

ARTICLE 1. GENERAL PROVISIONS

(1). **§C26-1.0 Short Title.**-This title shall be known and may be cited as the “Building Code.”

(2). **§C26-2.0 Matter Covered.**-All matters, affecting or relating to the construction, alteration, demolition, or removal of structures, erected or to be erected in the city, are presumptively provided for in this title. This title does not provide presumptively for matters that are contained in the charter, the labor law, the multiple dwelling law, title D of chapter twenty-six of the code, the general city law, the building zone resolution, or in the rules promulgated in accordance with the provisions of this title by the board. This title does not apply to railroads owned by the city, or the title to which is in a board of transit control under the public service law, nor to the stations, yards, shops, power houses, transforming substations, or any other buildings or structures thereof.

(3). **§C26-3.0 Purpose.**-The purpose of this title is to provide standards, provisions and requirements for safe and stable design, methods of construction and sufficiency of materials in structures constructed, or demolished, after January first, nineteen hundred thirty-eight, and to regulate the equipment, maintenance, use and occupancy of all structures and premises.

(4). **§C26-4.0 Title Remedial.**-This title and the rules of the board made in pursuance hereof are hereby declared to be remedial, and shall be liberally construed to secure the beneficial purposes thereof. Where there is practical difficulty in the way of carrying out the strict letter of any provision of law, the superintendent may permit variations from the strict letter of the law, as provided in paragraph two of section six hundred forty-five, subdivision a of the charter.

(5). **§C-26-5.0 All New Work to Conform.-**

a. Every structure or part thereof constructed in the city, after January first, nineteen hundred thirty-eight, and the plumbing or other equipment of any structure or premises shall be constructed or demolished in conformity with the provisions of this title.

b. It shall be unlawful to construct or demolish any structure in any manner violating any provision of this title or any rule of the board or any approval of the superintendent made and issued hereunder, except that the raising or lowering of any structure to meet a change of grade in the street on which such structure is located shall be permitted, provided the structure is otherwise unaltered.

(5a). **§C26-6.0 Exemption from this Title.**-Structures on any water front property not used in conjunction with and in furtherance of water front commerce and/or navigation may be constructed or altered in accordance with the requirements of the commissioner of marine and aviation provided plans have been filed with and approved by the department of marine and aviation and an application or a permit in connection therewith has been made to such commissioner before the effective date of this local law, and provided further that substantial work on the construction or alteration shall have been done within one year after the permit therefor has been issued, and provided further that all of the work shall have been completed within two years from the date of the issuance of such permit. Where necessary for the clearance and development of property under the jurisdiction of the department of marine and aviation at the time this local law goes into effect, private dwellings located thereon and erected without a permit issued by the department of buildings may be relocated under a permit and certificate of completion of the department of marine and aviation, provided such permit is issued within one year from the effective date of this local law.

(6). **§C26-7.0 Undeveloped Localities.**-In those parts of the city, outside the fire limits, in which a system of streets has not been constructed nor legally established, only such requirements of

this title shall apply which in the judgment of the superintendent may be necessary for safety of life and health. This section shall be construed to prohibit the erection of any structures that exceed in height or area the limits fixed by this title for such structures.

(7). §C26-8.0 Structures Affected.-All provisions of this title shall apply with equal force to municipal and private structures, except as may be otherwise specifically provided by law.