

1 RCNY §15-08

CHAPTER 15 FIRE PROTECTION

§15-08 Fire-Retarding of Cellar Ceilings in Old Law Tenements and Converted Dwellings.

(a) *Intent.* The fire-retarding rules herewith set forth are approved by the Department of Buildings for the existing multiple dwellings where the ceilings of the cellar or other lowest story is required, by §85 and §240, subdivision 3, Multiple Dwelling Law, and by §27-2044, Housing Maintenance Code, to be fire-retarded in a manner approved by the Department of Buildings.

(1) It is the intent of the law to provide a continuous fire-retarded covering over the entire ceiling of the cellar, or other lowest story, so as to prevent fire communicating with upper stories of a multiple dwelling.

Where there is a space less than four feet six inches (4'-6") in height from the ground or floor level to the underside of the first tier of beams, such space shall be considered as an "air space" and not as a cellar. However, when such space opens to a cellar where fire-retarding of the ceiling is required, then such space shall be separated from the cellar with a partition constructed of incombustible material in which there is provided self-closing door and assembly having a fire-resistive rating of at least one hour.

Where the ceiling of the cellar or other lowest story is required to be fire-retarded, all openings in such ceilings for stairways not located directly under a main stair, also openings in ceiling such as pipe shafts, vent shafts, unenclosed dumbwaiter shafts, disused flues, etc., shall be properly closed. (Private stairs within duplex apartments extending into cellar or basement are not required to be enclosed.)

New partitions erected to enclose existing stair referred to in the preceding paragraph shall be of incombustible materials. Existing partitions enclosing any such stair will be acceptable where same are of incombustible materials or where same are fire-retarded on both sides in accordance with the methods set forth in §15-07(b)(1) or (b)(2) and with materials conforming with the requirements of §15-07(i) of these rules and regulations. Door openings in such enclosure partitions shall be equipped with self-closing protective assemblies having fire-resistive ratings of at least one hour.

When existing shafts, including dumbwaiter shafts, extend below the ceiling a distance less than one-half (1/2) the height of the cellar, such shafts shall be considered as being part of the cellar ceiling and the enclosures of said shafts shall be fire-retarded in the same manner as required for cellar ceilings. All existing shafts, including dumbwaiter shafts, which extend below the ceiling a distance more than one-half (1/2) the height of the cellar shall be enclosed with incombustible materials. All shafts referred to in this paragraph shall have adequate cleanout at base consisting of fireproof [*sic*] self-closing door and assembly having a fire-rating of at least one hour.

Where new partitions or enclosures are erected in a cellar they shall be constructed of incombustible materials.

(2) *Wood girders, columns, posts, etc.* The fire-retarding material of ceiling of cellar or other lowest story shall be carried down and around all non-fireproof ceiling projections, such as wood girders, etc., which are less than six inches by six inches (6" x 6") in dimension.

The fire-retarding material also shall be turned down at least three inches (3") on all non-fire-retarding columns, posts, etc., which are less than six inches (6") in diameter.

(3) *Non-fire-retarded cellar partitions.* When non-fire-retarded partitions in cellar, or other lowest story, extend to the ceiling, the fire-retarding material of the ceiling shall be turned down at least three inches (3") on said partitions, or the partitions shall be cut off at top to permit the fire-retarding of the ceiling to be continuous.

Where, in any old law tenement three (3) stories and basement in height, there is also a cellar under the basement story, the ceiling of such cellar shall be fire-retarded; and also, in any such old law tenement, where the main entrance from the grade is to the first story that portion of the basement ceiling which is directly under the first story entrance hall, public hall and stair hall shall be fire-retarded.

In every old law tenement three (3) stories and basement in height with no cellar under the basement, where the main entrance from the grade is to the basement story, the ceiling of the basement story shall be fire-retarded throughout. In any such old law tenement where the main entrance from the grade is to the first story no such fire-retarding will be required.

(4) *Heating appliances.* The portion of the ceiling over any furnace, boiler or hot water heater shall be fire-retarded in accordance with the methods set forth in §§15-07(b)(1) or (b)(2), and such fire-retarding shall extend for a distance of at least four feet (4'-0") beyond the sides and rear, and eight feet (8'-0") in front of such furnace or boiler.

(5) It is not intended that these rules and regulations in themselves require plans to be filed. However, should any work involves structural changes, then plans are required to be filed in the Department of Buildings and such changes shall be subject to all other Rules and Regulations applicable thereto.

(6) Work shall not commence until satisfactory evidence has been submitted to the Department of Buildings that compensation insurance has been obtained in accordance with the provisions of the Workmen's Compensation Law.

(b) *Methods.* Cellar ceilings shall be fire-retarded according to any of the following methods:

Metal lath and cement or gypsum mortar conforming to §15-07(b)(1) of these rules.

Plaster boards and gypsum mortar or stamped metal conforming to §15-07(b)(2) of these rules and regulations.

No. 26 U.S. gage [*sic*] stamped metal over existing plastered ceiling, when erected without damage to the plaster. Furring strips are not required, but if used, they shall be metal covered on both sides and on face surface. Stamped metal shall not be applied until after existing plastered ceiling has been inspected and approved by an inspector of the Department of Housing and Buildings.

No other method may be used unless same are acceptable to the Department of Buildings.

(c) *Materials.* Materials used shall be in accordance with the provisions of §§15-07(i)(1), (i)(2) or (i)(3) of these rules and regulations.

Mineral wool, brick, gypsum or other masonry fill will not be accepted for fire-retarding cellar ceilings.

No other materials may be used unless same are acceptable to the Department of Buildings.