

**ARTICLE 323
PERIODIC INSPECTION OF PARKING
STRUCTURES**

§28-323.1 General. Parking structures shall be maintained in a safe condition. The owner shall be responsible for the proper inspection, repair, and maintenance of the parking structure in accordance with the requirements set forth in this article.

Exceptions: The requirements imposed by this article shall not apply to:

1. Unenclosed, unattached outdoor parking lots.
2. Private garages serving one- and two-family homes as defined in chapter 2 of the New York city building code.

§28-323.2 Definitions. As used in this article, the following terms shall have the following meanings:

ANNUAL OBSERVATION CHECKLIST. A document developed by the approved agency during initial condition assessment containing baseline items to be inspected between condition assessments, annually or at more frequent intervals as prescribed by the approved agency, by or on behalf of the parking structure owner.

CONDITION ASSESSMENT. An on-site inspection and evaluation of a parking structure by an approved agency for evidence of deterioration of any structural element or building component of such parking structure, evidence of the existence of any unsafe structural condition in such parking structure, or evidence indicating that such parking structure is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

INITIAL CONDITION ASSESSMENT. The first condition assessment conducted by an approved agency of a parking structure as outlined in the rules of the department.

PARKING STRUCTURE. A building or space used for the parking or storage of motor vehicles, other than an automotive service station, automotive repair shop, or private garage as defined in chapter 2 of the New York city building code.

§28-323.3 Condition assessment. A condition assessment of a parking structure shall be conducted at periodic intervals as set forth by rule of the commissioner, provided that such condition assessment shall be conducted at least once every six years and after each notification of an unsafe condition. All condition assessments shall be conducted on behalf of the building owner by an approved agency.

§28-323.3.1 Initial condition assessment. The initial condition assessment for a new parking structure shall be conducted in the second year following the completion of a parking structure or as otherwise prescribed by rule as evidenced by the issuance date of a temporary or final certifi-

cate of occupancy. Existing parking structures shall have an initial condition assessment performed by an approved agency as required herein and by rule. During the initial condition assessment, the approved agency shall develop and provide to the parking structure owner or owner's authorized agent an annual observation checklist containing minimum requirements and elements to be inspected as part of the required annual observation.

§28-323.3.2 Subsequent condition assessments. Condition assessments shall be conducted at intervals specified in the rules of the department. Condition assessments shall include a complete review of the most recently prepared condition assessment report, owner's annual inspection checklists since the last condition assessment, inspection of structural elements, and a structural assessment conducted in accordance with rules promulgated by the commissioner.

§28-323.4 Annual parking structure observation. An annual observation shall be performed by the parking structure owner or owner's authorized agent at intervals specified in the annual observation checklist, but not less than once a year after the owner receives the most recent condition assessment report. The observation shall include, at a minimum, observation of the items included on the annual observation checklist provided or verified by the approved agency during the most recent condition assessment. Copies of all annual observation checklists completed since the last condition assessment shall be maintained at the parking structure.

§28-323.5 Report of condition assessment. A report shall be issued by the approved agency following each condition assessment in accordance with sections 28-323.5.1 and 28-323.5.2.

§28-323.5.1 Contents. The report shall indicate the results of the condition assessment as safe, safe with repair and/or engineering monitoring, or unsafe, as prescribed by the rules of the department. It shall include a record of all potentially unsafe conditions of the structure and the condition of structural framing members, any visible reinforcement, connections, and conditions of slabs and slab joints. The report must also contain the annual observation checklist to be used for subsequent annual parking structure observations. Such report must be signed and sealed by a professional engineer, who must file the report.

§28-323.5.2 Submission deadlines. Except as otherwise provided in section 28-323.7, the approved agency shall submit a written report to the commissioner within 60 days of completing the condition assessment, but not more than six years from the submission of the preceding report of condition assessment, certifying the results of the assessment as described in section 28-323.5.1.

§28-323.6 Fees. Every owner of a parking structure subject to condition assessments shall pay to the department a report filing fee for each report of condition assessment in the amount set forth in the rules of the department.

§28-323.7 Immediate notice of unsafe condition. The department must be notified of an unsafe condition immediately. A compliance report shall be filed after each unsafe notification.

1. Whenever a representative of an approved agency learns of an unsafe condition through a condition assessment of a parking structure, such representative shall notify the owner and the department immediately.
2. Whenever an owner or an owner's authorized agent observes an unsafe condition during annual observations, or at any other time in between assessments, the owner shall notify the department immediately and undertake repairs in accordance with section 28-323.8.

§28-323.8 Repair of parking structure, unsafe condition. Upon the notification to the department of an unsafe condition, the owner or the owner's authorized agent shall immediately secure public safety by removing the unsafe condition or safeguarding the area. The owner shall then engage an approved agency to conduct a condition assessment and file a compliance report.

1. The owner shall commence repairs, reinforcements or other measures to make the structural elements of the parking structure conform to the provisions of this code.
2. All unsafe conditions shall be corrected within 90 days of filing of the condition assessment report.
3. The approved agency shall reinspect the premises and file an amended report within two weeks after the repairs have been completed certifying that the unsafe conditions of the building have been corrected.
4. The commissioner may grant an extension of time of up to 90 days to complete the repairs required to correct an unsafe condition upon receipt and review of an initial extension application submitted by the approved agency together with such additional documentation as may be prescribed by rule.
5. The commissioner may grant further extensions of time to complete the repairs required to remove an unsafe condition upon receipt and review of an application for a further extension submitted by the approved agency together with such further documentation as may be prescribed by rule.

§28-323.9 Safe with repair and/or engineering monitoring. A parking structure or any part thereof that may pose a potential danger to persons or property, but does not require immediate action shall be rated safe with repair and/or engineering monitoring. This condition requires further investigation and timely remedial action to prevent its deterioration into an unsafe condition. A registered design professional shall be responsible for appropriately monitoring the structure until the repair is completed.

§28-323.9.1 Safe with repair and/or engineering monitoring assessment requirements. When the results of an initial assessment indicate a parking structure is safe with repair and/or engineering monitoring, the parking structure shall be subsequently assessed no more than three years from the date of the initial assessment and an amended report filed with the department.

§28-323.9.2 Safe with repair and/or engineering monitoring for two cycles. The approved agency shall not file a report of a safe condition with repair and/or engineering monitoring program for the same parking structure for two consecutive filing periods unless the second such report is accompanied by his or her professional certification attesting to the correction of all conditions identified in the prior report as requiring repair.