



Legislation Text

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Int. No. 368

By Council Members Jackson, Quinn, Barron, James, DeBlasio, Fidler, Gennaro, Liu, Martinez, Palma, Recchia, Stewart, Addabbo, Gentile, Gioia, Reed, Yassky, Seabrook, Monserrate, Boyland, Foster, Perkins, Gerson, Vann, McMahon, Weprin, Comrie, Gonzalez, Nelson and Reyna

A Local Law to amend the administrative code of the city of New York, in relation to the National Fire Protection Association NFPA 5000™ Building Construction and Safety Code™ and the repeal of subchapters 2 through 19 of chapter one of title 27 of such code.

Be it enacted by the Council as follows:

Section 1. Legislative Intent. The City of New York, recognizing the need to address the issues of construction, protection, and occupancy features necessary to minimize danger of life and property, hereby adopts the 2003 edition of the National Fire Protection Association NFPA 5000™ Building Construction and Safety Code™ (the “NFPA Code”) to replace the current Building Code of the City of New York. The NFPA Code would apply to the construction, alteration, repair, demolition, removal, maintenance, occupancy and use of new and existing buildings in the City of New York, including the installation, alteration, repair, maintenance and use of service equipment.

The provisions of the NFPA Code would cover all matters affecting or relating to buildings, as set forth in section 27-103 of the Administrative Code of the City of New York. The NFPA Code would also pertain to excavation operations of all types of buildings and structures and any appurtenant construction, including vaults, signs, projections, and accessory additions, together with all surface and sub-surface construction within the curb line, including curb cuts and driveways, the coverings thereof and entrance thereto, pursuant to the provisions already set forth in section 27-109 of the Administrative Code of the City of New York.

Any matter or requirement essential for the fire or structural safety of a new or existing building, or for the safety or health of the occupants or users thereof, or for the safety of the public, which is not covered by the provisions of the NFPA Code or other applicable laws and regulations, would be subject to the determination and requirements imposed by the Commissioner pursuant to his or her authority, as necessary. The provisions of the NFPA Code are to be liberally interpreted for the beneficial purposes that such code sets to achieve. The requirements of the NFPA Code and any applicable state and federal laws and regulations shall be resolved in favor of the more restrictive requirement as is presently provided for in section 27-104 of the Administrative Code of the City of New York.

§2. Article one of subchapter one of chapter one of title 27 is amended by adding a new section 27-102.1 to read as follows:

§27-102.1 Additional definitions. For the purposes of this chapter the following meanings shall apply:

“Commissioner” shall mean the commissioner of buildings.

“Department” shall mean the department of buildings.

§3. Section 27-103 of the administrative code of the city of New York is amended to read as follows.

§27-103 Scope. [This Code] The National Fire Protection Association Building and Construction Code™, NFPA 5000™, 2003 edition shall apply to the construction, alteration, repair, demolition, removal, maintenance, occupancy and use of new and existing buildings in the city of New York, including the installation, alteration, repair, maintenance and use of service equipment therein, except as provided in section six hundred and forty-three of the charter. The commissioner shall make a copy of the National Fire Protection Association Building and Construction Code™, NFPA 5000™, 2003 edition, available for public inspection.

§4 Subchapters 2 through 19 of chapter one of title 27 are REPEALED and replaced by the provisions of the National Fire Protection Association Building and Construction Code™, NFPA 5000™, 2003 edition.

§5. This local law shall take effect and apply to work performed on and after January first, two thousand five except that, the commissioner may promulgate rules to extend the date of application for any additional period of time, not to exceed one hundred eighty days, for any rule or technical standard of the commissioner as he or she deems necessary.

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