

§[C26-71.0] 26-229 Safety requirements during excavation operations.-The following safety requirements shall apply to the conduct of all excavation operations, whether for construction purposes or otherwise:

a. Protection of persons and adjoining property.-Any person causing an excavation to be made shall provide adequate fencing on all open sides of the excavation, with suitable means of exit therefrom, and shall also provide such sheet piling, bracing and other supports as may be necessary to prevent the sides of the excavation from caving in before permanent supports are provided. Such person shall be afforded a license to enter and inspect adjoining property, and to perform such work thereon as may be necessary for such purpose; otherwise, the duty of providing safe support for any adjoining property, shall devolve upon the owner thereof, who shall be afforded a similar license with respect to the property where the excavation is to be made.

b. Protection of adjoining buildings.-Whenever the safety of any adjoining building is or may be affected by an excavation not exceeding ten feet below the legally established curb level, it shall be the duty of the owner of such building to provide safe support for the building, provided such owner is afforded a license to enter and inspect the property where the excavation is to be made, and to perform such work thereon as may be necessary for such purpose; otherwise, such duty shall devolve upon the owner of the property where the excavation is to be made, who shall be afforded a similar license with respect to the adjoining property. If an excavation is to be carried more than ten feet below the legally established curb level, and the safety of any adjoining building is or may be affected by such part of the excavation as exceeds ten feet below the legally established curb level, it shall be the duty of the person causing such excavation to be made to provide safe support for such building regardless of the depth of its foundations, provided such person is afforded a license to enter and inspect the adjoining building and property, and to perform such work thereon as may be necessary for such purpose; otherwise, such duty shall devolve upon the owner of the adjoining building, who shall be afforded a similar license with respect to the property where the excavation is to be made.

c. Support of party walls.-Whenever an adjoining party wall is intended to be used by the person causing an excavation to be made, and such party wall is in good condition and sufficient for the uses of the existing and proposed buildings, it shall be the duty of such person to protect such party wall and support it by proper foundations, so that it shall be and remain practically as safe as it was before the excavation was commenced.

d. Owner responsibility.-The responsibility of affording any license referred to in subdivisions (a) and (b) of this section and in section 26-230 of this article, shall rest upon the owner of the property involved; and in case any tenant of such owner fails or refuses to permit the owner to afford such license, such failure or refusal shall be a cause to the owner for dispossessing such tenant through appropriate legal proceedings for recovering possession

of real property.

§[C26-72.0] 26-230 Protection of roofs, skylights, etc.-Whenever any building is to be constructed above the roof of an adjoining building, it shall be the duty of the person causing such building to be constructed to protect the roof, skylights and other roof outlets of the adjoining building from injury, and to use every reasonable means to avoid interference with the use of the adjoining building during the course of construction. Such person shall be afforded a license to enter and inspect the adjoining building and perform such work thereon as may be necessary for such purpose; otherwise, the duty of protecting the roof, skylights and other roof outlets of the adjoining building shall devolve upon the owner thereof. In addition, any person having the duty to alter or maintain chimneys of any adjoining building under and pursuant to the provisions of the building code or other applicable laws and regulations, shall likewise be afforded a license to enter and inspect such adjoining building and perform such work thereon as may be necessary for such purpose; otherwise,