

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2012**

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**No. 28**

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Introduced by Council Members Dilan, Brewer, Cabrera, Chin, Comrie, Fidler, Garodnick, Gonzalez, James, Koppell, Koslowitz, Lander, Mark-Viverito, Palma, Vann, Williams, Rodriguez, Van Bramer, Jackson, Dromm, Gennaro, Barron, Eugene, Levin and Halloran

**A LOCAL LAW**

**To amend the New York city building code, in relation to sun control devices.**

*Be it enacted by the Council as follows:*

Section 1. Statement of findings and purpose. Sun control devices help combat heat gain and prevent glare, decreasing the energy needed to cool a building. Presently, the New York city building code permits these shading devices to project a maximum of 10 inches beyond the street line of a building, thus limiting their effectiveness. This bill would increase the maximum allowable projection of a sun control device beyond the street line of a building to 2 feet 6 inches, in alignment with proposed revisions to the zoning resolution of the city of New York, in order to expand the effectiveness of such sun control device.

§ 2. Section BC 202 of the New York city building code, as amended by local law number 47 for the year 2010, is amended by adding a new definition to be placed in alphabetical order to read as follows:

***SUN CONTROL DEVICE.*** *An architectural projection that provides protection against solar radiation entering a building through glazed areas and is supported by the building to which it is attached. Sun control device includes, but is not limited to, a fixed,*

*retractable or rotating sun control device. A fixed sun control device has no moving parts and is typically composed of horizontal overhangs or vertical fins. A retractable sun control device extends or retracts, and in the extended position casts a shadow on designated portions of the building. A rotating sun control device may be of fixed or adjustable length and pivots at its base. Sun control device shall not include awnings and canopies.*

§ 3. Section BC 1607.11.2.4 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

**1607.11.2.4 Awnings [and], canopies, and sun control devices.** Awnings [and], canopies, *and sun control devices* shall be designed for a uniform live load of 5 psf (0.240 kN/m<sup>2</sup>) as well as for snow loads and wind loads as specified in Sections 1608 and 1609.

§ 4. Section BC 3101.1 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

**3101.1 Scope.** The provisions of this chapter shall govern special building construction including membrane structures, temporary structures, pedestrian walkways and tunnels, awnings [and], canopies, *sun control devices*, marquees, signs, telecommunications towers and antennas, swimming pools and enclosures, sidewalk cafés, and fences.

§ 5. The title of section BC 3105 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

## **SECTION BC 3105**

### **AWNINGS [AND], CANOPIES AND SUN CONTROL DEVICES**

§ 6. Section BC 3105.1 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

**3105.1 General.** Awnings [and], canopies, *and sun control devices* shall comply with the requirements of this section, the requirements of Chapter 32 for projections over public ways, and other applicable sections of this code.

Exception: Canopies projecting over public rights-of-way governed by Title 19 of the Administrative Code and rules of the New York City Department of Transportation.

§ 7. Section BC 3105.3 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

**3105.3 Design and construction.** Awnings [and], canopies, *and sun control devices* shall be designed and constructed to withstand wind or other lateral loads and live loads as required by Chapter 16 with due allowance for shape, open construction and similar features that relieve the pressures or loads. Structural members shall be protected to prevent deterioration. Awnings shall have frames of noncombustible material, covered with flame-resistant fabric in accordance with NFPA 701, plastic in accordance with Section 2605, sheet metal, or other equivalent material, and shall be either fixed, retractable, folding or collapsible. *Sun control devices shall be constructed of noncombustible materials.*

§ 8. Section BC 3202.2.1 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

**3202.2.1 Encroachments subject to the area limitations.** Encroachments that are subject to area limitations are those elements listed in Sections 3202.2.1.1 through [3202.2.1.8] 3202.2.1.9, generally of an architectural character, that form an integral part of the building façade. The aggregate area of all such elements constructed to extend beyond the street line

shall not exceed 10 square feet (0.93 m<sup>2</sup>) within any 100 square feet ([9.1]9.3 m<sup>2</sup>) of wall area, except that a veneer may be applied to the entire façade of a building erected before December 6, 1968, if such veneer does not project more than 4 inches (102 mm) beyond the street line. The area of any such projection shall be measured at that vertical plane, parallel to the wall, in which the area of the projection is greatest. This plane of measurement may be at the street line, the line of maximum projection or any point in between.

§ 9. Sections BC 3202.2.1.2 and BC 3202.2.1.3 of the New York city building code, as added by local law number 33 for the year 2007, are amended to read as follows:

**3202.2.1.2 Architectural details.** Details such as cornices, eaves, bases, sills, headers, band course, opening frames, [sun control devices,] rustications, applied ornament or sculpture, grilles, windows when fully open, air conditioning units, and other similar elements may be constructed:

1. To project not more than 4 inches (102 mm) beyond the street line when less than 10 feet (3048 mm) above the ground or sidewalk level.
2. To project not more than 10 inches (254 mm) beyond the street line when more than 10 feet (3048 mm) above the ground or sidewalk level.

Exception: Architectural details that are more than 10 feet (3048 mm) above the sidewalk and that project more than 10 inches (254 mm) may be permitted subject to the approval of the Commissioner of the Department of Transportation.

**3202.2.1.3 Balconies.** Balconies, including railings and supporting brackets, no parts of which are less than 10 feet (3048mm) above the ground or sidewalk level, may be constructed to project not more than [22 inches] *2 feet 6 inches* ([559] 762 mm) beyond the

street line. When permitted by the provisions of this code, fire escapes that are part of a required exit may be constructed to project not more than 4 feet 6 inches (1372 mm) beyond the street line provided no part, including any movable ladder or stair, is lower than 10 feet (3048 mm) above the ground or sidewalk level when not in use.

§ 10. Section BC 3202 of the New York city building code, as added by local law number 33 for the year 2007, is amended by adding a new section BC 3202.2.1.9 to read as follows:

***3202.2.1.9 Sun control devices.** Sun control devices constructed in accordance with Section 3105 and supported entirely from the building may project beyond the street line not more than 2 feet 6 inches (762 mm), provided that no part of the sun control device is less than 8 feet (2438 mm) above the ground or sidewalk level. Any portion of a sun control device that is located over a sidewalk vault and is more than 10 inches (254 mm) beyond the street line and less than 40 feet above the ground or sidewalk shall be removable or retractable to less than 10 inches (254 mm) beyond the street line.*

§ 11. This local law shall take effect on July 1, 2012.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on .....April 30, 2012..... and approved by the Mayor on ....May 16, 2012.....

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 28 of 2012, Council Int. No. 340-A) contains the correct text and was passed by the New York City Council on April 30, 2012 approved by the Mayor on May 16, 2012 and returned to the City Clerk on May 16, 2012.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel