

## Chapter 226, ELEVATORS

[HISTORY: Adopted by the Council of the City of Binghamton 1-5-11 by L.L. 11-2]

### § 226-1. General provisions.

Equipment covered by this chapter:

A. All conveyances as defined by this Chapter, and their related, mechanisms, enclosures, and appurtenances, required for proper operation.

### § 226-2. Applicability.

This chapter covers the operation, inspection, testing, maintenance, alteration, and repair of all listed equipment, its associated parts, and its hoistways, when located in or adjacent to a building or structure where governed by Building Code of New York State. All new installations are handled by the City of Binghamton Department of Building and Construction.

### § 226-3. Purpose and exceptions.

The purpose of this chapter is to provide for the health and safety of the general public and to protect the public welfare.

A. The provisions of this Chapter do not cover non-commercial buildings and structures as defined by one and two family homes by the Residential Building Code of New York State.

B. The provisions of this Chapter do not cover buildings and structures that are not under the jurisdiction of the New York State Department of State.

C. The provisions of this chapter are not intended to prevent the use of systems, means, methods or devices of equivalent or superior quality, strength, fire resistance, ASME A17.1 Code effectiveness, durability and safety to those prescribed by the A17.1 Code, provided that there is technical documentation to demonstrate the equivalency of such system, method or device and provided said documentation is approved by the New York State Department of State Codes Division. Whereas:

(i) The specific requirements of the ASME A17.1 and ASME A18.1 Codes and Standards may be modified by the New York State Department of State Codes Division upon technical documentation or physical performance verification to allow alternative arrangements that will assure safety equivalent to that which would be provided by conformance to the corresponding requirements of the ASME A17.1 and ASME A18.1 Codes and Standards.

### § 226-4. Definitions.

A. Specific Definitions regarding materials, means, methods, devices, and systems defined by the current Building Code of New York State, and its current reference standards are hereby adopted as if included herein.

B. Definitions. Except as otherwise expressly provided, the following words, wherever used in this chapter, shall have the following meanings:

ADMINISTRATOR: the City of Binghamton Fire Marshall, who shall also be the Elevator Board Chairman

ALTERATION —Any Change to equipment, including its parts, components, and/or subsystems, other than maintenance, repair, or replacement.

ASME A17.1 ELEVATOR AND ESCALATOR SAFETY CODE: The Currently adopted reference standard produced by the American Society of Mechanical Engineers, in conjunction with the American National Standard Institute, as adopted by the New York State Department of State. (See Title 19, NYCRR of the Codes of New York State.) [New York State Uniform Fire Prevention and Building Code.]

ASME A18.1 SAFETY STANDARD FOR PLATFORM LIFTS AND STAIRWAY CHAIR LIFTS: The Currently adopted reference standard produced by the American Society of Mechanical Engineers, in

conjunction with the American National Standard Institute, as adopted by the New York State Department of State. (See Title 19, NYCRR of the Codes of New York State.) [New York State Uniform Fire Prevention and Building Code.]

**AUTHORITY HAVING JURISDICTION** -- The New York State Department of State Codes Division.

**BOARD** -- The Conveyance Safety Review Board described in § 226-6 of this chapter.

**CERTIFICATE OF INSPECTION** -- A document issued by the Fire Marshall to a property owner that indicates that the conveyance on the premises complies with the provisions of this chapter. Documentation shall be posted in a location visible to the general public.

**CERTIFICATION**-- A written document, duly issued by the Conveyance Safety Board verifying the qualifications of an individual.

**CONVEYANCE** -- Any equipment listed in the Building Code of New York State's currently referenced edition of the ASME A17.1 Elevator / Escalator Safety Code and ASME A18.1 Safety standard for platform lifts and stairway chairlifts. Including but not limited to any elevator, dumbwaiter, escalator, moving walk, platform lift, or stairway chairlift, except where expressly excluded by said standards for equipment as being "not covered."

**ELEVATOR SERVICE CONTRACTOR** -- Any individual person, who possesses an elevator installer's license in accordance with the provisions of § 226-8 and who is engaged in the business of constructing, maintaining, and repairing conveyances covered by this chapter and as defined by the current New York State Building Code State reference edition of ASME A17.1 and A18.1.

**DORMANT CONVEYANCE** -- An elevator, escalator, dumbwaiter, material lift, platform lift, or stairway lift whose power lines have been locked by the Owner and sealed by the City of Binghamton at the mainline disconnect switch is allowed to remain out of service for a period of not more than 2 years. Upon expiration of the 2-year period the conveyance shall be placed in an Out Of Service condition as defined by this chapter, or shall be returned to normal service after being certified by a Licensed Inspector indicating no violations.

**DUMBWAITER** -- A hoisting or lowering mechanism, equipped with a car of limited size which moves in guide rails and serves two or more landing that is used exclusively for carrying materials, and as classified by the current New York State Building Code referenced edition of ASME A17.1 Elevator and Escalator Safety Code.

**ELEVATOR** -- A hoisting or lowering mechanism, equipped with a car, which moves within guides and serves two or more landings and as classified by the current New York State Building Code referenced edition of ASME A17.1 Elevator and Escalator Safety Code.

**ESCALATOR** -- A power-driven, inclined, continuous stairway used for raising or lowering passengers, and as classified by the current New York State Building Code referenced edition of ASME A17.1 Elevator and Escalator Safety Code.

**EXISTING INSTALLATION** -- An installation that has been completed or an ongoing construction project located in the City of Binghamton having previously obtained a building permit, prior to the effective date of this chapter.

**INSPECTOR'S LICENSE** -- A document which is issued to an individual who holds a current QEI certification from an ASME approved certifying agency and for whom has been authorized by the Conveyance Safety Board to conduct conveyance inspections as defined by this chapter.

**INSTALLATION** -- A complete elevator, dumbwaiter, escalator, material lift, moving walk, platform lift, or stairlift, includes its hoistway, hoistway enclosures and related construction and all machinery and equipment necessary for its operation.

**ELEVATOR SERVICE CONTRACTOR'S LICENSE** -- A written document which is issued to an individual who has proven his/her qualifications and ability through experience and has been authorized by the Conveyance Safety Board to engaged in the business of maintaining and repairing of conveyance equipment as defined by this chapter and the current Building Code of New York State referenced editions of ASME A17.1 and ASME A18.1 within any structure, including private residences. Fees as set by the Fire Marshall, with approval from the Conveyance Safety Board, shall be paid for said license on an annual basis.

**LICENSE** -- A written document, duly issued by the Conveyance Safety Board authorizing an individual to carry on the business of altering, servicing, repairing, maintaining or performing inspections of conveyances, as permitted or limited by this chapter.

LICENSEE – An individual holder of license authorized by Conveyance Safety Board.

MATERIAL LIFT – A hoisting and lowering mechanism normally classified as an elevator, equipped with a car which moves within a guide system installed at an angle of greater than 70 degrees from the horizontal, serving two or more landings, for the purpose of transporting materials, and as classified by the current New York State Building Code referenced edition of ASME A17.1 Elevator and Escalator Safety Code. Material Lifts as defined by ASME B.20.1 shall meet the standards therein described and are not included within the scope of this chapter.

MOVING WALK -- A type of passenger-carrying device on which passengers stand or walk and in which the passenger-carrying surface remains parallel to this direction of motion and is uninterrupted and as classified by the current New York State Building Code referenced edition of ASME A17.1 Elevator and Escalator Safety Code.

NEW INSTALLATION -- Any installation not classified as an existing installation by definition, or an existing elevator, dumbwaiter, escalator, material lift, platform lift, stairway lift, or moving walk moved to a new location and for which a building permit has not been previously issued, revoked, or expired.

OUT OF SERVICE CONVEYANCE Any elevator, escalator, or dumbwaiter, material lift, platform lift, or stairway lift whose power lines have been disconnected from the mainline disconnect switch and as follows:

- (i) Roped Elevators, dumbwaiters, or material lift whose hoist ropes have all been removed and whose car and counterweight rests at the bottom of the shaftway and whose shaftway doors are permanently barricaded or sealed from the hoistway side.
- (ii) Escalator or Moving walk: whose entrances have been permanently barricaded.
- (iii) Hydraulic elevator, dumbwaiter or material lift whose operating fluids have been removed from the system whose pressure piping has been disassembled and a section removed the premises, and whose shaftway doors are permanently barricaded or sealed from the hoistway side.
- (iv) Out of Service conveyances shall be required to be returned to service after being registered and meeting the requirements of inspection of new construction.

PENETRATE A FLOOR -- To pass through or pierce the floor in such a way that the opening has a continuous perimeter and is provided only to allow the equipment to pass through the floor.

QUALIFIED ELEVATOR INSPECTOR (QEI) – An individual certified in accordance with the ASME QEI-1, Standard for the Qualification of Elevator Inspectors holding a current QEI certificate issued by an ASME approved certifying agency.

REFERENCED STANDARDS -- A specification, code, rule, guide, standard, or procedure specifically listed in The Building Code of New York State Chapter 35 and those documents additionally referenced by consequence of those therein. Compliance with the applicable provisions of a referenced standard shall constitute compliance with this chapter and the Codes of New York State except where specifically exempted by judicial or legislative precedence.

REPAIR – Reconditioning or renewal of parts, components, and/or subsystems, necessary to keep equipment in compliance with the applicable Code requirements, which may require testing by a certified conveyance inspector as defined by the current New York State Building Code referenced edition of ASME A17.1 and A18.1.

STOP WORK ORDER—A document issued by the Fire Marshall to a Licensee effectively suspending a permit.

#### **§ 226-5. License required.**

A. No individual shall construct, alter, replace, maintain, dismantle any conveyance contained within buildings or structures within the City of Binghamton unless an maintainer's license has been issued as described herein or except for individuals working under the direct supervision of a licensee pursuant to this chapter.

- (i) EXCEPTION: A licensed elevator service contractor is not required for removing or dismantling conveyances that have previously met the standard of “Dormant Conveyance” as defined by this chapter and that have been designated as such by the Fire Marshall.

B. No individual shall inspect any conveyance within buildings or structures, including but not limited to private residences covered by this chapter, within the City of Binghamton or structurally a part thereof unless an inspector's license has been issued as described herein.

(i) EXCEPTION: Non-required Inspections performed by individuals or businesses, which have not been certified by the City of Binghamton are acceptable, but they shall not be recognized as certified by the City of Binghamton.

C. It is not permitted for any single conveyance acceptance inspection to be performed by the same individual licensed inspector as the individual licensed to install, alter, repair, or maintain that conveyance.

#### **§ 226-6. Conveyance Safety Board**

A. Members

(i) There is hereby created the Conveyance Safety Board hereafter referred to as the "Board" consisting of five members.

(ii) The Board shall consist of three permanent Board members: the Fire Marshall, the Director of Building and Construction, and the City Engineer.

(iii) The Fire Marshall shall serve as Chairperson of the Board and shall appoint the two remaining members of the Board for a term of three years. One member shall be representative from the elevator industry and one member shall be the owner of a building that contains an elevator and is located within the City of Binghamton. These remaining two members shall not be precluded from serving consecutive terms.

B. Voting

(i) In the event where a vote is required, a Quorum of three members is required in order to use Board powers, except where specific powers are granted to the Fire Marshall by this chapter.

C. Meetings of the Board

(i) The Board shall meet and organize within 10 days after the appointment of its members and at such meeting shall elect one Secretary of the Board to serve during the term to be fixed by the Board.

(ii) The Board shall regularly meet quarterly at a time and place fixed by it to conduct the regular business of the Board. Regular business shall include but is not limited to, the consideration or approvals of licenses and certifications, and appeals for licenses, certifications, or permits, and for the transaction of other such business for which a quorum of the board is required.

(iii) The Board shall meet in special circumstances and at other such times as deemed reasonable in meetings. Special Meetings shall meet at a time and place to be fixed by it. Any Board member or the Mayor may call a Special Board Meeting with 15 days notice to the Board.

(iv) Any appointed Board Member absent for more than two consecutive meetings; either Regular or Special within a 9 month period, may be removed after a hearing before the Mayor.

D. Powers of the Board

(i) The Board shall be authorized to consult with licensed design professionals, qualified organizations, and recognized experts concerned with the specific codes, rules, standards, regulations, or qualifications which govern conveyances, as defined by this chapter. The Board shall be authorized to recommend the amendments of applicable legislation, when appropriate, to legislators.

(ii) The Board shall not have the authority to grant exceptions and variances from the literal requirements of applicable codes and standards, and regulations; except in cases where such exceptions or variance would not jeopardize the public safety.

(iii) The Board shall set standards for qualifications of applicants for Licenses as set for in this code. The Board shall also have the power to accept or reject applications submitted by potential Licensees.

**§ 226-7. Application for Elevator Service Contractor and Qualified Elevator Inspector**

- A. Elevator Service Contractor: An individual wishing to engage in the business of maintenance or repair of any conveyances as defined by the current New York State referenced edition of ASME A17.1 and ASME A18.1 within the City of Binghamton shall make application for a license to maintain or repair conveyances to the Fire Marshall on a form provided by the City of Binghamton.
- B. Elevator Service Contractor License Applications shall contain the following:
- (i) The name, residence and business address of the applicant. If a Limited Liability Company, an individual member's name and local address where service of process can be made. All correspondence between the applicant and the Fire Marshall will be made to the address provided on the application.
  - (ii) Verifiable proof of experience.
  - (iii) Satisfactory evidence that the applicant is covered by general liability, personal injury, and property damage insurance.
  - (iv) Signed copy of the Ethics Pledge that is provided by the Fire Marshall.
- C. Inspector: Any individual wishing to engage in the business of conveyance inspections as defined by the current New York State referenced editions of ASME A17.1 and ASME A18.1 within the City of Binghamton upon proof of a current QEI-1 certification shall make application for a certification to the Fire Marshall on a form provided by the City of Binghamton.
- D. Inspector License applications shall contain information for the following provisions:
- (i) The name, residence and business address of the applicant. . (Note all correspondence between the applicant and the Fire Marshall will be made to this address.)
  - (ii) Proof of Current QEI-1 certification.
  - (iii) Satisfactory evidence that the applicant is or will be covered by general liability, personal injury, property damage and errors and omissions insurance.
  - (iv) Signed copy of The Ethics Pledge on a form provided by the Fire Marshall.
- E. Inspectors are not permitted to hold an Installer's License and an Inspector's License concurrently.

**§ 226-8. Qualifications of elevator inspectors and elevator service contractors.**

- A. Qualifications of Inspectors. No inspector's certification shall be granted to any person, unless he/she shall prove to the satisfaction of the Conveyance Safety Board, that the individual meets the current ASME QEI-1 Standards for the Qualifications of Elevator Inspectors, and as follows:
- (i) Proof of Insurance as established by the Fire Marshall shall be required prior to issuing any license or renewal.
  - (ii) Advance payment of all application fees as established by the Fire Marshall, with approval of the Conveyance Safety Board.
  - (iii) Renewal applications shall be automatically approved, when accompanied by proof that the individual has maintained a current QEI certification, proof of required insurance, and paid all fees.
  - (iv) Renewal applications will not be approved in cases where the Conveyance Safety Board has authorized a current suspension or revocation of the applicant's license.
  - (v) The Elevator Board shall grant all inspector certifications to be issued for a period of one year.
- B. Qualifications of Elevator Service Contractors. No license shall be granted to any person, unless he/she shall prove to the satisfaction of the Conveyance Safety Board that the individual meets the qualifications and abilities described as follows:
- (i) Not less than seven years (1,750 hours/year) verified work experience in the construction, maintenance, and repair of conveyances as defined by this Chapter and ASME A17.1

- (ii) Proof of Insurance as established by the Fire Marshall shall be required prior to issuing any certification or renewal.
- (iii) Advance payment of all application fees as established by the Fire Marshall, with the approval of the Conveyance Safety Board.
- (iv) Renewal applications will be automatically approved, when accompanied by proof that the individual has maintained an active conveyance business within the City of Binghamton, proof or required insurance, and paid all fees.
- (v) Renewal applications will not be approved in cases where the Conveyance Safety Board has authorized a current suspension or revocation of the applicant's license.
- (vi) The Conveyance Safety Board shall grant all Elevator Service Contractor licenses to be issued for a period of three years.

**§ 226-9. Suspension and revocation of licenses.**

A. A license or certification issued pursuant to this chapter may be suspended or revoked by the Conveyance Safety Board upon verification that any one or more of the following reasons exist:

- (i) Any false statement as to material matter in the application.
- (ii) Fraud, misrepresentation or bribery in securing a license or certification.
- (iii) Violation of any provisions of this chapter.
- (iv) Violation of the Ethics Pledge
- (v) Performance of work for which the individual is not duly licensed or certified.
- (vi) Performance of work without a Permit.

**§ 226-10. Hearing on charges, decisions.**

No license or certification shall be suspended or revoked until after a hearing before the Conveyance Safety Board upon notice to the licensee of at least 10 days at the last known address appearing on the license or certification, served by registered mail. The notice shall state the date, hour and place of hearing and set forth a statement of facts constituting the grounds for the charges against the licensee or certified individual. The Conveyance Safety Board may issue fines, or suspend or revoke the license or certification, or may dismiss the proceeding. Suspension or Revocation of any licensee shall be equivalent to constitute a revocation of any Permit, which was previously obtained by said licensee, and shall require the City of Binghamton to issue an immediate Stop Work Order for any work being performed under said Permit.

**§ 226-11. Appeals.**

Any person whose license or certification is revoked, suspended, or denied may appeal within thirty (30) days of such determination pursuant to Article 78 of the Civil Practice Law to the Supreme Court.

**§ 226-12. Registration of conveyances.**

Within 30 days after the date of the appointment of the Conveyance Safety Board the owner of every existing conveyance as defined by this code shall register with the Fire Marshall each conveyance as defined in this code including every elevator, dumbwaiter, escalator, moving walk, material lift, platform lift, and stair chair lift located in any building or structure under the scope of The Building Code of New York State. Registration shall be made on a form approved by the Fire Marshall. Conveyances whose installations are ongoing prior to the appointment of the Conveyance Safety Board shall be registered within not more than seven working days from the date of acceptance inspection which indicates that there are no violations.

**§ 226-13. Compliance with the Codes of New York State.**

A. It shall be the responsibility of property owners and individuals licensed or certified, as described by this chapter, to ensure that installation, service, operation and maintenance of elevators is in accordance with the provisions contained in the New York State Uniform Fire Prevention and Building Code, and the provisions of this chapter.

B. Whenever a provision in this chapter is found to be inconsistent with any provision of the applicable State, Federal laws, codes or regulations, judicial or legislative precedence shall prevail.

C. The provisions of this chapter shall not apply to buildings and structures as covered by Residential Code of New York State.

**§ 226-14. Permits.**

A. No conveyance as defined by this chapter shall be constructed or installed within buildings or structures within the City of Binghamton, unless a Building permit has been obtained by the Department of Building and Construction, as established by Chapter 200 of this Code. Electrical work will also require a Building permit. Refer to Section 225 of the City of Binghamton Code of Ordinances.

B. Permits for repair are not required unless inspection and testing of components or component assemblies is required by the current New York State referenced editions of ASME A17.1 and ASME A18.1 as applicable.

C. Dormant Conveyance permits shall be required for any conveyance that is placed out of service for a period not to exceed two (2) years. See § 226-23.

**§ 226-15. Periodic inspections and registrations.**

A. New Installations: Certificate of Inspection required.

(i) Prior to any conveyance being used, a certificate of inspection must be obtained from the Fire Marshall by the property owner. It shall be the responsibility of the Owner to complete and submit first-time registration application(s) on a form approved by the City of Binghamton for new installations. The Certificate of Inspection shall not be issued prior to submission of an acceptance inspection report by a Licensed Inspector indicating no violations.

B. Periodic Inspections: All existing conveyances as defined in this chapter located in any building or structure shall be Inspected Periodically by an individual with a current Inspector License at the frequency not less than that determined by the City of Binghamton. Subsequent to inspection, the Licensed Inspector shall prepare an Inspection report on a form approved by the City of Binghamton which shall be promptly forwarded to the City of Binghamton. Inspection Fees shall be paid directly to the inspector. Upon receipt by the Fire Marshall of an Inspection Report indicating no violations, a Certificate of Operation shall be issued to the property owner for a period to expire six (6) months from the expiration date of the previous inspection.

C. Repairs: After inspection by the Qualified Elevator Inspector, if repairs are necessary they shall be performed by the Licensed Elevator Service Contractor. Written proof of repair shall be submitted by the Licensed Elevator Service Contractor to the Fire Marshalls office prior to the issuance of a Certificate of Inspection.

D. Certificate of Inspection for each conveyance shall be displayed on that conveyance, or in a publicly conspicuous location approved by the City of Binghamton.

E. Conveyances which are not inspected prior to the expiration date of the Certificate of Inspection may be removed from service by the Fire Marshall by placing a seal upon the elevator disconnect.

**§ 226-16. Insurance requirements.**

A. Any person, firm or corporation who shall install, service, repair, replace or maintain any conveyance contained within buildings or structures within the City of Binghamton shall submit to the Fire Marshall proof of insurance policy or certified copy thereof, issued by an insurance company authorized to do business in the State of New York to:

(i) Provide general liability coverage of at least \$1,000,000 for injury or death of any one person, and \$1,000,000 for injury or death of any number of persons in any one occurrence, with the coverage of at least \$500,000 for property damage in any one occurrence and, the statutory workers' compensation insurance coverage.

B. Any person, firm or corporation who shall inspect any conveyance contained within buildings or structures within the City of Binghamton shall submit to the Fire Marshall proof of insurance or certified copy thereof, issued by an insurance company authorized to do business in the State of New York to:

(i) Provide general liability coverage of at least \$1,000,000 for injury or death of any one person, \$1,000,000 for injury or death of any number of persons in any one occurrence, with the coverage of at least \$500,000 for property damage in any one occurrence, and the statutory workers compensation insurance coverage.

(ii) Provide an errors and omissions policy in the amount of \$1,000,000.

C. Such policies, or duly certified copies thereof, or an appropriate certificate of insurance, approved as to form by the Corporation Counsel and as to sufficiency by the Comptroller shall be delivered to the Fire Marshall before or at the time of the issuance of a license or certificate. In the event of any material alteration or cancellation of any policy, at least 10 days' notice thereof shall be given to the Fire Marshall. Licensees or Certificate holders whose policies lapse shall have their licenses or certifications suspended until proof of appropriate insurance is made.

#### **§ 226-17. Enforcement.**

It shall be the duty of the City of Binghamton to develop an enforcement program that will ensure compliance with the regulations and requirements referenced in this code. This will include but will not be limited to identification of property locations which are subject to said regulations and requirements; issuing notifications to violating property owners or operators, and assist in development of public awareness programs during the initial licensing period subsequent to enactment of this chapter and as warranted thereafter.

#### **§ 226-18. Liability.**

This chapter shall not be construed to relieve or lessen the responsibility or liability of any person, firm or corporation owning, operating, controlling, maintaining, erecting, constructing, installing, altering, testing, repairing or inspecting any conveyance covered by this chapter for damages to person or property caused by any defect therein, nor does the City of Binghamton assume any such liability or responsibility therefore or any liability to any person for whatever reason whatsoever by the adoption of this chapter or any acts, errors, or omissions arising hereunder.

#### **§ 226-19. Penalties for offenses.**

Any licensee or certified individual, who shall violate any of the provisions of this Article, upon conviction thereof, shall be subject to penalties as set forth in Chapter 1, General Provisions, §1-4, General Penalty.

#### **§ 226-20. Retroactive provisions.**

A. Except as amended below, the provisions of this chapter are not retroactive, so that existing conveyances and their associated mechanisms shall be required to comply with the applicable code at the date of its installation and any subsequent alteration except as subsequently required by the New York State Department of State Codes Division, State, Federal Law, or Judicial precedent.

B. Currently Enacted Retroactive Legislation:

(i) Where indicated by the current Fire Code of New York State and the Property Maintenance Code of New York State retroactive provisions shall apply.

**§ 226-21. Maintenance of firefighter service test logs.**

A. All conveyances within City of Binghamton that are provided with firefighter service shall be tested monthly to verify correct operation. A written record of tests shall be maintained by the property owner in the elevator machine room in a location accessible to the City of Binghamton.

B. In the event of failures, notification to the Fire Marshall shall be made in writing within 24 hours.

**§ 226-22. Emergency Operation Keys.**

Emergency Operation Keys shall be made available to the Fire Service by the Owner at a location and fashion determined by the Conveyance Safety Board.

**§ 226-23. Dormant Conveyance.**

A. A conveyance owner may apply for Dormant Permit for existing Conveyances. Dormancy shall be as defined by this chapter, and shall be certified as such by the Fire Marshall.

B. The Fire Marshall shall make provisions to verify continued dormancy periodically, but not less than annually. Dormant conveyances, which are returned to service, shall be required to obtain a certification of inspection by a Licensed Inspector indicating no violations.

C. Dormant Conveyance whose permit expires and for which a current inspection certificate is not obtained shall be placed permanently Out of Service as defined in this Code.

**§ 226-24. Out of Service Conveyance.**

A. A conveyance owner may remove existing Conveyances from Service as defined by this Code, and shall be certified as such by the Fire Marshall.

B. Previously Out of Service Conveyance shall be required to meet the standards of alteration as defined by current Building Code of New York State and its current referenced standards of ASME A17.1 and ASME A17.2 prior to returning to service. Maintenance of existing elevators and conveyances in commercial occupancies:

(i) Conveyances shall be maintained to be in compliance with this code and the current Property Maintenance Code of New York State and its currently referenced editions of ASME A17.1 and ASME A18.1.

(ii) The responsibility for maintenance, testing, inspection, and proper function of conveyances and their ancillary systems, mechanisms, and devices shall remain that of the property Owner's.