§ 33. Cooking spaces. 1. Every space which is intended, arranged or designed for cooking or warming of food shall be either a kitchen or kitchenette. The term "kitchen" shall mean such a space eighty square feet or more in floor area. The term "kitchenette" shall mean such a space which is less than eighty square feet in floor area.

2. Every cooking space shall be deemed to be in compliance with this section if such space was accepted or approved by the department on or before June thirtieth, nineteen hundred ninety-five, and is maintained in accordance with such acceptance or approval.

3. Except as provided in sections sixty-one and sixty-seven and subdivision two of this section, a kitchen or kitchenette shall be unlawful unless it is constructed, arranged and maintained in compliance with the following applicable provisions:

a. The ceiling and walls, exclusive of doors, of all kitchenettes shall be fire-retarded or in lieu thereof such space shall be equipped with one or more sprinkler heads to fuse at a temperature not higher than two hundred twelve degrees Fahrenheit. Such heads shall be connected to the water supply through a pipe of at least one-half inch inside diameter.

b. In every kitchen and kitchenette, all combustible material immediately underneath or within one foot of any apparatus used for cooking or warming of food shall be fire-retarded or covered with asbestos at least three-sixteenths of an inch in thickness and twenty-six gauge metal or with fire-resistive material of equivalent rating, except where such apparatus is installed in accordance with requirements established by the department in conformity with generally accepted safety standards for such apparatus. There shall always be at least two feet of clear space above any exposed cooking surface of such apparatus.

c. Every kitchenette constructed after July first, nineteen hundred forty-nine, shall be provided with a window opening upon a street or upon a yard, court, shaft, or upon any space above a setback. Such

window shall be at least one foot wide, have a total area of at least three square feet and be at least ten per centum of the superficial floor area of such kitchenette. In lieu of such window, such kitchenette may be provided with mechanical ventilation to provide at least six changes per hour of the air volume of such kitchenette or, when such kitchenette is on the top story, may have a skylight at least one foot wide with a total area of at least four square feet or one-eighth of the area of the kitchenette, whichever is greater, and shall have ventilating openings of at least one-half of the area of the skylight.

d. Every kitchenette constructed after July first, nineteen hundred forty-nine, may be equipped with a door or doors, provided the lower portion of each such door has a metal grille containing at least forty-eight square inches of clear openings or, in lieu of such a grille, there are two clear open spaces, each of at least twenty-four square inches, one between the bottom of the door and the floor, and the other between the top of each such door and the head jamb.

e. Every kitchen and kitchenette shall be provided with gas or electricity or both, and shall be equipped for artificial lighting.