

Article 304 Elevator & Conveying Systems

(i) section 28-401.11 and articles 421, 422 and 425 of chapter 4 of title 28 of the administrative code of the city of New York as amended by section 4 of part A of this local law and articles 303, 304 and 323 of chapter 3 of title 28 of the administrative code of the city of New York as amended by section 3 of part A of this local law shall take effect on January 1, 2022;

(ii) the amendments to section 28-110.1 of the administrative code of the city of New York made by section 1 of part A of this local law and the amendments to chapter 33 of the New York city building code made by sections 32 through 50 of part C of this local law shall apply to:

1. all work on major buildings as defined in section BC 202 of chapter 2 of the New York city building code, as added by section 3 of part C of this local law, for which a site safety plan is approved by the department of buildings on or after such effective date;

2. all temporary construction equipment permits and all crane and derrick permits, as required by article 105 of chapter 1 of Title 28 of the Administrative Code, as amended by section 1 of part A of this local law, where the application for approval for such permit is filed with the department of buildings on or after such effective date; and

(iii) the commissioner of buildings may promulgate rules or take other actions for the implementation of this local law prior to such effective date.

1 **§28-303.11 Fees.** The owner of each boiler subject to periodic inspection pursuant to this article shall
2 pay to the department an annual fee for each boiler in the amount prescribed by this code to cover
3 the city's administrative and supervisory costs. The fee shall be payable at the time of the filing of
4 the owner's annual boiler inspection report. No fee shall be charged for additional inspections made
5 by the department pursuant to section 28-303.10.

6 **ARTICLE 304** 7 **ELEVATORS AND CONVEYING SYSTEMS**

8 **§28-304.1 General.** Elevators and conveying systems shall be maintained in a safe condition and in
9 accordance with ASME A17.1, as modified by appendix K of the New York ~~[City]~~ city building
10 code. Every new and existing elevator or conveying system shall be inspected and tested in
11 accordance with this article.

12 **§28-304.2 Elevators, escalators, moving walkways, material lifts, man lifts and dumbwaiters.**
13 Elevators, escalators, moving walkways, material lifts, man lifts and dumbwaiters shall be inspected
14 and tested in accordance with section 28-304.6, chapter 30 of the New York city building code, and
15 the schedule set forth in Table N1 of ASME [17.1] A17.1 as [referenced in chapter 35 and as may
16 be] modified [in chapter 30 and] by chapter K1 of appendix K of the New York [City] city building
17 code [("Table N1")].

18 ~~[Exception: Elevators located in one family, two family or multiple family dwellings that~~
19 ~~service only a single owner occupied dwelling unit which is not occupied by boarders, roomers~~
20 ~~or lodgers, and elevators located within convents and rectories that are not open to non-occupants~~
21 ~~on a regular basis are not subject to periodic inspection requirement of such reference standard.~~
22 ~~Inspections and tests shall be performed in accordance with Table N1.]~~

23 **§28-304.3 ~~[Chair]~~ Platform lifts, stairway chair lifts and vertical reciprocating conveyors**
24 **(VRCs).** ~~[Chair]~~ Platform lifts, stairway chair ~~[lifts]~~ lifts and VRCs shall be inspected and tested at
25 intervals not exceeding one year. Inspections and tests shall be performed in accordance with Table
26 N1.

27 **§28-304.4 Amusement devices.** Amusement devices shall be inspected and tested in accordance
28 with department rules.

29 **§28-304.5 Frequency of inspection and testing.** Elevators and other conveying systems may be
30 subject to more frequent inspection and testing as the commissioner finds necessary to protect public
31 safety.

32 **§28-304.6 Inspection and testing process.** All devices shall be inspected and tested in accordance
33 with Table N1 of ASME A17.1 as modified by chapter K1 of appendix K of the New York city
34 building code and, where applicable, department rules and with sections 28-304.6.1 through 28-
35 304.6.6 of this code.

36 **§28-304.6.1 Inspection and testing entities.** ~~[The required periodic inspections in Table N1 shall~~
37 ~~be made by the department.]~~ The ~~[other]~~ required category tests and periodic inspections in Table
38 N1 of ASME A17.1 as modified by chapter K1 of appendix K of the New York City building
39 code shall be performed on behalf of the owner by an approved elevator agency in accordance

1 with this code and department rules. Where indicated in Table N1, tests [~~and inspections~~] shall
2 be witnessed by an approved elevator agency not affiliated with the agency performing the test,
3 and not affiliated with the agency performing the elevator work. Where indicated in Table N1,
4 inspections shall be performed by an approved elevator agency not affiliated with the agency
5 performing the maintenance. Not affiliated, as used in this section, shall mean the approved
6 elevator agency owners, directors and inspectors shall be independent of all relative approved
7 elevator agencies, maintenance firms or other entities providing any associated services to the
8 device owner. Such other tests and inspections shall comply with the timeframes established as
9 follows:

- 10 1. Category 1 [~~inspections and~~] tests shall be performed between January 1st and December
11 31st of each year at a minimal time interval of six months from the date of the previous
12 Category 1 testing. Category 1 tests are required on new installations the calendar year
13 following final acceptance test.
- 14 2. Category 3 [~~inspections and~~] tests for water hydraulics shall be performed every three
15 years on or before the anniversary month of the last Category 3 testing.
- 16 3. Category 5 [~~inspections and~~] tests shall be performed every five years on or before the
17 month of the final acceptance test for new elevators or the anniversary month of the last
18 Category 5 testing.
- 19 4. Periodic inspections shall be performed between January 1 and December 31 of each year
20 at a minimum of three months from the date of any Category 1 testing or previous periodic
21 inspection. Initial periodic inspections on new installations shall be performed in the
22 calendar year following the final acceptance test. For private residence elevators, the
23 periodic inspection and category testing may be performed on the same date.

24 **§28-304.6.1.1 Department notification.** The department shall be notified by the [~~performing~~
25 ~~agency~~] agency performing the test at least [~~seven~~] five days prior to the Category 1 testing
26 of escalators, Category 3 testing of water hydraulic elevators and Category 5 testing of
27 elevators, pursuant to the rules of the department.

28 **§28-304.6.2 Scope.** During periodic inspection and category testing, in addition to any other
29 requirements prescribed by this code, all parts of the equipment shall be inspected to determine
30 that they are in safe operating condition and that parts subject to wear have not worn to such an
31 extent as to affect the safe and reliable operation of the installation.

32 **§28-304.6.3 Reporting an unsafe or hazardous condition.** If [~~an~~] a periodic inspection or
33 category test reveals that any elevator or other conveying system is unsafe or hazardous to life
34 and safety, the device is to be taken out of service immediately by the agency performing the
35 inspection or test and the building owner notified immediately. The performing agency shall
36 notify the department by telephone, electronically or in writing within 24 hours.

37 **§28-304.6.4 [~~Field~~] Periodic inspection and category testing reports and notations on the**
38 **inspection certificate.** [~~Field~~] Periodic inspection and category testing reports and notations on
39 the inspection certificate shall comply with the requirements of sections 28-304.6.4.1 and 28-
40 304.6.4.2.

1 **§28-304.6.4.1 ~~[When no witnessing agency is required]~~ Periodic inspections.** ~~[When no~~
2 ~~witnessing agency is required to witness]~~ For the periodic inspections ~~[and tests under]~~ listed
3 in Table N1 of ASME A17.1, as modified by chapter K1 of appendix K of the New York city
4 building code, the performing inspector shall, on the day of each inspection ~~[and test]~~: (i)
5 complete the ~~[field]~~ periodic inspection ~~[and test]~~ report, documenting all violating conditions,
6 if any, and affix his or her signature; (ii) provide a copy of such report to the owner or owner's
7 representative; and (iii) affix the ~~[inspection]~~ date and his or her signature over a stamp
8 identifying his or her approved elevator agency and his or her approval number on the
9 inspection certificate issued by the department attesting to completion of items (i) and (ii). No
10 witnessing agency is required to witness the periodic inspections.

11 **§28-304.6.4.2 ~~[When]~~ Category testing when a witnessing agency is required.** When a
12 witnessing agency is required to witness ~~[inspections and]~~ category tests ~~[under]~~ listed in
13 Table N1 of ASME A17.1, as modified by chapter K1 of appendix K of the New York city
14 building code, the performing inspector shall, on the day of each ~~[inspection and]~~ test
15 complete the ~~[field inspection and]~~ category test report, documenting all violating conditions,
16 if any, and affix his or her signature; and provide a copy of such report to the owner or owner's
17 representative with the witnessing agency inspector signature. The witnessing agency
18 inspector shall, on the day of each ~~[inspection and]~~ test: (i) review and confirm the ~~[field~~
19 ~~inspection]~~ category test report and also affix his or her signature to it; (ii) ~~[provide]~~ confirm
20 that a copy of such report was provided to the owner or owner's representative; and (iii) affix
21 the ~~[inspection]~~ date and his or her signature over a stamp identifying his or her approved
22 elevator agency and his or her approval number on the inspection certificate issued by the
23 department attesting to the completion of items (i) and (ii).

24 **§28-304.6.4.3 Category testing when no witnessing agency is required.** When no
25 witnessing agency is required to witness the category tests listed in Table N1 of ASME A17.1,
26 as modified by chapter K1 of appendix K of the New York city building code, the performing
27 inspector shall, on the day of each test: (i) complete the category test report, documenting all
28 violating conditions, if any, and affix his or her signature; (ii) provide a copy of such report
29 to the owner or owner's representative; and (iii) affix the date and his or her signature over a
30 stamp identifying his or her approved elevator agency and his or her approval number on the
31 inspection certificate issued by the department attesting to completion of items (i) and (ii).

32 **§28-304.6.5 ~~[Inspection and]~~ Periodic inspection or category test reports submission.**
33 ~~[Inspection and]~~ Periodic inspection or category test reports shall be submitted to the department
34 on such forms and in such manner as required by the commissioner. Such reports shall comply
35 with the following and department rules[?].

36 **§28-304.6.5.1 Periodic inspection reports.** Reports of periodic inspections shall comply
37 with the following:

- 38 1. The reports shall contain the signatures of (i) the performing agency director, and (ii)
39 the building owner.
- 40 2. The reports, with all applicable signatures, shall be filed with the department within
41 14 days after the date of the inspection.

42 **§28-304.6.5.2 Category test reports.** Reports of category tests shall comply with the
43 following:

1. The ~~[inspection and test]~~ reports shall contain signatures of (i) the performing agency inspector and director, (ii) the witnessing agency ~~[inspector and]~~ director, if required under Table N1 of ASME A17.1 as modified by chapter K1 of appendix K of the New York city building code, and (iii) the building owner.

2. The completed ~~[inspection and test]~~ reports, with all applicable signatures, shall be ~~[delivered to the owner by the approved performing and/or witnessing agency within 30 days of the test listing all violating conditions for each device tested, and]~~ filed with the department within ~~[60]~~ 21 days after the date of the test ~~[by the owner or its authorized designee]~~.

Exception: ~~[Inspection and test reports]~~ Reports are not required to be submitted to the department for private residence wheelchair lifts and private residence dumbwaiters devices. However, the owner shall maintain an inspection and test log to be available to the department upon request.

§28-304.6.6 [Repair.] Periodic inspection and category testing repair. All defects as found in periodic inspection and category testing reports shall be corrected in accordance with the requirements of sections 28-304.6.6.1 and 28-304.6.6.2 of this code, except that all hazardous conditions and defects related to firefighters' Phase I emergency recall operations or Phase II emergency in-car operation as required by section 3003.2 of the New York city building code shall be corrected immediately.

§28-304.6.6.1 Category test repair. All defects as found in such category test report shall be corrected within 90 days after the date of inspection. The department may grant an extension of 45 days upon submission of an application by the owner demonstrating a practical difficulty in complying within the 90 day timeframe. In no case shall more than two such extensions be granted for a specific defect. An affirmation of correction shall be filed within 14 days after the date of correction.

§28-304.6.6.2 Periodic inspection repair. All defects as found in such ~~[inspection and test reports]~~ periodic inspection report shall be corrected within ~~[+20]~~ 90 days after the date of ~~[inspection and]~~ test ~~[, except all hazardous conditions shall be corrected immediately]~~. An affirmation of correction shall be filed within ~~[60]~~ 14 days of the date of correction.

§28-304.7 Required contract. The owner of all new and existing passenger elevators, freight elevators, and escalators shall have a contract with an approved elevator agency to perform elevator and escalator maintenance, repair and replacement work as defined by ASME A17.1 as modified by chapter K1 of appendix K of the New York ~~[City]~~ city building code. The name, address and telephone number of such agency shall be maintained at each premises, on the mainline disconnect switch and in a location readily accessible to employees of the department and to maintenance and custodial staff at the premises.

§28-304.8 Fees. Every owner of elevators and other devices shall pay to the department ~~[an inspection fee and]~~ a report filing fee for each elevator or device in the amount prescribed by ~~[this code]~~ the department's rules.

§28-304.9 Additional inspections. The commissioner may make such additional inspections as required to enforce the provisions of this code. No fee shall be charged for such additional inspections.

1 **§28-304.10 Occupant notification for elevator work.** In occupancy groups R-1 and R-2, when an
2 elevator is to be out of service, a notice identifying the type of work to be performed and the expected
3 start and end dates for such outage shall be provided in English, Spanish, and such other languages
4 as the department may provide by rule, in accordance with sections 28-304.10.1 and 28-304.10.2.

5 **§28-304.10.1 Occupant notification for alteration work.** When an elevator is to be out of
6 service for alteration work, notice shall be given to the residential occupants no fewer than 10
7 business days before the start of the work, except in case of emergency repairs. This notification
8 requirement does not apply to minor alterations and ordinary repairs.

9 **§28-304.10.2 Occupant notification for other elevator service outages.** When all elevators
10 servicing a building or any section of a building are expected to be out of service for two or more
11 hours, notice shall be posted at least twenty-four hours before the start of the work. When all
12 elevators servicing a building or any section of a building are expected to be out of service for
13 less than two hours, or are out of service as the result of emergency work, notice is not required
14 to be posted, except that where such outage lasts for two or more hours, notice shall be posted as
15 soon as practicable after the commencement of such service outage.

16 **ARTICLE 305**
17 **RETAINING WALLS, PARTITION FENCES AND OTHER SITE STRUCTURES**

18 **§28-305.1 Retaining walls, partition fences and other site structures.** In addition to the
19 requirements set forth in chapter 33 of the New York ~~[City]~~ city building code, the responsibility for
20 maintaining and repairing retaining walls, partition fences and other site structures shall be in
21 accordance with sections 28-305.1.1, ~~[305.1.2]~~ 28-305.1.2, and ~~[305.4]~~ 28-305.4 of this code.

22 **§28-305.1.1 Structures located on the lot line of adjacent properties and partially on both**
23 **properties.** The owners of adjacent properties shall be responsible jointly for the proper
24 maintenance and repair of retaining walls, partition fences and other site structures, or portions
25 thereof, that are located along the common lot line and on both their properties; and each such
26 owner shall be responsible for one-half of the costs of maintaining and repairing such fences,
27 retaining walls and other site structures, or such portions thereof. Where an owner elects to
28 remove temporarily a retaining wall or partition fence that is required to support a grade
29 differential between the two properties, or for any other reason is required by this code, such
30 owner shall protect the adjacent property, shall not impair its safe use, and shall replace the
31 retaining wall or partition fence at his or her own cost. Refer to chapter 33 of the New York
32 ~~[City]~~ city building code for additional requirements during construction and demolition
33 operations.

34 **§28-305.1.2 Structures located entirely on one property.** Where such retaining walls, partition
35 fences or other site structures, or portions thereof, are located entirely on one property, the owner
36 of such property shall be wholly responsible for the proper maintenance and repair of the
37 retaining wall, partition fence or other site structure. If, however, the proper maintenance and/or
38 repair of such retaining wall, partition fence or other site structures requires access to the
39 adjoining property, the owner of such adjoining property shall allow such access. Refer to chapter
40 33 of the New York ~~[City]~~ city building code for additional requirements during construction
41 and demolition operations.