

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2018**

No. 195

Introduced by Council Members Cornegy, Kallos and Constantinides (by request of the Mayor).

A LOCAL LAW

To amend the administrative code of the city of New York, the New York city building code, the New York city mechanical code and the New York city fire code, in relation to approval processes for alternative automatic fire extinguishing systems, fire alarm systems, emergency alarm systems, fire department in-building auxiliary radio communication systems and fire protection plans.

Be it enacted by the Council as follows:

Section 1. Item 5 of section 28-103.1 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

5. The installation and testing of fire alarm systems, smoke-detecting and carbon monoxide detecting devices that are interconnected with a fire alarm system or monitored by a central station, [and] *alternative automatic fire extinguishing systems, including but not limited to fire extinguishing systems for commercial cooking [appliances] equipment, and fire protection plans;*

§ 2. Section 28-103.1.1 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

§ 28-103.1.1 Installation of equipment required by the New York city fire code. Where the installation of exit signs, emergency means of egress illumination, special mechanical ventilation, [and] sprinkler *systems*, [and] fire alarm systems *and alternative automatic fire extinguishing systems* is required by the New York city fire code, the fire commissioner shall require such installations to be in accordance with this code.

§ 3. Item 10 of section 28-105.2 of the administrative code of the city of New York, as renumbered and amended by local law number 141 for the year 2013, is amended to read as follows:

10. Fire protection and suppression system permits: for the installation and alteration of fire protection and suppression systems, including [but not limited to] sprinkler systems[,] *and* standpipe systems[, non-water systems, and fire suppression systems for commercial cooking equipment]. Such permits shall include permits for limited sprinkler alterations and limited standpipe alterations.

§ 4. Item 7 of section 28-105.4 of the administrative code of the city of New York is renumbered item 9 and new items 7 and 8 are added, to read as follows:

7. *The installation, alteration or removal of alternative automatic fire extinguishing systems, including but not limited to fire extinguishing systems for commercial cooking equipment, subject to the approval of the fire department in accordance with section 105 of the New York city fire code.*
8. *The installation, alteration or removal of fire alarm systems, emergency alarm systems and fire department in-building auxiliary radio communication systems, subject to the approval of the fire department in accordance with the requirements of this code. Such work shall be submitted in accordance with the rules and regulations of the fire department.*

§ 5. Section 28-109.1 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

28-109.1. Fire protection plan required for covered buildings. New building and alteration applications for covered buildings as set forth in section 28-109.2 shall include a fire protection plan prepared by or under the supervision of a registered design professional who shall professionally certify such plan. Such plan shall be *submitted for review and [approved] approval* by [the department and] the fire department *for compliance with this code* prior to issuance of a certificate of occupancy, a temporary certificate of occupancy or a letter of completion, as applicable. *The fire protection plan shall be submitted in accordance with the rules and regulations of the fire department.*

Exception: No fire protection plan shall be required for an alteration that meets all three of the following requirements:

1. The alteration does not involve a change of use or occupancy;
2. The alteration does not exceed one million dollars; and
3. The alteration does not create an inconsistency with a previously approved fire protection plan.

§ 6. Section 107.9.2 of the New York city building code, as renumbered by local law number 141 for the year 2013, is amended to read as follows:

107.9.2 Alternative automatic fire-extinguishing systems. [Alternative] *Notwithstanding any other provision of this code, design and installation documents for the installation of alternative automatic fire-extinguishing systems [plans] shall [comply with Section 904.1.1.] be filed with and reviewed by the Fire Department for compliance with this code, the New York City Fire Code and other applicable laws and regulations in accordance with Section 105 of the New York City Fire Code.*

§ 7. Section 402.3 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

402.3 Fire protection plan. A fire protection plan shall be provided to [the department and] the Fire Department pursuant to Article 109 of Title 28.

§ 8. Section 903.1.1 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

903.1.1 Alternative protection. Where [the discharge of water would be hazardous] *permitted by the New York City Fire Code, the Fire Department may approve the installation of alternative automatic fire-extinguishing systems complying with [Section 904 shall be permitted] this code and the New York City Fire Code in lieu of automatic sprinkler protection [where recognized by the applicable standard and approved by the commissioner].*

§ 9. Section 903.2.11.9 of the New York city building code, as renumbered by local law number 141 for the year 2013, is amended to read as follows:

903.2.11.9 Commercial cooking operations. An automatic sprinkler system shall not be installed in a commercial kitchen exhaust hood and duct system. Fire-extinguishing systems shall be installed in commercial cooking systems in accordance with [Section 904.11] *this code and the New York City Fire Code.*

§ 10. Section 903.3.1.1.1 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

903.3.1.1.1 Exempt locations protected by other means. [Automatic] *When approved by the Fire Department, automatic sprinklers shall not be required in [the following rooms or areas where such] rooms or areas [are] protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion,*

and an alternative *automatic fire-extinguishing* system in accordance with [Section 904] *this code and the New York City Fire Code*. Sprinklers shall not be omitted from any room merely because it is [damp,] of fire-resistance-rated construction or contains electrical equipment. [1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard. 2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the commissioner. 3. Generator and] *This exemption shall not apply to a generator or transformer [rooms] room unless, in addition to the above requirements, such room is separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours [where the generator is not using], and the generator in such room shall not use high pressure flammable gas in excess of 15 [psi] psig ([103.4] 103 kPa gauge).*

§ 11. Section 903.3.3 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

903.3.3 Obstructed locations. Automatic sprinklers shall be installed with due regard to obstructions that will delay activation or obstruct the water distribution pattern. Automatic sprinklers shall be installed in or under covered kiosks, displays, booths, concession stands, or equipment that exceeds 4 feet (1219 mm) in width. Not less than a 3-foot (914 mm) clearance shall be maintained between automatic sprinklers and the top of piles of combustible fibers.

Exception: Kitchen equipment under exhaust hoods protected with a fire-extinguishing system in accordance with [Section 904] *this code and the New York City Fire Code*.

§ 12. Sections 904.2 and 904.2.1 of chapter 9 of the New York city building code, as amended by local law number 141 for the year 2013, are amended to read as follows:

904.2 Where required. Automatic fire-extinguishing systems installed as an alternative to the required automatic sprinkler systems of Section 903 shall be approved by the [commissioner] *Fire Department*. Automatic fire-extinguishing systems shall not be considered alternatives for the purposes of exceptions or reductions allowed by other requirements of this code.

[Exception: Automatic fire-extinguishing systems installed in Group H occupancies as an alternative to the required automatic sprinkler systems of Section 903 shall be approved by the fire commissioner.]

904.2.1 Hood system suppression. Each required commercial kitchen exhaust hood and duct system required by [the *New York City Fire Code* or] Chapter 5 of the *New York City Mechanical Code* to have a Type I hood shall be protected with an [approved] automatic fire-extinguishing system installed in accordance with this code *and the New York City Fire Code*.

§ 13. Section 907.1 of the New York City building code, as added by local law number 33 for the year 2007, is amended to read as follows:

907.1 General. This section covers the application, installation, performance and maintenance of fire alarm systems and their components. Systems shall be designed and installed in accordance with NFPA 72 as modified in Appendix Q and the New York City Electrical Code. *Systems shall be tested and maintained in accordance with this code and the New York City Fire Code.*

§ 14. Section 907.1.1 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

907.1.1. Construction documents. Construction documents for fire alarm systems shall be submitted for review and approval to [the department and] the Fire Department prior to system installation. Construction documents shall include, but not be limited to, all of the following:

1. A floor plan that indicates the use of all rooms.
2. Locations of alarm-initiating devices.
3. Locations of alarm notification appliances, including candela ratings for visible alarm notification appliances.
4. Location of fire command center, fire alarm control units, transponders and notification power supplies.
5. Location of remote annunciators.
6. Location of all primary, secondary and local sources of power.
7. Fire alarm riser diagram showing all fire alarm devices indicated on the floor plans. Quantities of devices on the floor plans shall match the quantities indicated on the riser diagram. Riser diagram shall include shall include class and style of circuits and levels of survivability. The riser diagram shall show the interface of fire safety control functions.
8. Copies of any variances granted by the department or the Fire Department.
9. Legend of all fire alarm symbols and abbreviations used.
10. Design criteria for fire alarm audibility in various occupancies indicated on plans.

11. Fire alarm sequence of operation for the fire alarm system in a matrix format.
12. Classification of the central supervising station.

§ 15. Section 907.1.1.1 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

907.1.1.1 Amended construction documents. Amendments to approved construction documents shall be submitted, [reviewed] and approved *by the Fire Department* before the final inspection of the work or equipment is completed, and such amendments when approved shall be deemed part of the original construction documents. The *Fire [department] Department* may allow minor revisions of construction documents to be made and submitted to the [department] *Fire Department* after the completion of work but prior to sign-off of the work in accordance with [department rules] *rules promulgated by the Fire Department regarding such amendments.*

§ 16. Section BC 908 of the New York city building code, as amended by local law number 141 of 2013, is amended by adding two new sections, 908.10 and 908.11, to read as follows:

908.10 Construction documents. *Construction documents for emergency alarm systems shall be submitted for review and approval to the Fire Department prior to system installation.*

908.11 Acceptance testing and maintenance. *Acceptance testing and maintenance of emergency alarm systems shall be performed in accordance with the New York City Fire Code.*

§ 17. Section 917.1.1 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

917.1.1 Construction documents. Construction documents for ARCS shall be submitted for [review and] approval to [the department and] the Fire Department prior to system installation. Construction documents shall include, but need not be limited to, all of the following:

1. Type of radio equipment and antenna.
2. Riser diagram and floor plans showing location of elements of the ARCS, including but not limited to building fire command center or fire alarm control panel, dedicated radio console, base station/s and all other critical system components such as antennas, amplifiers, cables as applicable.

3. Legend of all ARCS symbols and abbreviations used.
4. Location of primary and secondary power source.
5. Specification and listing details for all equipment[s], devices and cables.

§ 18. Item 5 of Section 106.8 of chapter 1 of the New York city mechanical code, as added by local law number 33 for the year 2007, is amended to read as follows:

5. In the case of ventilating or exhaust systems for ranges, fryers, ovens, and other similar types of restaurant or bakery equipment, for which a hood is required, the plans shall also show the [type of extinguishing system, the location of heat detection devices, nozzles, piping,] gas controls, [manual and automatic control valves,] method of joining ducts, method and location of discharging exhaust from building, [the location of break-glass controls,] and the quantity in cfm designed for each hood.

§ 19. Exception 3 of section 1305.11.1.2 of the New York city mechanical code, as added by local law number 33 for the year 2007, is amended to read as follows:

3. Buildings of any type construction with a total limit of 100,000 gallons. The maximum size of each individual tank shall be 25,000 gallons (94 625 L) provided that all such tanks are enclosed in a vault (i) with walls, floor, and top having a fire-resistance rating of not less than 3 hours, (ii) with such walls bonded to the floor, and (iii) with such top and walls of the vault independent of the building structure. An exterior building wall having a fire-resistance rating of not less than 3 hours shall be permitted to serve as a wall of the vault. The vault shall be located in a dedicated room or area of the building that is cut off vertically and horizontally from other areas and floors of the building by assemblies having a fire-resistance rating of not less than 2 hours. Where the aggregate fuel-oil storage on the lowest level of the building exceeds 50,000 gallons (189 250 L), such storage shall be protected with an [alternate] *alternative automatic fire-extinguishing* system complying with [Section 904 of] *this code and the New York City [Building] Fire Code*.

§ 20. Section 105.4.1 of the New York city fire code, as added by local law number 26 for the year 2008, is amended to read as follows:

105.4.1 Submissions. Design and installation documents shall be submitted in such number and in such form and detail as may be prescribed by the commissioner. The design and installation documents shall be prepared by a registered design professional. The commissioner may require that such submissions be made in an approved electronic format or medium.

Exception: *Design and installation documents for pre-engineered fire extinguishing systems for commercial cooking systems may be prepared by a licensed master fire suppression piping contractor.*

§ 21. Sections 105.4.3 and 105.4.4 of the New York city fire code are amended to read as follows:

105.4.3 [Reserved] *Approved documents required.* *When department review of design and installation documents is required by this code or other laws, rules or regulations, it shall be unlawful to construct or alter any facility, or install, alter or remove any device, equipment or system, without first having obtained department approval of the design and installation documents.*

105.4.4 *Approved documents.* *The [commissioner] department shall approve, or deny, or preliminarily deny design and installation documents in accordance with the procedures and time periods set forth in FC105.2.4. Department approval of design and installation documents may be made subject to the requirements of the Building Code and other applicable laws, rules and regulations, and shall be documented and effective as set forth in this section.*

105.4.4.1 *Terms of approval.* *The department may make its approval of design and installation documents subject to such terms and conditions as the department may prescribe by rule or specify as part of the approval. Department approval of design and installation documents for fire alarm systems, fire extinguishing systems, and/or other devices, equipment, systems or facilities that do not require a Department of Buildings work permit, may incorporate by reference terms and conditions of the construction codes relating to work permits and licensing, including those in Articles 105 and 106 of Chapter 1 and Article 410 of Chapter 4 of Title 28 of the Administrative Code.*

105.4.4.2 *Method of approval.* *Upon [review and] approval of design and installation documents, the [commissioner] department shall mark such approval upon such documents and/or issue a letter of approval or other form of written authorization.*

105.4.4.3 *Limitations of approval.* *[Design] Department approval of design and installation documents [approved by the commissioner are approved with the intent that such design and installation documents comply in all respects with the requirements of this code, the rules and any other applicable laws, rules or regulations] is limited to the laws, rules and regulations enforced by the department and for which approval has been sought. [Review and approval by the commissioner] Department approval shall not relieve the applicant of the responsibility of compliance with the requirements of this code, the rules and any other applicable laws, rules or regulations.*

105.4.4.4 *Authorization to perform work.* *Department approval of design and installation documents authorizes performance of the work encompassed by the approval, subject to all*

other applicable laws, rules or regulations, including, when applicable, the requirement to obtain a work permit from the Department of Buildings.

§ 22. This local law takes effect 180 days after it becomes law and applies to applications for approval submitted on or after such effective date, except that prior to such effective date the commissioner of buildings and the fire commissioner may promulgate rules or take other actions to implement this local law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on October 31, 2018 and returned unsigned by the Mayor on December 3, 2018.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 195 of 2018, Council Int. No. 836-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.