superintendent, such occupancy or use of such structures would constitute a hazard.

10. All openings on emergency courts or passageways shall be protected by fireproof, self-closing doors approved for at least a one-hour fire resistive rating.

(12.10.2.3). c. Use of emergency passageways and courts in special occupancy structures.

1. Emergency passageways and courts shall be used exclusively for exit from the auditorium and stage and shall be kept free and clear at all times. No openings on emergency passageways shall be permitted except openings to the outer and those for doors.

2. Any such passageway or court may be used in common by two or more auditoriums, provided the width is equal to that required for the total number of persons to be accommodated in all the auditoriums opening on it.

(12.10.2.4). d. Required number of emergency exits from special occupancy structures. In addition to the exits normally required under sections C26-730.0 and C26-732.0, there shall be on each side of each tier at least two emergency exits opening from the auditorium to the emergency passageways or courts. The doors on such emergency exits shall have a minimum clear width of five feet measured between door stops, except that on tiers above the orchestra floor requiring only one crossover and no promenade, at least one of the required exit doors shall be located at each end of the crossover. The swing of such doors shall be in the direction of egress and shall not obstruct the clear width of the passageway when fully opened, except for the thickness of the door.

(12.10.2.5). e. Required emergency stairways in special occupancy structures.

1. From the emergency exits in each tier above the first, interior or exterior emergency stairs or emergency platforms shall be provided extending to the sidewalk, court or passageway. The minimum width of each such stair or platform shall be four feet. When the capacity of any tier above the first exceed eight hundred persons the width of each of the required stairs serving such tiers shall be increased in the proportion of one foot for each five hundred persons or fraction thereof in excess of eight hundred persons. When the stairs or platforms are not extended independently to the street court or passageway level, but are combined, the width of each run of stairs shall be increased by fifty percent of the width of the stairway serving the next tier above. From the landing of the stairs at the street court or passageway level a passageway at least as wide as the last run of stairs leading into it, and a minimum of six feet wide, shall be provided leading to the street or stairway leading to the street. Hand-rails may project into the required width of stairs a maximum of three and one-half inches on each side. The ends of hand-rails shall be turned back against walls or newels and finished without projections which would act as obstructions. Required stairways shall also comply with the requirements of subdivision f of section C26-292.0.

2. The maximum height of risers in required stairways shall be eight and one-half inches, and the minimum depth of tread nine inches, exclusive of nosing.

(12.10.2.6). f. Required size of courts upon inadequate streets. Where a street faces upon a public street narrower than the court which would be required for emergency purposes if there were no street, the structure shall be arcaded at the street level so that the combined width of the street and arcade shall be equal to the required width of the court which would be required if there were no street.

(12.10.2.7). g. Emergency exits from the stage.-Emergency exits to the passageways, courts or streets shall be provided on opposite sides of the stage level.

(12.10.2.8). h. Required exits from stage gridirons.-Two means of exit shall be provided from the stage gridirons. Such exits shall be provided on one side by means of a ladder or stairs, extending from the stage floor through the roof from the inside of the structure and on the other side through a door-way to the outer air and then by a ladder or other means to some point having access to the ground.

(12.10.2.9). i. Every theatre accommodating six hundred persons or less shall be provided with at least one emergency exit from the orchestra floor located within one-tenth of the depth of the orchestra from the first to the last row of seats. Where the orchestra accommodates more than three hundred persons, at least one additional emergency exit shall be provided. These emergency exits are in addition to the entrance doors of ten feet minimum width as required under section C26-730.0 of this article. The aggregate width of the

emergency exits and the street entrance doors in feet shall be at least one-twentieth of the total number of persons to be accommodated. The minimum width of the emergency exit doors shall be five feet and they shall open outwardly on a street or an emergency court or passageway leading to a street. The court or passageway shall be at least four feet in clear width for the first one hundred persons and the width shall be increased six inches for every additional one hundred persons to be accommodated. Construction of passageways, courts and doors shall conform with the provisions of the preceding subdivisions of this section.

(12.10.2.10). j. Where a theatre is placed more than ten feet above the curb level or more than six feet below the curb level as measured to the level of the space in rear of the last row of seats in the orchestra or to the level of the crossover in front of the first riser in a stadium structure, passageways or courts shall not be required to extend below or above the auditorium level where at least one emergency stairway is provided from each passageway or court each having a minimum width of six feet and each leading to the street. When the capacity of the theatre exceeds one thousand persons, the width of each such stairway shall be increased in the proportion of one foot for each three hundred persons or part thereof in excess of one thousand. Such stairways shall be enclosed in fireproof material of not less than three hour fire-resistive rating. The size of the treads and risers shall conform to the requirement for emergency stairways in this section. Such stairs shall be used exclusively for the exit from the theatre, and shall be kept free and clear at all times. The stairs shall comply with the requirements of section C26-292.0 except as otherwise provided in this section.

The stairs shall be separated from the emergency court or passageway by fireproof self-closing doors approved for at least a one hour fire-resistive rating, hung to swing in the direction of egress. The aggregate clear width of such doorways shall be not less than the required width of the stair and the width of such doorways shall be not less than the required width of the stair and the width of a single doorway shall not be less than three feet eight inches nor more than five feet. A landing shall be provided between the doors and the first riser, having a width not less than the swing of the largest door but not less than four feet. The doors may be provided with panic bolts. The stairs shall be vented by means of fixed opening or a vertical or horizontal duct, to the outer air, having a minimum cross-sectional area of at least two square feet. The stairs shall run separately and independently to the street or to an open court leading to the street.

(12.10.3). §C26-732.0 Balcony Exits and Stairs.-

a. Except as otherwise provided in section C26-735.0, at least two separate and independent stairways, in addition to the emergency stairways required by subdivision e of section C26-731.0, shall be provided for each tier above the auditorium floor. Such stairways shall be located on opposite sides of the auditorium and may connect with the tiers which they serve, by means of mezzanines or other intermediate floors. Where balcony stairs open directly into the auditorium, the exit facilities from the auditorium shall provide for the number of persons using such balcony stairs. The width of balcony stairs which open directly upon the street, court or passageway may be deducted from the required width of main entrance except that the width of main entrance doors shall not be less than ten feet. Required stairways shall connect with only one tier, except when one of the tiers is a part of a stadium theatre and the aisles in that tier are continuous with those in the orchestra floor, and except that required stairways in any type of theatre may open on more than one tier, provided that such required stairways are increased to the width required for a fifty percent increase in the number of occupants of the lower tier, and this increase shall apply to each tier upon which the stairs

open, but in no case need the total width of the stairs exceed that required to accommodate the total number of occupants to be served by these stairways. Required stairways shall be enclosed in the tiers through which they pass by materials or assemblies having a fire resistive rating of at least three hours, but enclosures shall not be required at the upper and lower terminals of balcony stairs. It shall be unlawful to permit any door to open directly on a stairway; a landing at least as wide as the door shall be provided between the door opening and the stairs.

b. The doors on street fronts may be of untreated wood, but all other doors on exit passageways and stairs shall comply with the requirements of article eleven of this title.

c. The maximum height of risers on any balcony stairs shall be seven and one-half inches and the minimum depth of treads in straight balcony stairs shall be ten inches exclusive of nosings. It shall be unlawful to provide circular or winding stairs for the use of the public. When straight stairs return directly on themselves, a landing without steps, the full width of both flights, shall be provided. The outer line of landings shall be curbed to a radius of at least two feet. Stairs turning at an angle shall have a proper landing without winders, introduced at each turn. It shall be unlawful to introduce winders in stairs when two side flights connect with one main flight; the width of the main flight shall be at least equal to the aggregate width of the side flights. All stairs shall have proper landings introduced at vertical intervals of twelve feet or less. The minimum number of steps in a flight between landings shall be three. Such landings shall be at least four feet in depth.

d. Where the stadium type of design is employed, all portions of the auditorium behind the first perpendicular riser shall be treated as a balcony when the highest row of seats is more than fifteen feet above the lowest point of the crossover in front of the first perpendicular riser. Where the distance between the lowest point of the crossover in front of the first perpendicular riser and the highest level of the stadium floor is between fifteen and twenty feet, an inside stairway shall be provided. Where such distance is over twenty feet such stadium section shall be treated as a balcony, and if the house already has a balcony the stadium section above fifteen feet shall be treated as another balcony.

e. The minimum width for balcony stairs shall be four feet. When the number of persons to be accommodated on any tier exceeds two hundred, the width of each stair shall be increased in the proportion of three inches for every one hundred persons or fraction thereof in excess of two hundred persons. The maximum width of any stair shall be eight feet. When the occupancy of any tier exceeds eighteen hundred persons, additional stairs shall be provided. The aggregate width of stairs required from any tier shall be divided into substantially equal units, so that the width of the narrowest stair shall be at least two-thirds that of the widest stairs. Hand-rails shall be provided in such stairways and may project a maximum of three and one-half inches into the required width of stairs on each side.

f. Ornamental stairways may be constructed under the following conditions:

1. Such stairways shall be so placed as to leave unobstructed the functioning and use of the required means of egress.
2. Such ornamental stairways shall be separate from such required means of egress.
3. Such stairways shall meet the requirements of sub-division 1 of section C26-292.0, with respect to hand-rails.

g. Stairways serving theatres placed above the curb level as provided in subdivision e of section C26-730.0 may lead directly to the street, courts or passageways or terminate in the lobby in the rear of the orchestra. Where a stairway terminates in the lobby, the lobby shall

be connected with the street, courts or passageways by means of doors or passageways having a minimum width of five feet.

(12.10.4.1). §C26-733.0 Crossovers.-

a. Crossovers in tiers above the orchestra floor.-Crossovers shall be provided in each tier above the orchestra floor as follows:

1. The first crossover shall be seven rows of seats or less from the front of the tier.
2. Additional crossovers shall be provided, each fourteen rows of seats or less from the next lower crossover, except that, if the last crossover is placed at the rear of the tier, there may be sixteen rows of seats between the highest crossover and the next lower crossover. Such crossovers shall be at least four feet wide in the clear and shall be separated from the seating spaces with railings. When but one crossover is required, both emergency exits shall be located at the ends of the crossover. When more than one crossover is required, an emergency exit shall be located at each end of each crossover. When the difference in level between adjacent crossovers is in excess of nine feet, the emergency passageway shall be carried level and independently from each exit to the emergency stairs. Passageways leading to any stairway connecting with any exit shall be at least four feet in width at every point.

(12.10.4.2). b. Crossovers on orchestra floor.-Crossovers shall be provided in the orchestra tier when there are more than four banks of seats, under conditions as follows:

1. The first crossover shall be located approximately one-third of the distance from the last row of seats to the first row of seats, but not less than eighteen rows from the first row of seats, except that where there are not more than twenty-seven rows of seats and not more than four banks of seats no crossover shall be required. The first row of seats shall be that row of seats nearest to the stage, platform or projection screen.
2. Additional crossovers shall be provided, eighteen rows of seats or less intervening between each such crossover and the next lower crossover. For the purposes of this paragraph a cross-aisle or clear space of four feet or more in width and extending from one side wall to the opposite side wall shall be considered a crossover.
3. Where there are five banks of seats the cross-overs shall be formed by spacing the backs of two consecutive rows of seats at least sixty-six inches apart or by providing a clear, unobstructed cross-aisle of at least four feet.
4. Where there are more than five banks of seats the cross-overs shall be formed by spacing the backs of two consecutive rows of seats at least seventy-eight inches apart or by providing a clear, unobstructed cross-aisle of at least five feet in width.
5. The superintendent may, in his discretion, permit cross-overs where cross-overs are not required by this article.

(12.10.5). §C26-734.0 Vomitories.-

a. The term “vomitory” shall mean an exit from a balcony communicating with a stairway by way of an intermediate floor. At least two vomitories shall be provided for the first one thousand seats or less in a balcony and one for each additional five hundred seats or fraction thereof over one thousand seats. Vomitories shall be located laterally twenty-eight feet or less from the side walls and ninety feet or less apart at the same cross-over level, except that vomitories may be located more than ninety feet apart when the width of the crossovers is increased one inch for each foot of separation in excess of ninety feet; vomitories shall be located on the level of the lowest crossover and where more than two vomitories and two crossovers are required, the vomitories shall be located on the level of the lowest crossover

and at alternate crossovers thereafter. When a single vomitory is required at an alternate crossover it shall be centrally located.

b. The difference in level, between a crossover and a vomitory passageway serving such crossover, shall be seven feet or less. Such difference in level may be made up by steps in the vomitory, provided the width of the crossover, at the vomitory, is increased at least two feet.

c. Each vomitory shall have a width of at least five feet.

d. Vomitories may be omitted when the required aisles connect directly with a promenade or open space at the rear of the balcony provided such balconies are less than twenty four rows deep and there is a difference of twelve feet or less in level between the front row of seats and the promenade.

e. Stairs may be located at the rear of the balcony in place of an equal number on vomitories, provided the top stair landings are connected by a crossover.

(12.10.6). §C26-735.0 Small Balconies.-Balconies having a maximum capacity of one hundred fifty seats and also any single balcony in a church used exclusively as a place of worship, shall be exempted from the emergency exit requirements; but two stairways each not less than four feet in width or one such stairway and an emergency exit constructed as per section C26-730.0 shall be provided. The emergency exit shall be not less than four feet in width and shall not be required to be more than 11 feet in width. The interior stairways shall terminate at the rear of the seats of the tier below or may lead to the street and shall be provided with handrails on both sides. If an emergency exit door is provided such door shall be of at least one hour fire-resistive rating and open outwardly upon a street, passageway or court conforming to the provisions of subdivision i of section C26-731.0. Exterior platforms in courts serving emergency exits shall be at least forty-eight inches in width and fifty-four inches in length. Exterior emergency stairways not less than forty inches width extending to the court level or to the street shall be provided from the platforms. Construction of emergency stairways and platforms shall conform to the requirements of section C26-741.0.

(12.10.7). §C26-736.0 Boxes.-The term "box" shall mean an enclosure having one fixed or movable seat to each six square feet of floor space, with a maximum of twelve seats. When boxes are at the balcony levels they shall be accessible from the aisles from the crossovers. The minimum width of a box entrance shall be three feet. When boxes are located at the sides of the proscenium no other means of egress need to be provided. Boxes located at the sides of the proscenium shall be within forty feet of the proscenium wall. The stairs for such boxes shall have a minimum width of two and one-half feet and shall lead to the nearest balcony or tier of seats below such boxes.

(12.10.8). §C26-737.0 Diagram of Exits.-A diagram or plan of each tier in the auditorium, showing clearly and distinctly all aisles, exits and total number of seats on each tier, shall be posted in the office of the premises of printed in black lines on any program of the performance, occupying a space on the program of ten square inches or more.

Sub-Article 11. Aisles

(12.11). §C26-738.0 Aisles.-

Aisles shall begin at least three feet wide and shall be increased in width toward the exits in the ratio of one and one-half inches to five running feet. Where exits, corridors, passages or crossover aisles are provided at both ends of any aisle, the aisle may be uniform in width; such uniform width shall be at least three feet plus three-quarters of an inch for each five running feet

in such aisle. Whenever an aisle borders on a means of entrance the aisle shall have a width of four feet or more for the space required for such entrance doors.

Sub-Article 12. Foyers, Lobbies, Vestibules and Corridors in Special Occupancy Structures (12.12). §C26-739.0 Foyers, Lobbies, Vestibules and Corridors in Special Occupancy Structures.-The aggregate of the foyers, lobbies, vestibules and corridors intended for the use of the audience, excluding toilet rooms, lounges and other similar spaces or aisle space between seats, shall have one hundred fifty feet of space on each tier for every hundred persons occupying such tier and shall be able on each tier to accommodate the entire number of persons occupying such tier. Such foyers, lobbies, vestibules and corridors shall be separated from toilet rooms, lounges and other adjoining spaces by partitions having a fire resistive rating of at least two hours. The floor space in any mezzanine or intermediate floor connected to any tier by vomitories may be included in computing the required floor space for that tier. Refreshment stands shall be constructed of incombustible materials and shall not obstruct any exits, aisles, foyers, lobbies or vestibules. The term refreshment stand shall also include vending machines. Beverages may be heated in refreshment stands, provided the heating is done by electricity only and no gas or other heating materials are used.

Sub-Article 13. Ramps in Special Occupancy Structures (12.13). §C26-740.0 Ramps in Special Occupancy Structures.-Ramps or inclined planes shall be employed instead of steps to overcome slight differences of level in or between aisles, corridors and passages. Where the total difference in level will cause the gradient of the ramp to be more than one in twelve the excess may be made up by using steps, except in aisles on the orchestra floor. The maximum gradient in aisles on the orchestra floor shall be one in six for the first, second and third rows of seats from the rear; one in seven for the fourth, fifth and sixth rows; one in eight for the seventh, eighth and ninth rows; and one in ten for the remaining rows.

Sub-Article 14. Exterior Platform for Emergency Exits in Special Occupancy Structures (12.14). §C26-741.0 Exterior Platform for Emergency Exits in Special Occupancy Structures.-

a. Where the emergency exits open on exterior platforms, such platform shall have an area of at least thirty square feet for such required emergency exit opening thereon and shall be at least as wide as the required width of the stairway serving that exit in accordance with section C26-731.0 and no stairway shall start less than two feet from the jamb of the door opening on to it. Stairways enclosed in partitions having a fire resistive rating of at least three hours, extending to the ground level or floor level of the side court or passageway shall be provided from these platforms, except that open stairways protected by a roof of incombustible material may be used in place of these enclosed stairways when serving only one tier and when having a maximum height of one tier or fifteen feet above the level of the floor a passageway located at the orchestra level. Such open stairways shall be protected throughout to a height of five feet with wire netting or rigid guards as provided in paragraph two, subdivision J of section C26-292.0. The maximum height of risers in stairs shall be eight inches and the minimum depth of tread, exclusive of the nosing, shall be nine inches. Platforms and stairs shall be made of incombustible material and shall have solid risers, treads and platforms. Platforms shall be covered with metal hood or awning.

Sub-Article 15. Guard and Hand-Rails in Special Occupancy Structures

(12.15) §C26-742.0 Guard and Hand-Rails in Special Occupancy Structures.-

- a. Stairways and platform exits shall be provided on the open side with a guard railing at least four feet high measured vertically from the riser face and with a hand-rail upon both sides.
- b. Hand-rails shall be provided on the wall side of the balcony wall aisles.

Sub-Article 16. Lighting of Special Occupancy Structures

(12.16.1) §C26-743.0 Adequacy of Lighting in Special Occupancy Structures.-Every portion of any special occupancy structure devoted to the use or accommodation of the public, including all means of exit leading to the streets and all courts, corridors, and passageways, shall be properly lighted during every performance and shall remain lighted until the entire audience has left the premises.

(12.16.2). §C26-744.0 Control of Lights for Corridors and Passageways in Special Occupancy Structures.-Lights in the halls, courts, passageways and in the stairways, corridors, lobby or other part of the structure used by the audience, except the auditorium, shall be on a separate circuit and shall be controlled by a separate switch located in the box office or in the lobby, and when located in the lobby shall be enclosed in a box with a locked cover and such light shall be controlled only from such location. Lighting throughout the passageways shall average not less than 5-foot candles.

(12.16.3). §C26-745.0 Illuminated Exit Signs in Special Occupancy Structures.-Exit and entrance doors shall be marked with illuminated signs containing the word "EXIT" in red letters at least eight inches high. Such signs shall be kept lighted during the performance and at all times when the audience is in the theatre.

Sub-Article 17. Fire-Extinguishing Appliances in Special Occupancy Structures

(12.17). §C26-746.0 General.-Every structure subject to the requirements of this article shall, except as otherwise provided in this section, be equipped with the following fire fighting apparatus:

(12.17.1).

1. Sprinkler systems in special occupancy structures.-

(a) Automatic sprinklers complying with article sixteen of this title shall be placed under the roof of the stage, under the gridiron, under all fly galleries and bridges and over the stage at such intervals as will protect every square foot of stage surface when sprinklers are in operation. An additional line of sprinkler heads shall be placed on the stage side of the proscenium opening. Automatic sprinklers shall also be placed in the dressing rooms and under the stage and in all work rooms, store rooms and property rooms. Sprinkler systems shall in all other respects comply with article sixteen of this title.

(b) Where two or three theatres under the same ownership or management are built contiguously, one ten thousand gallon tank may be erected in place of a separate tank for each theatre.

(12.17.2). 2. Standpipe systems in special occupancy structures.

(a) Standpipe risers shall be provided, except as provided in section C26-720.0 on every floor and tier, with hose attachments as follows: one on each side of the auditorium in each tier, one in each mezzanine, one on each side of the stage in each tier, one in each tier of dressing rooms, one in the property room, and one in each work room and store room, except when the property room, store room, or work room is within fifty feet of a

standpipe hose outlet. Such standpipes shall be kept unobstructed. They shall be supplied by a separate gravity tank except that a single gravity tank or standpipe tank is permitted for adjoining theatres under the same ownership, or by a pressure tank located above the roof and by a fire pump of two hundred fifty gallons per minute capacity, except as provided in paragraph one of section C26-746.0. Standpipe tanks shall be kept constantly filled with water by means of an automatic filling pump capable of delivering at least sixty-five gallons per minute into the tank.

(b) The fire pump shall be automatic in operation and shall be supplied from the street main and be ready for immediate use at all times during any performance in the structure, except that theatres, used exclusively for the exhibition of motion, audible or sound or television pictures which are without stage or platform in excess of ten feet in depth, dressing rooms or scenery, shall not be required to have a fire pump.

(c) The standpipe system shall otherwise comply with article seventeen of this title.

(12.17.3). 3. Hose in Special Occupancy Structures.-There shall always be kept attached to each hose outlet valve, in accordance with this article, a proper and sufficient quantity of hose fitted with regulation fire department type couplings, with a nozzle attached thereto, and a hose spanner at each outlet.

(12.17.4). 4. Hand Fire-Extinguishing Equipment in Special Occupancy Structures.-At least four casks, of approximately fifty gallons capacity, full of water, and two buckets for each cask shall be kept in readiness for immediate use on the stage. Such casks and buckets shall be painted red and marked with the word "FIRE" in letters, of contrasting color, at least four inches high. Hand pumps or other portable fire-extinguishing fire apparatus and at least four casks and two twenty-five foot hooks, two fifteen foot hooks and two ten foot hooks shall be provided on each tier or floor of the stage. At each required standpipe hose outlet a two and one-half gallon hand extinguisher, one regulation fire axe and two six-foot hooks shall be provided. Two two and one-half gallon hand extinguishers may be substituted for each required cask and its buckets and, if provided, shall be recharged annually, and immediately after any use.

(12.17.5). §C26-747.0 Exempted Structures.-

a. Special occupancy structures one-story in height shall not be required to provide a standpipe system.

b. A stadium structure may be deemed to be a one-story structure, provided the seats are so arranged that the floor level of highest row shall be within fifteen feet above the level of the crossover immediately in front of the first riser in the auditorium.

c. A theatre having a stage and dressing rooms and having a seating capacity of six hundred or less shall be exempted from all of the requirements of section C26-746.0 except subdivision 1, sprinkler systems and subdivision four hand fire extinguishing equipment.

(12.17.6). §C26-748.0 Separate Systems for Structures Above Auditoriums.-Where a structure requiring a standpipe system is erected above the auditorium of a special occupancy structure it shall be provided with a standpipe system entirely separate from that provided for the special occupancy structure.

Sub-Article 18. Heating and Cooling Plants and Ventilation in Special Occupancy Structures

(12.18). §C26-749.0 Heating and Cooling Plants and Ventilation in Special Occupancy Structures.-

- a. It shall be unlawful to locate any steam boiler under any stage or auditorium. Every steam boiler operating at a pressure of ten or more pounds and used for any purpose shall be located outside of that portion of a structure used for special occupancy purposes. The boiler room space shall be enclosed by masonry having a combined fire resistive rating of at least four hours and doorways to the boiler room shall be protected with an automatic and self-closing door assembly having a fire resistive rating of two hours. The self-closing door shall be hung at the outer side of the opening and shall open outwardly. It shall be unlawful to place coils or radiators within seven feet of the floor in any hall or passageway used for exit unless such coils or radiators are placed in recesses covered with grilles. Supply, return or exhaust pipes shall be properly encased and protected where passing through floors or near woodwork and shall be so protected on the stage by means of guards as to prevent scenery from coming in contact with the pipes.
- b. Air cooling and air conditioning systems shall be installed in accordance with the rules of the board. Refrigeration systems shall also comply with the applicable provisions of title C of chapter nineteen of the code.
- c. Ventilation shall be supplied at the rate of not less than five cubic feet per minute of fresh air per occupant, based on the total occupancy for which the special occupancy structure is designed.

Sub-Article 19. Jurisdiction of the Fire Commissioner Over Special Occupancy Structures (12.19). § C26-750.0 Jurisdiction of the Fire Commissioner Over Special Occupancy Structures.-The fire commissioner shall enforce all of the provisions of this article, relating to protection against fire and panic, obstruction of aisles, passageways and means of egress, standees, fire prevention and fire-extinguishing appliances, excluding provisions relating to structural conditions.

Sub-Article 20. Existing Special Occupancy Structures

(12.20). §C26-751.0 Saving Clause Relating to Existing Special Occupancy Structures.-Any theatre, opera house, or structure intended to be used for theatrical or operatic purposes, legally constructed and approved for such purposes prior to January first, nineteen hundred thirty-eight, and the Town Hall, located at one hundred thirteen to one hundred twenty-three West Forty-third street, borough of Manhattan, so long as the revenue received for use of such Town Halt shall continue to be applied to public, charitable, social, educational or literary purposes, and provided that the premises of such Town Hall are not used for theatrical or operatic purposes, and any public dance hall approved by the then superintendent or the commissioner having jurisdiction and licensed as a public dance hall prior to January first, nineteen hundred thirty-eight, shall be exempt from the requirements of this article.

Sub-Article 21. Motion Picture Theatres

GROUP 4

Booths for Motion Picture Projecting Machines and Films

(12.21.4.1). §C26-760.0 Booths Required for Motion Picture Machines and Films.-It shall be unlawful to use, in any structure, place of public assembly or entertainment, any cinematograph or other apparatus for projecting motion pictures which uses inflammable films more than ten inches in length, unless such projecting apparatus is enclosed in a booth constructed of incombustible materials as required by section C26-761.0, or section C26-764.0, and the certificate required by section C26-763.0, or section C26-766.0, shall have been issued to the owner or lessee of the premises where the booth is located.

(12.21.4.2). §C26-761.0 Plans, Specifications and Construction of Motion Picture Machine Booths.-The booths required by section C26-760.0, shall be constructed according to plans and specifications approved by the superintendent. Plans and specifications for such booths shall be approved by the superintendent only when they provide substantially for the following requirements:

(12.21.4.2.1). 1. Dimensions of Motion Picture Machine Booths.-Such booths shall be at least seven feet in height. If one machine is to be operated in such booth the floor space shall be at least seven and one-half by ten feet. If more than one machine is to be operated therein, twenty-four additional square feet shall be provided for each additional machine.

(12.21.4.2.2). 2. General Specifications for Motion Picture Machine Booths.-

(a) Permanent booths shall be constructed of incombustible materials having a fire resistive rating of at least three hours.

(b) If temporary booths are constructed of incombustible materials other than masonry or hard asbestos, such booths shall be constructed with angle framework of approved incombustible material. The angles shall be at least one and one-quarter by one and one-quarter by three-sixteenths inches and the adjacent members shall be joined firmly with metal angle plates. The maximum distance between angle members of the framework shall be four feet on the sides and three feet on the front, rear and top of the booth. The sheets of hard asbestos board or other approved incombustible material shall be at least one-quarter inch thick and shall be securely fastened to the framework with metal bolts or rivets. The incombustible material shall completely cover the sides, top and all joints of the booth. The floor space occupied by the booth shall be covered with incombustible material at least three-eighths of an inch thick.

(c) Booths shall be insulated so as not to conduct electricity to any other part of the structure. Booths shall be provided with two means of exit which shall consist of passageways, stairs or ladders and located one at each end of the booth. One of these means of exit shall be through a door at least twenty-four inches wide and seventy inches high. All such doors shall be self-closing and shall open in the direction of egress.

(d) One operating window shall be provided for each machine and one for each operator. Such windows shall be as small as will permit the necessary service, and shutters of approved incombustible material shall be provided for each window. The shutters shall be so arranged as to close the window openings automatically, in the event of fire, by the operation of approved fusible and manual releasing devices.

(e) Where a booth is built against the exterior wall of a structure, a window or windows shall be permitted in such wall for the comfort of the operator. Booths shall contain all

approved box of incombustible material for the storage of films not being used on the projecting machine. Films shall be stored, kept and handled only in projection booths, rewinding rooms or special storage rooms complying with the requirements of title C of chapter nineteen of the code.

(f) Films may be repaired either in the booth or in some other enclosure made of incombustible materials, but the room in which motion picture machines are operated shall be separated from the rewinding and other accessory rooms by fireproof partitions provided with self-closing fireproof doors. Booths in which projecting machines are operated shall be provided with a separate opening or vent flue in the roof, or upper part of the side wall, leading to the outer air from the rewinding room and from the machine room. Such flues shall be at least seventy-eight square inches in cross-section and made of incombustible materials. When booths are in use a current of air at the minimum rate of at least fifty cubic feet per minute shall be maintained through the booth to the outer air, which current shall be sufficient to furnish a complete change of air every ten minutes.

(12.21.4.3). §C26-762.0 Application to Existing Motion Picture Machine Booths.-Booths legally installed and approved before January first, nineteen hundred thirty-eight, shall be exempted from any other requirements of section C26-760.0 through C26-770.0, provided they are constructed of rigid incombustible material so insulated as not to conduct electricity to any other part of the structure, so separated from any adjacent combustible material as to prevent the communication of fire through intense heat in case of combustion within a booth, and comply with the requirements of paragraph two of section C26-761.0, in respect to dimensions, vent flues, windows and doors, and boxes for storage of films.

(12.21.4.4). §C26-763.0 Inspection and Certification for Permanent Motion Picture Machine Booths.-After the construction of a booth has been completed the superintendent shall, within three days after receipt of written notice of that fact, cause such booth to be inspected. If the provisions of section C26-760.0, and section C26-761.0, have been complied with, the superintendent shall issue to the owner or lessee of the premises on which the booth is located a certificate stating that such provisions have been complied with.

(12.21.4.5). §C26-764.0 Portable Motion Picture Machine Booths for Temporary Exhibitions.-Where motion pictures are exhibited at most three times a week, or as often as daily for one month or less, in educational or religious institutions or in bona fide social, scientific, political or athletic clubs, a portable booth may be substituted for the booth required by section C26-760.0 and C26-761.0. Such portable booths shall be at least six feet high and at least twenty square feet in area, and shall be constructed of hard asbestos board, sheet steel of at least No. 24 U.S. gage, or of other approved incombustible material. Such portable booths shall comply with the requirements of section C26-761.0, with reference to windows and doors. Such booths are exempted from the requirements for vent flues. The floors of such booths shall be lifted at least one-half inch above the permanent support on which they are placed and such greater distance as may be necessary to allow the passage of air between the floor of such booths and the platform on which they rest. Such floors shall be so insulated as to prevent the conduction of electricity to any other portion of the building.

(12.21.4.6). §C26-765.0 Exemptions and Requirements for Miniature Cinematograph Machines.-Miniature motion picture machines, in which the maximum electric current used for the light is three hundred fifty watts are exempted from the requirements of sections C26-760.0 through C26-764.0. Such miniature machines shall be operated in an approved box of

incombustible material constructed with a fusible link or other approved releasing device that will close instantaneously and completely in case of combustion within the box. The light in such miniature machines shall be completely enclosed in a metal lantern box covered with non-removable roof. Miniature motion picture apparatus, which uses only an enclosed incandescent electric lamp and approved acetate of cellulose or slow burning films and is of such construction that films ordinarily used on full sized commercial picture apparatus cannot be used, is also exempted from the requirements of the above named sections.

(12.21.4.7). §C26-766.0 Inspection and Certification of Portable Motion Picture Machine Booths and Miniature Cinematograph Machines.-Before moving pictures are exhibited with a portable booth under the requirements of section C26-764.0 and before miniature machines without booths are used as permitted under section C26-765.0, a certificate of approval shall be obtained from the superintendent.

(12.21.4.8). §C26-767.0 Motion Picture Machine Booths in Theatres.-Booths in theatres shall be subject to the same requirements as booths in motion picture theatres.

(12.21.4.9). §C26-768.0 Lighting of Motion Picture Theatres.-The lighting of motion picture theatres shall comply with the requirements of sections C26-743.0 through C26-745.0.

(12.21.4.10). §C26-769.0 Application to Existing Motion Picture Theatres.-Motion picture theatres, legally constructed and operated on January first, nineteen hundred thirty-eight, shall comply with the requirements of this article for motion picture theatres, only to the extent ordered by the superintendent unless the seating capacity is increased. Any motion picture theatre in a hotel located at a summer resort, where the seating capacity does not exceed one thousand persons, and in which there is no stage or scenery, and to which no admission fee is charged or exacted, and which is located on the ground floor of such building, and is legally constructed and operated on January first, nineteen hundred thirty-eight, shall comply with the requirements of this article, only to the extent ordered by the superintendent unless the seating capacity increased. If the seating capacity of any such motion picture theatre, constructed before January first, nineteen hundred thirty-eight, is increased, such theatre shall comply with all the requirements for such theatres.

(12.21.4.11). §C26-770.0 Open Air Motion Picture Theatres.-The seating capacity of each open air motion picture theatre as defined in section B32-22.0 of the code, shall be such as is prescribed by the superintendent. Such theatres shall comply with the following requirements:

(12.21.4.11.1). 1. Aisles.-The number and width of all aisles shall be as prescribed by the superintendent, but aisles shall be at least four feet wide.

(12.21.4.11.2). 2. Exits.-At least two separate exits remote from each other shall be provided, and every exit shall be at least five feet wide. For every two hundred fifty persons to be accommodated in excess of three hundred persons, the total width of exits shall be increased one foot. Exits shall be indicated by signs and red lights. Doors shall open outwardly for their full width.

(12.21.4.11.3). 3. Seats.-Seats shall be stationary, separated thirty-two inches from back to back, and so arranged that the maximum number of seats intervening between any seat and an aisle shall be seven. Chairs shall be securely fastened to a wood or concrete floor, or all chairs in a row shall be fastened together and at least four rows shall be securely fastened to one frame. Where refreshments are served, tables and unattached chairs or benches used with them shall be permitted.

(12.21.4.11.4). 4. Floors.-Floors shall be constructed either of concrete or wood with sleepers, and shall extend at least five feet from the seats on all sides, provided that in the discretion of the superintendent a gravel floor may be substituted for wood concrete.

(12.21.4.11.5). 5. Additional Requirements for Open Air of Motion Picture Theatres.-Open air motion picture theatres shall also comply with the requirements of section C26-760.0 through C26-770.0.

Sub-Article 22. Television Studios

(12.22.1). §C26-770.1 Requirements for Television Studios.-

1. Definitions.-

a. Television studio means any place in a building from which television broadcasts are made and which contains television equipment, scenery or other paraphernalia or properties, fixtures or other special equipment used for production of television broadcasts in which the use of motion picture film may be an integral part and with or without seating area for an audience. A television studio may include, but shall be limited to, front and rear screen projection, film recording, kinescope recording cutting and editing room, developing, screening and viewing room, storage rooms and telecine rooms. The televising of special events, such as news, sports, conventions or special events of a generally similar nature in any place or building shall not constitute such place or building a television studio.

b. Front or rear screen projection in a television studio means projection of an image either moving or still by film or otherwise on a screen either from the front or rear in conjunction with the production of television broadcasts.

c. Telecine room means an area which is equipped with projection machines, television camera chains and associated equipment whereby images either moving or still, or by film, are transmitted into the television camera.

d. A conventional stage is any stage or floor area used for the production of a show, play or act, where scenery, drops or sets are located within the area or room where the production is made and where there are arrangements to accommodate an audience of more than three hundred persons if the scenery is flown or more than five hundred persons if scenery is not flown except that where the entire studio is sprinklered by a two source automatic wet pipe system of sprinklers the stage or floor area shall not be a conventional stage unless there are arrangements to accommodate an audience of more than six hundred persons if the scenery is flown, or more than one thousand persons if scenery is not flown. However, in spaces in the studio designed to contain technical electronic equipment, such as control rooms, telecine rooms and broadcast equipment rooms, where a two source automatic wet pipe system of sprinklers would be required a CO₂ automatic system may be used in lieu of such wet pipe system.

2. General provisions.

a. Television studios shall be exempt from the provisions of article thirteen, sub-articles one to twenty-one, inclusive of this title except that the provisions of sub-division d of section C26-722 shall apply.

b. Every structure used or arranged to be used as a television studio for the accommodation of an audience of less than five hundred persons and in which scenery is not being flown but with provision for scenery or dressing rooms or other studio accessories shall be exempt from the requirements of this article, provided that:

(1) Exit facilities, seats and aisles shall comply with all of the requirements for means of egress prescribed in article seven of this title.

(2) Dressing rooms shall be protected by a sprinkler system supplied from either the house water supply system or a separate source of supply which, in either case, will give the required volume at a pressure of at least fifteen pounds per square inch at the highest line of sprinklers.

(3) Scenery is of incombustible material or flame-proofed in accordance with the requirements of the fire commissioner or shall be treated so as neither to ignite nor actively support combustion.

c. Every structure intended to be used or arranged to be used in whole or in part for television studios where any single television studio is used for the accommodation of an audience of more than five hundred persons or for an audience of more than three hundred persons with scenery that is being flown, shall be a class one, fireproof structure, except as otherwise specifically provided in this article, and in addition shall comply with the following requirements:

(1) Exit facilities shall comply with all of the requirements for means of egress prescribed in article seven of this title, and in addition, fixed seats shall comply with the provision of section C26-729.0 and aisles shall comply with the provisions of section C26-738.0, except that there also may be one hundred and fifty portable temporary seats in the production area as part of a production.

(2) Where there is a conventional stage, it shall be enclosed on both sides and rear with partitions having a fire resistive rating of at least four hours, openings in these partitions shall be protected by means of self-closing or automatic protective assemblies having a fire resistive rating of at least one hour, and the proscenium opening shall be equipped with an approved curtain conforming to the provisions of section C26-725.0.

(3) Scenery, drops and valances shall be of incombustible material or flame-proofed in accordance with the requirements of the fire commissioner or shall be treated so as neither to ignite nor actively support combustion.

(4) A complete system of automatic sprinklers shall be installed in dressing rooms, property rooms, wardrobe rooms and under the stage roof if any. Where there is a conventional stage a line of automatic sprinklers shall be provided over the proscenium opening on the stage side of the asbestos curtain; and where a two source sprinkler system is not required, the sprinkler system may be supplied from either the house water supply system or a separate source of supply, which, in either case, shall give the required volume at a pressure of at least fifteen pounds per square inch at the highest line of sprinklers.

(5) Telecine rooms, dressing rooms, wardrobe rooms, property rooms, workrooms, and any carpenter shops shall be located outside of the fire resistive partitions enclosing the stage; these rooms shall be enclosed in partitions having a fire resistive rating of at least three hours and openings in such partitions shall be equipped with self-closing or automatic protective assemblies having a fire resistive rating of at least one hour.

(6) Where there is a conventional stage an automatic skylight, of not less than five percent of the area of the stage between the enclosing partitions and the asbestos curtain line, shall be installed in the roof over the stage, or in place of such skylight, a

vent duct, or ducts, of equal area shall be extended from the top of the stage to a point above the roof. If ducts are installed, they may be either open or provided with plain glass dampers held closed by means of fusible links, and having three-quarter inch or smaller mesh wire screens immediately below as approved by the superintendent. These vent ducts shall be enclosed and constructed as required for medium temperature chimneys in section C26-710.0. No other flues or ducts shall be connected to the vent ducts from the stage.

(7) Portable fire appliances in any room where film is handled, stored or used, shall be as prescribed by the fire commissioner.

(8) All members of the audience shall be furnished with seats.

(9) No seats, chairs, stools, or other movable furniture shall be placed in any aisle or passageway leading to a means of egress.

(10) Dry foliage, flowers and branches shall be used as stage setting or scenery only when so treated as to neither ignite nor support combustion.

d. Premises used exclusively for the display of television pictures with an audience capacity of six hundred persons or less and without a stage or platform exceeding five feet in depth and without scenery, or with a platform which complies with subdivision d of section C26-722.0 of the administrative code, shall be rated as a television studio and entitled to the exceptions from the general requirements of article 13 of this title and the exceptions set forth in sub-article twenty-one thereof, but shall be subject to the exit provisions contained in sections C26-754.0 to 759.0 inclusive.

e. Before any premises are converted to, or any structure or part of a structure is used or erected for a television studio, plans drawn to scale specified by the superintendent shall be filed with the department of housing and buildings. Such plans shall show compliance with the administrative code for television studio and shall further show requirements of the administrative code with respect to structural matters, plumbing, heating, ventilating, air conditioning and use and storage of film. The approval of the department of housing and buildings will authorize the use of said premises for such television purposes. The certification by certificate of compliance as set forth in section C26-770.2 or certificates of occupancy of the department of housing and building's shall be binding upon all licensing authorities for the issuance of licenses and permits.

f. Anything in article thirteen of this title to the contrary notwithstanding, a structure erected to accommodate an audience of more than three hundred persons, but approved for accommodation of an audience of less than three hundred persons under the authority of a certificate of compliance as defined in section C26-770.2, shall be exempt from the provisions of said article thirteen except as provided in paragraph b of subdivision two hereof.

g. Television studios shall comply with the requirements for lighting specified in sections C26-743.0 and C26-745.0, and lighting during all productions shall not be less than that specified in section C26-1441.0.

h. Ramps in television studios shall comply with section C26-740.0.

(12.22.2). §C26-770.2 Certificate of Compliance.-Where a theatre or motion picture theatre exists in a structure and a certificate of occupancy has been issued for such use, the theatre or motion picture theatre may be converted to a television studio without the issuance of a new certificate of occupancy. In such case the superintendent may issue a certificate of compliance for the television studio certifying that the television studio conforms to the applicable laws

enforced by the department of housing and buildings and a certification in writing by the fire department in the same manner as required for a certificate of occupancy. Upon termination of the use as a television studio, the premises shall be permitted to revert to the former use of theatre or motion picture theatre provided that the arrangement of the theatre, especially in relation to exits, seats, aisles and stages is substantially the same as the arrangement existing at the time the certificate of occupancy was issued.

Section 2. Saving clause. If any clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.