§ 4. Definitions. Words and terms used in this chapter shall have the following meanings:

1. "Alteration." Any change in the structural parts or existing facilities of any building or the moving of any building from one location or position to another.

2. "Apartment," or "suite." That portion of a dwelling consisting of one or more living rooms, and occupied by the members of a family, which group of rooms is separated from all other groups within a dwelling.

3. "Basement." A story partly below the curb level but having at least one-half of its height above the curb level. A basement shall be counted as a story in determining height, except as otherwise provided in this chapter.

4. "Boarding house," "furnished room house," "rooming house," or "tourist house." A multiple dwelling, in which there are less than thirty sleeping rooms occupied primarily by transients who are lodged with or without meals, and in which there are provided such services as are incidental to its use as a temporary residence. Also a dwelling two or more stories in height, occupied by one or two families and with five or more transient boarders, roomers or lodgers residing with any one family.

5. "Cellar." An enclosed space in a dwelling having more than one-half of its height below the curb level. However, where a dwelling is set back from the curb level in such a manner that the enclosed space in the dwelling is above the curb level but at least one-half of its height is below the land immediately adjacent to the dwelling, such space shall be deemed a cellar. A cellar shall not be counted as a story.

5-a. "Child caring institutions." Institutions for the residential care of children operated by authorized agencies as defined by the social welfare law.

6. "Commission." The state building code commission in the executive

department of the state of New York.

7. "Converted or conversion." A change from non-dwelling or private dwelling use to multiple dwelling occupancy after July first, nineteen hundred fifty-two.

8. "Court." A space, other than a yard, on the same lot as a dwelling and open to the sky. "Inner court." A court not extending to a street or yard. "Outer court." A court extending to a street or yard.

9. "Curb level." The level of the curb at the center of the front of the building, for the purpose of measuring the height of any portion of a building; except that where a building faces on more than one street, the curb level is the average of the levels of the curbs at the center of each front. Where no curb elevation has been established the mean level of the land immediately adjacent to the dwelling shall be considered the curb level, unless the municipal engineer shall establish such curb level or its equivalent.

10. "Department." The department, bureau, division, agency or person charged with the enforcement of this chapter.

11. "Dining bay," "dining recess" or "dinette." A recess used for dining purposes off a living room, foyer or kitchen.

12. "Dormitory." Any room occupied for sleeping purposes by five or more persons. A "cubicle" is a small, partially enclosed sleeping space within a dormitory, with or without a window.

13. "Dwelling." A building or structure which is occupied in whole or in part as the home, residence or sleeping place of one or more persons.

14. "Family." One or more persons with whom there may be not more than four boarders, roomers or lodgers all living together in a common household. A boarder, roomer or lodger residing within the family household is a person who pays a consideration therefor and such residence is not an incident of employment therein.

15. "Fire alarm system." An approved system of sounding a fire alarm or alarms installed in such a manner that it can be operated manually from any story.

"Fire-detecting system." An approved system which automatically detects a fire or an abnormal rise in temperature and actuates a fire alarm.

16. "Fire-escape." A combination of outside balconies and stairs of incombustible materials, providing an unobstructed means of egress from a building.

17. "Fireproof." Made of incombustible materials with standard fire-resistive ratings not less than those required for a fireproof multiple dwelling.

18. "Fireproof multiple dwelling." One in which the walls and other structural members are of incombustible materials or assemblies meeting all of the requirements of the local building code for fireproof construction, if any, and if there be none, then of the state building construction code for fireproof construction applicable to multiple dwellings.

19. "Fire-retarded." Covered with metal lath plastered with two or more coats of cement or gypsum plaster or otherwise protected against fire with materials of standard fire-resistive ratings of at least one hour. Fireproof or fire-resistive material shall always be accepted as meeting any requirement for fire-retarding.

20. "Fire-resistive." Covered or protected with incombustible materials of standard fire-resistive ratings of at least one hour. Fireproofing or fire-retarding shall always be accepted as meeting any requirement for "fire-resistive" materials.

21. "Fire-stair." A fireproof stair, enclosed in fireproof walls, within the body of the building which it serves, to which access may be had only through self-closing fireproof doors.

22. "Fire-stopping." The closing of concealed draft openings with brick or other incombustible materials to form an effectual fire barrier between stories, and between the ceiling of the upper story and the space under the roof.

23. "Foyer." A space within an apartment or suite used as an entrance hall directly from a public hall.

24. "Frame dwellings." A non-fireproof dwelling of which any structural member of its exterior walls is of wood. A structural member shall not be deemed to include the veneer or facing of any such wall.

25. "Height." The vertical distance of a dwelling from the curb level to the level of the highest point of the roof beams, except that in the case of pitched roofs, it is the vertical distance from the curb level to the mean height level of the gable or roof above the vertical street wall. An attic not used or arranged to be used for human occupancy shall not be considered in measuring the height of a dwelling.

26. "Hotel." A dwelling in which there are thirty or more sleeping rooms in one building or structure occupied primarily by transients who are lodged with or without meals; and there are provided such services as are incidental to the use thereof as a temporary residence.

27. "Kitchen." A space, fifty-nine square feet or more in floor area, used for cooking or warming of food.

28. "Kitchenette." A space, less than fifty-nine square feet in floor area, used for cooking or warming of food.

29. "Living room." Any room in a multiple dwelling except:

a. A public hall, public vestibule, public room or other public part of a dwelling;

b. A hall, corridor or passageway entirely within an apartment or

suite;

c. A foyer, the floor area of which does not exceed ten percentum of the total floor area of the apartment or suite;

d. A kitchenette;

e. A dining bay, dining recess or dinette fifty-five square feet or less in area;

f. A bathroom or water-closet compartment.

30. "Local building code." The building code, if any, adopted or enacted by a city, town or village and which is in force in such city, town or village, or in such town or portion thereof outside the limits of any village or city, respectively, or the state building construction code where applicable with respect thereto.

31. "Lodging house." A dwelling, other than a hotel, in which persons are housed in a dormitory or dormitories, whether or not the space for sleeping accommodations therein is divided into cubicles, for a single night or for less than a week at one time.

32. "Lot." A parcel or plot of ground which is or may be occupied wholly or in part by a dwelling, including the spaces occupied by accessory or other structures and any open or unoccupied spaces thereon, but not including any part of an abutting public street or thoroughfare.

a. "Corner lot." A lot of which at least two adjacent sides abut for their full length upon streets or public places not less than forty feet in width. Any other lot is an "interior lot." That portion of a corner lot in excess of one hundred feet from the widest street on which the lot abuts shall be considered an interior lot.

b. "Front of a lot." That boundary line which abuts on the street, or, if there be more than one street abutting, on the street designated by the owner. "Rear of a lot" is the side opposite the front.

c. "Depth of a lot." The distance from the front of the lot to the extreme rear line of the lot. The depth of an irregular-shaped lot is its mean depth.

d. "Lot running through from street to street." A lot where the front and rear lines abut for their entire lengths upon streets or open public places. When either of such lines exceeds the other in length by more than twenty per centum, that part of the lot contiguous to the excess length of the longer line shall be deemed an interior lot.

e. "Back to back lots." Lots or portions of lots which are on opposite sides of the same part of a rear line common to both and the opposite street lines on which the lots front are parallel with each other or make an angle with each other of not more than forty-five degrees.

33. "Multiple dwelling." A dwelling which is either rented, leased, let or hired out, to be occupied, or is occupied as the temporary or permanent residence or home of three or more families living independently of each other, including but not limited to the following: a tenament, flat house, maisonette apartment, apartment house, apartment hotel, tourist house, bachelor apartment, studio apartment, duplex apartment, kitchenette apartment, hotel, lodging house, rooming house, boarding house, boarding and nursery school, furnished room house, club, sorority house, fraternity house, college and school dormitory, convalescent, old age or nursing homes or residences. It shall also include a dwelling, two or more stories in height, and with five or more boarders, roomers or lodgers residing with any one family.

34. "Non-fireproof dwelling." A dwelling which does not meet the requirements for a fireproof dwelling.

35. "Occupied" or "used." Such terms shall be construed as if followed by the words "or arranged, designed, or intended to be occupied or used."

36. "Owner." Owner or owners of the freehold of the premises or lesser

estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent, or any other person, firm or corporation, directly or indirectly in control of a dwelling.

37. "Premises." Land, improvements and appurtenances or any part thereof.

38. "Private dwelling." A dwelling occupied exclusively for residence purposes by one or two families and having not more than four boarders, roomers or lodgers residing with any one family.

39. "Public hall." A hall, corridor or passageway not within any apartment or suite of private rooms. "Public vestibule." A hall not within any apartment or suite or private rooms providing access to a stair or elevator and not wider than seven feet nor longer than twice the width of the stair or elevator shaft opening upon such hall.

40. "Public part" or "public room." A space available for common usage or used exclusively for storage purposes or for mechanical equipment of the dwelling.

41. "Section." A part of a multiple dwelling other than an apartment or suite, separated as a unit from the rest of such dwelling by fireproof construction.

42. "Shaft." A space extending through one or more stories of a dwelling connecting a series of openings therein or any story or stories and the roof, and includes exterior and interior shafts whether for air, light, elevator, dumbwaiter or any other purpose.

43. "Shall." The word "shall" is always mandatory.

44. "Single-room occupancy." The occupancy by one or two persons of a single room, or two or more rooms which are joined together separated from all other rooms within an apartment in a multiple dwelling so that the occupant or occupants thereof reside separately and independently of the other occupant or occupants of the same apartment.

45. "Sprinkler system." A system of piping connected to one or more sprinkler heads with fusible struts which will be constructed to fuse at a specified temperature so as to discharge an effective spray to cover the area to be sprinkled. Such system may be either an automatic wet pipe type in which all pipes and sprinkler heads are at all times filled with water when the building is occupied, or a dry pipe system in which the pipes and sprinkler heads are filled with air, either compressed or at atmospheric pressure, and the water supply is controlled by a dry-pipe valve.

46. "Stair." A flight or flights of steps including any landings and parts of public halls through which it is necessary to pass in going from one level to another.

47. "Stair hall." A part of a public hall through which it is necessary to pass in going from the end of one flight of steps to the beginning of another but shall not include an area that is also used to provide direct ingress to and egress from an apartment or suite.

48. "Story." A space between the level of one finished floor and the level of the next higher finished floor, or, if the top story, of the space between the level of the highest finished floor and the top of the highest roof beams, or, if the first story, of the space between the level of the finished floor and the finished ceiling immediately above. For the purpose of measuring height by stories of dwellings erected on or after July first, nineteen hundred fifty-two, one additional story shall be added for each twelve feet or fraction thereof that the first story exceeds fifteen feet in height, and for each twelve feet or fraction thereof that any story above the first story exceeds twelve feet in height.

49. "Street wall." A wall of a building, at any level, nearest to a street line abutting the property.

50. "Suite." That portion of a dwelling consisting of one or more living rooms and occupied by the members of a family, which group of

rooms is separated from all other groups within a dwelling.

51. "Window dimensions." The measurements between the stop-beads or, if there are no stop-beads, between the sides and the head and sill of the sash opening.

52. "Yard." An open space on the same lot with a dwelling between the extreme rear line of the lot and the extreme rear wall of the dwelling.