

§ 28-105.4 Work exempt from permit.

Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code, the zoning resolution or any other law or rules enforced by the department. Such exemptions shall not relieve any owner of the obligation to comply with the requirements of or file with other city agencies. Unless otherwise indicated, permits shall not be required for the following:

1. Emergency work, as set forth in section 28-105.4.1.
2. Minor alterations and ordinary repairs, as described in section 28-105.4.2.
3. Certain work performed by a public utility company or public utility corporation, as set forth in section 28-105.4.3.
4. Ordinary plumbing work, as set forth in section 28-105.4.4.
5. Permits for the installation of certain signs, as set forth in section 28-105.4.5.
6. Geotechnical investigations, as set forth in section 28-105.4.6.
7. Other categories of work as described in department rules, consistent with public safety.

§ 28-105.4.1 Emergency work.

Work that would otherwise require a permit may be performed without a permit to the extent necessary to relieve an emergency condition. An application for a permit shall be submitted within 2 business days after the commencement of the emergency work and shall include written description of the emergency condition and the measures undertaken to mitigate the hazard. Emergency work may include but shall not be limited to:

1. Erection of sidewalk sheds, fences, or other similar structures to protect the public from an unsafe condition.
2. Stabilization of unsafe structural conditions.
3. Repair of gas leaks.
4. Repair or replacement of heating or hot water equipment servicing residential occupancies during the heating season as established by the New York city housing maintenance code or education occupancies between November 1st and May 1st.
5. Replacement of parts required for the operation of a combined standpipe or sprinkler system.

§ 28-105.4.2 Minor alterations and ordinary repairs.

A permit shall not be required for minor alterations and ordinary repairs.

§ 28-105.4.2.1 Definitions.

The following words and terms shall, for the purposes of this section 28-105.4.2 and as used elsewhere in this code, have the meanings shown herein.

MINOR ALTERATIONS. Minor changes or modifications in a building or any part thereof, excluding additions thereto, that do not in any way affect health or the fire or structural safety of the building or the safe use and operation of the service equipment therein. Minor alterations shall not include any of the work described as "work not constituting minor alterations or ordinary repairs."

ORDINARY REPAIRS. Replacements or renewals of existing work in a building, or of parts of the service equipment therein, with the same or equivalent materials or equipment parts, that are made in the ordinary course of maintenance and that do not in any way affect health or the fire or structural safety of the building or the safe use and operation of the service equipment therein. Ordinary repairs shall include the repair or replacement of any plumbing fixture, piping or faucets from any exposed stop valve to the inlet side of a trap. Ordinary repairs shall not include any of the work described as "work not constituting minor alterations or ordinary repairs."

WORK NOT CONSTITUTING MINOR ALTERATIONS OR ORDINARY REPAIRS. Minor alterations or ordinary repairs shall not include:

1. The cutting away of any load bearing or required fire rated wall, floor, or roof construction, or any portion thereof.
2. The removal, cutting, or modification of any beams or structural supports; 3. The removal, change, or closing of any required exit;
4. The addition, rearrangement, relocation, removal or replacement of any parts of the building affecting loading or exit requirements, or light, heat, ventilation, or elevator requirements or accessibility requirements, or any fire suppression or fire protection system;
5. Additions to, alterations of, or rearrangement, relocation, replacement, repair or removal of any portion of a standpipe or sprinkler system, water distribution system, house sewer, private sewer, or drainage system, including leaders, or any soil, waste or vent pipe, or any gas distribution system;
6. Any plumbing work other than the repair or replacement of plumbing fixtures, piping or faucets from the exposed stop valve to the inlet side of a trap;
7. The alteration or repair of a sign for which a permit is required; or
8. Any other work affecting health or the fire or structural safety of the building or the safe use and operation of the service equipment therein.

§ 28-105.4.3 Public utility company or public utility corporation.

A permit shall not be required for:

1. The installation or alteration of gas service piping or gas meter piping including meters, valves, regulators, and related equipment, when such work is to be performed and serviced and maintained by utility corporations subject to the jurisdiction of the New York state public service commission;

2. The emergency repair of gas distribution piping when such work is performed by licensed master plumbers or by utility corporations subject to the jurisdiction of the New York state public service commission, in order to alleviate hazardous conditions, provided that a written report describing the details of such repairs shall be filed with the commissioner upon completion of the work.

§ 28-105.4.4 Ordinary plumbing work.

The following ordinary plumbing work may be performed without a permit, provided that the licensed plumber performing such work: (i) provides a monthly report listing completed work and work in progress during the preceding month, including the block, lot and address of each job, a description of the work performed or in progress at each address, and the location in each building where the work was performed or is in progress; (ii) pays the fees for such work in accordance with this code; and (iii) submits to the department a certification that the work was performed in accordance with this code and all applicable laws and rules. Ordinary plumbing work shall include:

1. The removal of a domestic plumbing system not connected to a fire suppression or fire protection system, or the removal of a portion of such system.

2. The relocation of up to two plumbing fixtures within the same room to a maximum of 10 feet (3048 mm) distant from the original location, except in health care facilities.

3. The installation, replacement or repair of a food waste grinder (food waste disposal) or secondary back flow preventer and the replacement or repair of a sump pump.

4. The replacement of closet bends.

5. In buildings in occupancy group R2 occupied by fewer than six families or in buildings in occupancy group R3, the replacement of a gas water heater or a gas fired boiler with a capacity of 350,000 BTU or less where the existing appliance gas cock is not moved, provided that the plumber has inspected the chimney and found it to be in good operational condition.

6. The repair or replacement of any non-gas, non-fire suppression piping not longer than 10 feet (3048 mm) inside a building, or connected piping previously repaired or replaced under this provision.

7. The repair or replacement of non-fire suppression branch piping after the riser shutoff valve, including the replacement of fixtures, limited to two bathrooms and one kitchen per building per monthly reporting period.

8. The replacement of flexible gas tubing no greater than 4 feet (1219 mm) in length located downstream of the existing gas cock to an appliance, provided such gas tubing does not penetrate a wall.

§ 28-105.4.5 Sign permits.

A sign permit shall not be required where the sign is:

1. Painted directly on the exterior wall surface of a building or on the surface of a fence;

2. A wall sign of not more than six square feet (0.56 m²) in area;

3. Erected by employees of a city agency, including traffic and other similar signs; 4 A ground sign offering the sale or rental of the premises on which it is erected, provided the sign does not exceed 12 square feet (1.1 m²) in area;

5. Temporary and erected during construction work and related thereto; or

6. Temporary for special decorative display use for holidays, public demonstrations, or the promotion of civic, welfare or charitable purposes, except that signs that utilize streets or cross streets shall be subject to the requirements of the department of transportation.

7. Temporary signs offering the sale or rental of real property when erected on the premises offered for sale or rent.

§ 28-105.4.6 Geotechnical investigations.

A permit shall not be required for excavation performed for a geotechnical investigation required by section 1802.4 of the New York city building code provided such excavation does not exceed 10 feet (3048 mm) in length, width, or diameter and is conducted under the supervision of a registered design professional. All excavation activity, including backfilling of excavations, shall comply with all relevant code provisions, including but not limited to sections 1803 and 3304 of the New York city building code.