



**State of New York  
Department of State  
Division of Code Enforcement & Administration**

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**Rules And Regulations - Department of State  
TITLE 19 (NYCRR)  
CHAPTER XXXIII - STATE FIRE PREVENTION & BUILDING CODE COUNCIL  
SUBCHAPTER A - UNIFORM FIRE PREVENTION & BUILDING CODE**

**PART 1221. BUILDING CODE**

*Effective Date 12/28/2010*

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**PART 1221. BUILDING CODE**

Section 1221.1 Building code.

(a) The 2010 BCNYS. Except as otherwise provided in section 1221.2, the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure, or of any appurtenance connected or attached to any building or structure, shall comply with the requirements of the publication entitled "Building Code of New York State" (Publication Date: August 2010), published by International Code Council, Inc. Said publication (hereinafter referred to as the 2010 BCNYS) is incorporated herein by reference. Copies of the 2010 BCNYS may be obtained from the publisher at the following address:

International Code Council, Inc.  
500 New Jersey Avenue, NW, 6<sup>th</sup> Floor  
Washington, D.C. 20001

The 2010 BCNYS is available for public inspection and copying at:

New York State Department of State  
99 Washington Ave.  
Albany, NY 12231-0001

(b) Referenced standards. Certain published standards are denoted in the 2010 BCNYS as

incorporated by reference into 19 NYCRR Part 1221. Such standards are incorporated by reference into this Part 1221. Such standards are identified in the 2010 BCNYS, and the names and addresses of the publishers of such standards from which copies of such standards may be obtained are specified in the 2010 BCNYS. Such standards are available for public inspection and copying at the office of the New York State Department of State specified in subdivision (a) of this section.

(c) Changes to the text of the 2010 BCNYS. For the purposes of applying the 2010 BCNYS in this State, the 2010 BCNYS shall be deemed to be amended in the manner specified in this subdivision (c).

(1) 2010 BCNYS Table 508.2. In Table 508.2 of the 2010 BCNYS, the entry for “Storage rooms over 100 square feet” in the “ROOM OR AREA” column ends with footnote “b.” This entry should end with footnote “a.” This entry shall be deemed to be amended and restated in its entirety to read as follows:

“Storage rooms over 100 square feet <sup>a</sup>”.

(2) 2010 BCNYS Table 508.3.3. Table 508.3.3 of the 2010 BCNYS shall be deemed amended by the addition of a new footnote “e” to read as follows:

“<sup>e</sup> Commercial kitchens need not be separated from the restaurant seating areas that they serve”.

Section 1221.2. Exceptions.

(a) Detached one- and two- family dwellings not more than three stories in height above grade with a separate means of egress, and their accessory structures, and multiple single-family dwellings (townhouses) not more than three stories in height above grade with a separate means of egress, and their accessory structures, shall comply with the requirements of the 2010 RCNYS (the publication referred to in section 1220.1 (Residential code) of Part 1220 of this Title).

(b) The requirements referred to in section 1221.1 shall not apply to:

(1) agricultural buildings, including barns, sheds, poultry houses, and other buildings and equipment on the premises used directly and solely for agricultural purposes,

(2) construction trailers used as a temporary office for the purpose of monitoring construction at a construction site, or

(3) structures such as radio and television transmission, communications and wind generation

towers not attached to buildings.

In this subdivision, the term “agricultural building” shall mean a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products, excluding any structure designed, constructed or used, in whole or in part, for human habitation, as a place of employment where agricultural products are processed, treated or packaged, or as a place used by the public.