

## WHITE PLAINS PROPERTY MAINTENANCE CODE

### PART 1. GENERAL REQUIREMENTS

a. **Applicability to all Dwellings.** Every portion of a building or premises, used or intended to be used for any dwelling purpose, except temporary housing, shall comply with the provisions of this ordinance, irrespective of when such building shall have been constructed, altered or repaired; and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or premises, for the constructions or repair of the buildings, or for the installation or repair of equipment or facilities prior to the effective date of this ordinance. This ordinance establishes minimum standards for the initial and continued occupancy of all buildings and does not replace or modify standards otherwise established for the construction, repair, alteration, or use of building equipment or facilities except as provided in Section WPPMC-1(b)(1).

**b. General Provisions:**

- (1) **Conflict With Other Ordinances.** In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, electrical, plumbing, fire, safety, or health ordinance, or any regulation adopted pursuant thereto, or any other law, ordinance, code, or regulation of the City of White Plains, Westchester County Health Department, County of Westchester or State of New York, the provision which establishes the highest standard shall prevail.
- (2) **Conflict of Permits and Licenses.** All departments, officials, and employees of the City of White Plains who have the duty or the authority to issue permits or licenses in regard to the construction, installation, repair, use or occupancy of dwellings, dwelling units, rooming houses, or rooming units, equipment, or facilities, shall conform to the provisions of this ordinance, and no such permit or license shall be issued, if such would be in conflict with this ordinance, except as provided in Section WPPMC-1b(1).
- (3) **Existing Remedies.** Nothing in this ordinance shall be deemed to abolish or impair existing remedies of the City of White Plains or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, or insanitary.

**c. Responsibility of Owner, Operator or Agent.**

The owner, operator, or agent in control of the building shall be responsible for the following:

- (1) limiting occupancy to the maximum number of occupants permitted;
- (2) posting required statements of the maximum number of occupants permitted;
- (3) maintenance of the premises in a clean, safe and sanitary condition;
- (4) maintenance of the operation of service facilities in good order and condition;

- (5) maintenance of plumbing, heating and electrical equipment and systems, appliances, fixtures, as well as other building equipment and facilities, in an appropriate, good operative, clean and sanitary condition;
- (6) maintenance of walls, floors and ceilings in public places in a clean and sanitary condition;
- (7) keeping exits free and clear;
- (8) disposing of garbage, refuse and junk in a safe and sanitary manner, and keeping the premises free and clear therefrom, and broom-clean;
- (9) extermination of insects, vermin, rodents, pests, and elimination of harborage; and
- (10) provide a leak-proof, covered, approved rubbish container located on a washable, sweepable surface.
- (11) providing emergency contact information to the Department of Building and the Department of Public Safety. This shall include Name, address and phone number for responsible party in the event of an emergency.

Phone number shall include land line and cell phone.

The party must be accessible twenty-four (24) hours per day, seven days a week.

**d. Responsibility of Occupants or Tenants.**

With respect to that part of a building which the occupant occupies, controls or uses, the occupant shall be responsible for the following:

- (1) occupancy limitations and its lawfully permitted use;
- (2) maintenance in a clean, safe and sanitary condition;
- (3) maintenance of plumbing, cooking and refrigeration equipment, appliances, fixtures and facilities, in a clean and sanitary condition, and providing reasonable care in the operation and use thereof;
- (4) keeping exits free and clear;
- (5) disposing of garbage and refuse into provided facilities in a sanitary manner, and keeping the premises free and clear therefrom; and
- (6) keeping domestic animals and pets in an appropriate manner and under control.

**e. Enforcement**

- (1) **Housing Surveys.** The Commissioner of Building shall be authorized to make, or cause to be made, surveys in any area of the city to determine the general condition of structures used for human habitation, the extent of deterioration, lack of facilities and maintenance, unsafe and insanitary conditions, the extent of overcrowding, land use, and other relevant factors.
- (2) **Inspection of Dwellings.** The Commissioner of Building shall be authorized to make or cause to be made inspections to determine the condition of dwellings, dwelling units,

rooming houses, rooming units, and premises in order to safeguard the health, safety, morals and welfare of the public. The Commissioner of Building, or the Commissioner's designated representatives, shall be authorized to enter any dwelling, dwelling unit, rooming house, rooming unit, or premises at any reasonable time, or at such other time as may be necessary in an emergency, for the purpose of performing the duties specified under this ordinance. Inspections herein authorized shall be limited to the provisions of this ordinance.

- (3) **Access to Dwellings.** The owner, operator, agent, or occupant of every dwelling, dwelling unit, rooming house, rooming unit, or premises shall give personnel authorized in Section WPPMC-1e(2) access to such dwelling, dwelling unit, rooming house, rooming unit, and premises, for the purpose of such inspections at any reasonable time during business hours, or at such other times as may be necessary in an emergency.
- (4) **Identification of Inspectors.** Inspectors and authorized personnel of the Department of Building shall be supplied with official identification and, upon request, shall exhibit such identification when entering any dwelling, dwelling unit, rooming house, rooming unit, or premises.
- (5) **Notice of Violation.** Whenever the Commissioner of Building determines that there has been a violation, or that there are reasonable grounds to believe that there has been a violation of any provisions of this ordinance, or any rule or regulation adopted pursuant thereto, notice shall be given of such violation or alleged violation to the person or persons responsible for such violation. Such notice shall be in writing and shall specify the alleged violation and shall provide a reasonable time for compliance, and shall be served upon the owner, agent, operator or occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner, agent, operator or occupant, if a copy is served to such person personally; or if a copy thereof is sent by registered mail, return receipt requested, to the last known address of such person; or if a copy is posted in a conspicuous place in or about the building affected by the notice, and if a copy is mailed by registered mail on the same day it is posted to the owner, agent, operator, or occupant; or by such other method authorized by the laws of the State of New York. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance and with rules and regulations adopted pursuant thereto.
- (6) **Final Order.** Any notice of violation provided for in Section WPPMC-1e(5) shall automatically become a final order if written request for a hearing is not filed in the office of the Commissioner within ten (10) days after receipt of the notice. A copy of the order shall be served as provided in Section WPPMC-1e(5) of this ordinance.

**f. Appeals**

- (1) **Request for Hearing.** Any person affected by any notice of violation, issued in connection with the enforcement of any provision of this ordinance, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing before the Appeals Committee, provided that such person shall file, in the office of the

Appeals Committee a written request for such hearing, setting forth a brief statement of the grounds therefor, designating the person and such person's address upon whom orders may be served, and setting forth the reasons by such notice of violation should be modified or withdrawn. If this request is filed within ten (10) days after the service of notice of violation, compliance with such notice shall not be required while the hearing is pending.

- (2) **Hearing.** Upon receipt of a request for a hearing as provided in Section WPPMC-1(f)(1), the Appeals Committee shall set a time and a place for such hearing, and shall give the applicant at least ten (10) days written notice thereof. Such hearing shall commence not later than thirty (30) days after the date on which the request was filed; however, hearings may be postponed beyond such thirty (30) days period for good and sufficient reason. At such hearing, the applicant, or the applicant's representative, shall be given an opportunity to show cause why such notice of violation should be modified or withdrawn.
- (3) **Finding of Hearing.** After a hearing held in accordance with Sections WPPMC-1f(1) and WPPMC-1f(2) of this ordinance, and, on consideration of the evidence presented, the Appeals Committee shall sustain, modify, or withdraw the notice. If the notice of violation is sustained or modified, such decision shall be deemed a final order and shall be served as provided in Section WPPMC-1e(5) of this ordinance on the person or persons whom the Appeals Committee shall find to be responsible for the violation. Where there are practical difficulties or unreasonable hardships in the literal enforcement of the provisions of this ordinance, the Appeals Committee shall have the power to authorize a variance from the provisions of this ordinance, provided that the intent of the ordinance shall be observed, with respect to the safeguarding of public health, safety, morals, or welfare.
- (4) **Record of Hearing.** The Appeals Committee shall file with the Commissioner a summary of testimony which shall be kept together with every relevant notice or order, the request for a hearing, entries of appearance, findings of fact, if any, and the final determination, and such record shall be maintained as a public record.
- (5) **Appeals Committee.** The Building Code Appeals Committee, shall constitute the Appeals Committee, to hear any appeal from a decision of the Commissioner regarding the enforcement of this ordinance. The Committee shall have power to modify or withdraw any notice of violation provided that the intent of the ordinance shall be observed with respect to the safeguarding of public health, safety, morals or welfare. With respect to any appeal made to the Committee, the Committee shall have power to:
  - (i) Enter, or delegate to any employee or officer of such Appeals Committee power to enter any building or property for the purpose of conducting investigations, surveys or inspections necessary for consideration.

- (ii) To conduct examinations and investigations, administer oaths, hear testimony and take proof, under oath, if the Committee should so determine, of any matter relevant or necessary to carry out the provisions of this ordinance.

**g. Rule Making: Administrative Relationships; Penalties; Repealing Clause.**

- (1) **Rules and Regulations.** The Commissioner is authorized to make and adopt such written rules and regulations as may be necessary for the proper enforcement and interpretation of this ordinance and to secure the intent thereof. Such rules and regulations shall not be in conflict with the provisions of this ordinance or any other ordinance of the City of White Plains nor shall they have the effect of waiving any provisions of this ordinance or any other ordinance. Such rules and regulations shall have the same force and effect as the provisions of this ordinance, and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this ordinance. Such rules and regulations shall be submitted to the Common Council by the Commissioner. Failure of the Common Council to approve, reject, or modify such rules and regulations within thirty (30) days after submission shall be deemed to constitute approval thereof. Said rules and regulations, as approved by the Common Council, shall be on file in the Department of Building and available as a matter of public record.
- (2) **Administrative Liability.** No officer, agent, or employee of the City of White Plains shall be rendered personally liable for any damage that may accrue to persons or property as a result of any omission or act required or permitted in the discharge of the duties authorized under this ordinance.
- (3) **Penalties.** Any person who shall knowingly and willfully violate or assist in the violation of this ordinance shall, upon conviction, be punished by a fine as outlined in section WPBCAE-1hh; or imprisoned for not more than thirty (30) days, or both, for each offense. Each day that such violation continues shall constitute a separate offense. The term, person, as used in this section, shall include the owner, occupant, 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 or management of a building or part thereof.
- (4) **Duties of Legal Officer.** The Corporation Counsel shall, upon complaint of the Commissioner, or upon the Commissioner's own motion, institute appropriate action to restrain, prevent, enjoin, abate, correct, or remove such violation, and to take such other legal action as is necessary to carry out the terms and provisions of this ordinance. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law; any and all remedies may be pursued concurrently or consecutively, and the pursuit of any remedy shall not be construed as an election or the waiver of the right to pursue any and all of the others.
- (5) **Judicial Review.** Any person or persons, jointly or severally aggrieved by any final order of the Commissioner, may seek to have such order reviewed by the Supreme Court in the manner prescribed by Article 78 of the Civil Practice Act and as otherwise provided for in the laws of the State of New York.

h. **Discontinuance of Utilities.** No owner, operator or occupant shall cause any service, facility, equipment or utility, which is required to be supplied by the provisions of this Code, to be removed from, or shut off from, or discontinued for any occupied dwelling unit, except for necessary repairs, alterations, or emergencies.

i. **Referral of Violations.** Whenever it is determined that the condition of a dwelling, dwelling unit, rooming house, rooming unit, or premises is in violation of any applicable code which is not provided for by this ordinance, or which is provided for by a higher standard of such other law, code, ordinance, or regulation, as provided in Section WPPMC-1b(1), such condition or violation shall be referred to the appropriate authority.

j. **Power to Act in Emergencies.** Whenever the Commissioner, at any stage of the proceedings instituted under the provisions of this ordinance, finds that a violation of this ordinance exists which, in the Commissioner's opinion, required immediate action to abate a direct hazard, or immediate danger to the health, safety, morals, or welfare of the occupants of a building or of the public, the Commissioner may, without prior notice or hearing, issue an order citing the violation and directing that such action be taken as is necessary to remove or abate the hazard or danger. Such order may include an order to vacate as provided in Section WPPMC-1t. Notwithstanding any other provision of this ordinance, such an order shall be effective immediately upon service and shall be complied with immediately or as otherwise provided.

k. **Department to Abate Hazards in Emergencies.** Whenever any violation of this ordinance, which in the opinion of the Commissioner causes a direct hazard or immediate danger to the health, safety, morals, or welfare of the occupants of a building or the public, has not been corrected in the time specified by the order issued under Section WPPMC-1z of this ordinance, the Commissioner may take such direct action as is necessary to abate the hazard or danger. Expenses incurred in the execution of such orders shall be recovered as provided in Section WPPMC-1aa of this ordinance.

l. **Demolition as Compliance.** Any owner of a building receiving a notice of violations stating that such building does not comply with the provisions of this ordinance, may demolish such buildings, and such action shall be deemed compliance.

m. **Reinspection.** At the end of the period specified in the notice of violation, or any extension thereof, it shall be the duty of the Commissioner to make, or cause to be made, a reinspection of the dwelling, dwelling unit, rooming house, rooming unit, or premises, and if compliance has not been established, appropriate legal action shall be instituted as specified in Section WPPMC-1g(3) of this ordinance, provided that additional notices of violation are not required.

n. **Extension of Compliance Time.** The Commissioner may extend the compliance time specified in any notice, or order, issued under the provisions of this ordinance where there is evidence of intent to comply within the period specified, provided that reasonable conditions exist which prevent immediate compliance.

o. **Recording of Notices.** Whenever a notice or order has been issued for any infraction of this ordinance, the Commissioner may keep on file a copy of such notice or order in his office. Such recording shall constitute appropriate notice of such violation, infraction or order to any subsequent purchases, transferee, grantee, mortgagee, or lessee of the property affected thereby.

p. **Transfer of Ownership.** No owner of any dwelling, dwelling unit, rooming house, rooming unit, or premises, upon whom any notice or order pursuant to this ordinance has been served, shall sell, transfer, grant, mortgage, lease or otherwise dispose thereof, such property to another until compliance of the provisions of such notice or order has been secured; or until such owner shall furnish to the purchaser, transferee, grantee, mortgagee, or lessee, prior to such sale, transfer, grant, mortgage, or lease, a true copy of such notice or order and, at the same time, give adequate notification to the Commissioner of the intent to sell, transfer, grant, mortgage, or lease, and supply the name and address of such person, persons, or firm to whom the sale, transfer, grant, mortgage, or lease is proposed. A purchaser, transferee, grantee, mortgagee, or lessee, who has been informed of the existence of any notice or order issued pursuant to this ordinance, shall be bound thereby.

q. **Records and Searches.** Upon request, the Department of Building shall be required to make a search and issue a certificate of any of its public records, including violations, and shall have the power to charge and collect reasonable fees for such searches or certificates.

r. **Variances.** Where there are practical difficulties or unreasonable hardships in the literal enforcement of the provisions of this ordinance, the Appeals Committee shall have the power to authorize a variance from the provisions of this ordinance, provided that the intent of the ordinance shall be observed with respect to the safeguarding of public health, safety, morals or welfare.

s. **Unfit Dwelling Units.** Any dwelling unit, rooming house or rooming unit having any of the defects listed below may be designated by the Commissioner as unfit for human habitation and may be placarded.

- (1) The structure lacks illumination, ventilation, sanitation, heat or other facilities adequate to protect the health and safety of the occupants or the public.
- (2) The structure is damaged, decayed, dilapidated unsanitary, unsafe, or vermin infested in such a manner as to create a serious hazard to the health and safety of the occupants or the public.
- (3) The structure, because of the location, general conditions, state of the premises, or number of occupants, is so unsanitary, unsafe, overcrowded or otherwise detrimental to health and safety that it creates a serious hazard to the occupants or the public.
- (4) The structure, because of the failure of the owner or occupant to comply with such notices or orders issued pursuant to this ordinance, is unfit for human habitation.

t. **Notice of Intent to Vacate.** Whenever the Commissioner determines that a dwelling, dwelling unit, rooming house, or rooming unit, is unfit for human habitation as provided in Section WPPMC-1s, the Commissioner shall include such finding within the notice of violation provided for in Section WPPMC-1e(5) of this ordinance. Also included shall be a statement of the Commissioner's authorization to order to vacate and placard the dwelling, dwelling unit, rooming house, or rooming unit, if compliance with the provisions of the noticed of violation has not been secured.

u. **Order to Vacate.** Whenever a notice of violation, as provided in Section WPPMC-1f(1) of this ordinance, has not been complied with or where Section WPPMC-1e(5) of this ordinance has not been invoked, the Commissioner may order the dwelling, dwelling unit, rooming house, or rooming unit to be vacated. A copy of such notice to vacate shall be served on the owner, agent, operator, and the occupant, as provided in Section WPPMC-1t. of this ordinance.

v. **Vacation of Unfit Dwelling.** Any dwelling, dwelling unit, rooming house, or rooming unit, designated as unfit for human habitation pursuant to the Property Maintenance Code of New York State and ordered vacated as provided in Section WPPMC-1t, shall be vacated within such reasonable time as the Commissioner may specify in the order. No such dwelling, dwelling unit, rooming house, or rooming unit shall again be used for human habitation or the placard removed until written approval is secured from the Commissioner.

w. **Removal of Placard.** No person shall deface or remove the placard from any dwelling, dwelling unit, rooming house, or rooming unit which has been designated as unfit for human habitation.

x. **Vacated Dwelling Made Secure.** The owner, agent or operator of any dwelling, dwelling unit, rooming house, rooming unit which has been designated as unfit for human habitation and vacated, shall make such dwelling, dwelling unit, rooming house, rooming unit safe and secure in whatever manner the Commissioner shall deem necessary. Any vacant building, open at the doors and windows, if unguarded, shall be deemed dangerous to human life and a nuisance within the meaning of this provision.

y. **Notice of Intent to Demolish.** Whenever the Commissioner designates a building unfit for human habitation, as provided in this ordinance, and determines that the cost necessary to correct the violation is not reasonably related to the value of the building, the Commissioner shall include within the notice of violation provided for in Section WPPMC-1e(5) of this ordinance, a statement of the intent to order the demolition of the structure. A copy of such notice shall be served on the owner, occupant, lessee, or mortgagee, as provided in Section WPPMC-1e(5) of this ordinance. The owner may demolish such structure as provided in Section WPPMC-1l of this ordinance, or correct the violation regardless of cost, provided that the requirements of the building code in effect at the time of attempted compliance are satisfied.

z. **Order to Demolish.** Whenever a notice of violation as provided in Section WPPMC-1e(5) of this ordinance has not been complied with, the Commissioner may order the building demolished. Such order shall be served as provided in Section WPPMC-1e(5) of this ordinance, and demolition shall be completed within the time specified by the Commissioner.

aa. **Department to Make Repairs or Demolish.** Whenever a notice or order to remove a violation, secure, vacate, or demolish a building has not been complied with, and when such failure to comply is deemed by the Commissioner to constitute a nuisance, the Commissioner may proceed to cause the structure to be demolished, repaired, altered, secured, vacated, or take such other action as is necessary to abate the nuisance. Whenever the Commissioner determines that such nuisance exists, sufficient proof shall be recorded to support such determination, and the owner, occupant, lessee, or mortgagee shall be notified of such finding pursuant to Section WPPMC-1e(5) of this ordinance. Abatement authorized by this section shall not commence until at least ten (10) days after service of such notice.

bb. **Recovery of Expenses.** The expenses incurred pursuant to Sections WPPMC-1k and WPPMC-1aa of this ordinance shall be paid by the owner or occupant of the premises, or by the person who caused or maintained such nuisance or other matter. The Commissioner of Building will keep a record of the work performed, the date of performance, the name of the person to be charged, a brief description of the property, and the charges to be assessed. The amount to be charged shall be the actual cost plus five (5) per centum for inspection, and other additional costs in connection therewith. A bill or statement thereof shall be mailed or otherwise delivered to the person charged on or before the first day of November of that year. If payment is not made by the first of December of the year, the Commissioner of Building shall add said property owner's name to the list of all unpaid charges, file it in his office, and give public notice of such filing by publication in the official newspaper. Such notice shall state that said list has been made and filed, and will be available for inspection by interested persons for ten (10) days from publication. At the expiration of the ten (10) day period, the Building Commissioner shall hold a hearing on a day and hour and at a place specified in said notice, at which time interested persons may offer objections, and, if need be, alter, and correct such lists. The corrected list shall be filed with the Commissioner of Finance, whereupon the Commissioner of Finance shall notify the property owner by mail, if the property owner's name and address is ascertainable, of the amount of the charges. The assessment shall be a lien against the property when the list is filed with the Commissioner of Finance. Such lien shall be included in the next general tax assessment roll, and shall be collected at the same time, in the same manner, and by the same proceedings as other taxes on said roll. Any lien which shall remain unpaid at the end of the period specified for collection by the Commissioner of Finance shall bear interest and penalty of one percentum per annum for each month that the charge remains unpaid. Failure to notify the person charged does not affect validity of the assessment or the penalties imposed. This lien does not supersede any mortgage lien that is executed and recorded prior to the present lien, except with respect to a lien imposed for expenses incurred in demolition.

## PART 2. PHYSICAL STANDARDS

### a. Exterior Protection

- (1) **Screening Required.** Every window, door, and other openings to outdoor space in the exterior of every structure, used for human habitation, shall be effectively protected against the entrance of insects.

- (2) **Rules and Regulations.** From May first to October first, every opening, except bulkheads, used for ingress or egress from a structure used for human habitation, directly to or from outdoor space, shall be supplied with either a self-closing device or a self-closing screen door, and every window of every habitable room, bathroom, toilet room or compartment, and every other opening to outdoor space shall be equipped with approved screening; provided, that such screening is necessary for effective protection against insects.

b. **Locking Mechanisms.** In multiple dwellings only "privacy" type locks shall be permitted on bedroom doors.

c. **Building Security Provisions for Multiple Residences**

- (1) **Applicability.** All Residential buildings (R-2) containing nine (9) or more dwelling units, and having an individual entrance through which common access may be gained to nine (9) or more dwelling units.

- (2) **Security of Building Entrances and Openings for new Buildings constructed on or after September 1977.** All new buildings must be provided with the following:

(i) **Main Entrance System.**

- (I) Entrance vestibule with exterior and interior sets of doors, each with full vision panels of unbreakable glazing, vandal proof annunciator-buzzer, and two-way voice intercom system located between the exterior and interior doors of the entrance vestibule, and such intercom connecting to each dwelling unit. The exterior set of doors leading from the outside to the vestibule shall be left unlocked.
- (II) Interior main entrance doors of automatic self-closing and self-locking type; capable of being unlocked by electro mechanical device, directly from within any individual apartment or office suite.
- (III) Each apartment unit shall be equipped with two-way voice intercom and a buzzer release control for unlocking the main entrance doors(s).
- (IV) All automatic door release and intercom controls shall be accessible to the handicapped.

(ii) **All other Exterior Doors and Passageways Leading to Exterior Exits, Garages and other Buildings.**

- (I) Shall be equipped with automatic self-closing and self-locking doors, of tamper proof design. Such doors shall be kept in good operating order and repair, and not held in the open position at any time.
- (II) Readily openable from the inside without the use of keys and equipped with a panic exit device with crossbar assembly (panic bar) or touch bar device.

(iii) **Accessible Windows.**

- (I) **Definition.** Any window with its bottom sill within eight(8) feet of adjacent ground, wall level, or lower roofs, and including all windows below grade.

- (II) All such accessible windows shall be of security type design consisting of heavy metal frame and metal mullions spaces no greater than nine (9) inches on centers in either directions with security type locking device or of other approved security type design.
- (3) **Security of Building Entrances and Openings for Existing Building.** The following provisions shall apply:
- (I) **Building with Intercom and Buzzer Release Systems for Main Entrances.**
- (i) If operational, landlord must so maintain at all times.
- (ii) If not operational, landlord must completely repair and reactivate within one (1) month of notification by the Building Department.
- (iii) All other exterior doors and entrances shall have automatic self-closing and self-locking doors.

### **PART 3. HEATING, PLUMBING, ELECTRICAL AND MISCELLANEOUS**

a. **Heating Systems.** Heating equipment shall be installed in a manner which will avoid the dangerous concentration of fumes and gases. Unvented portable space heaters, burning liquid or gaseous fuels, shall be prohibited. Heating equipment shall not be forced to operate beyond the safe capacity for which it was designed. Where necessary, exposed heating risers, heating ducts, and hot water lines shall be covered with an insulating material or guard. Repairs and installations shall be made in accordance with the applicable regulations of the City of White Plains.

#### **b. Cooking and Refrigeration**

- (1) **Communal Cooking and Dining Facilities.** Every communal kitchen and dining room located in a rooming house shall have adequate floor space and facilities, and shall be so located as to be accessible to the occupant of each rooming unit, sharing the use of such facilities, without going through a dwelling unit or rooming unit of another occupant. The preparation and eating of meals in rooming units is prohibited.

**Rules and Regulations.** Communal kitchens and dining rooms shall comply with the following requirements:

- (i) **Communal kitchens.** Minimum gross floor area sixty (60) square feet, minimum width five (5) feet, where cooking is permitted.

Communal kitchens used for combined cooking and eating purposes - minimum gross floor area one hundred (100) square feet, minimum width seven (7) feet.

Dining space and eating facilities shall comply with requirements for communal dining rooms.

**Required facilities:** at least one (1) kitchen sink; at least one (1) kitchen gas or electric stove containing at least two (2) top burners and an oven; at least one (1)

electric, gas or other mechanical or suitably constructed ice refrigerator with adequate food storage capacity; at least twelve (12) lineal feet of shelf storage space.

- (ii) **Communal Dining Rooms.** Minimum gross floor area seventy (70) square feet. **Required facilities:** at least one (1) dining chair and two (2) lineal feet of dining space for each occupant permitted in dining room at any particular time.