

PART IV.

EXCAVATIONS AND FOUNDATIONS.

SEC. 489. Excavations.—All excavations for buildings shall Ib., Sec., 17. be properly guarded and protected so as to prevent the same from becoming dangerous to life or limb, and shall be sheath-piled where necessary to prevent the adjoining earth from caving in, by the person or persons causing the excavations to be made. Plans filed with the Commissioner of Buildings shall be accompanied by a statement of the character of the soil at the level of the footings.

Whenever an excavation of either earth or rock for building or other purposes shall be intended to be, or shall be, carried to the depth of more than five feet below the curb, the person or persons causing such excavations to be made shall at all times, from the commencement to the completion thereof, if afforded the necessary license to enter upon the adjoining land, and not otherwise, at his or their own expense, preserve any adjoining or contiguous wall or walls, structure or structures, from injury, and support the same by proper foundations, so that the said wall or walls, structure or structures shall be and remain practically as safe as before such excavation was commenced, whether the said adjoining contiguous wall or walls, structure or structures are down more or less than ten feet below the curb. If the necessary license is not accorded to the person or persons making such excavation, then it shall be the duty of the owner refusing to grant such license to make the adjoining or contiguous wall or walls, structure or structures safe, and support the same by proper foundations, so that adjoining excavations may be made, and shall be permitted to enter upon the premises where such excavation is being made for that purpose, when necessary. If such excavation shall not be, or be intended to be, carried to a depth of more than five feet below the curb, the owner or owners of such adjoining or contiguous wall or walls, structure or structures, shall preserve the same from injury, and so support the same by proper foundations that it or they shall be and remain practically as safe as before such excavation was commenced, and shall be permitted to enter upon the premises where such excavation is being made for that purpose, when necessary.

In case an adjoining party wall is intended to be used by the person or persons causing the excavation to be made, and such party wall is in good condition and sufficient for the uses of the adjoining building, then and in such case the person or persons causing the excavation to be made shall, at his or their own expense, preserve such party wall from injury and support the