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Int. No. 1175

By Council Members Dilan, Koo, Koppell, Vann and Halloran (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 and the New York city fire code, in relation to fire suppression.

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 a local law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Intro. 1056, 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] fire extinguishing systems for commercial cooking appliances and alternative automatic fire extinguishing systems;

§2. Section 28-104.2 of the administrative code of the city of New York, as amended by a local law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Intro. 1056, is amended to read as follows:

§28-104.2 Application for approval of construction documents. The department shall assign an application number to and docket all applications for approval of construction documents and any amendments thereto filed with it. The department shall examine the construction documents promptly after their submission. The examination shall be made under the direction of the commissioner for compliance with the provisions of this code and other applicable laws and rules. The personnel employed for the examination of construction documents shall be qualified registered design professionals, experienced in building construction and design.

Exceptions:

1. The examination of construction documents filed with the department for the installation or alteration of alternative automatic fire extinguishing systems shall be made under the direction of the fire commissioner for compliance with this code, the fire code and other applicable laws and rules.
2. Applications for approval of construction documents for the installation or alteration of fire extinguishing systems for commercial cooking equipment and any amendments thereto shall be filed with the fire department.

§3. Section 28-104.2.2 of the administrative code of the city of New York, as amended by a local law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Intro. 1056, is amended to read as follows:

§28-104.2.2 Approval or acceptance to be indicated on construction documents. All construction documents, when approved, shall be stamped or endorsed “approved” under the official method of the department, followed by a notation of the date except that construction documents accepted with less than full examination by the department shall be stamped or endorsed “accepted” instead of “approved”. One set of “approved” or “accepted” construction documents shall be retained by the department and another set shall be maintained at the project site until the work authorized by the permit is completed and signed-off by the department.

Exception. Construction documents for alternative automatic fire extinguishing systems shall be stamped or endorsed approved by the fire department in accordance with the official method of the fire department.

§4. Section 28-104.6 of the administrative code of the city of New York, as amended by a local law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Intro. 1056, is amended to read as follows:

§28-104.6 Applicant. The applicant for approval of construction documents shall be the registered design professional who prepared or supervised the preparation of the construction documents on behalf of the owner.

Exception: The applicant may be other than a registered design professional for:

1. Limited oil burner/boiler alterations, limited plumbing alterations, limited sprinkler alterations, and

limited standpipe alterations, where the applicant is licensed to perform such work pursuant to this code;

2. Demolition applications other than those specified in section 3306.5 of the New York city building code, where the applicant is the demolition contractor performing such demolition. In such cases, the commissioner may require structural plans designed by a registered design professional to address any critical structural, sequencing or site safety items;
3. Elevator applications;
4. Applications for work falling within the practice of landscape architecture as defined by the New York state education law, including but not limited to landscaping and vegetation plans, tree protection plans, erosion and sedimentation plans, grading and drainage plans, curb cuts, pavement plans, and site plans for urban plazas and parking lots, where the applicant is a landscape architect. Landscape architects shall not file plans for stormwater management and plumbing systems;
5. [Other categories of work consistent with rules promulgated by the commissioner.] Applications for pre-engineered fire extinguishing systems for commercial cooking equipment where the applicant is a licensed master fire suppression piping contractor;
6. Other categories of work consistent with rules promulgated by the commissioner.

§5. Item 10 of section 28-105.2, of the administrative code of the city of New York, as renumbered and amended by a local law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Intro. 1056, 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.

Exception. The installation and alteration of alternative automatic fire suppression systems and fire suppression systems for commercial cooking equipment shall be subject to the approval of the fire department. Notwithstanding any other provision of this code, approval of the installation or alteration of such systems by the fire department shall be deemed to be the issuance of a permit for such work pursuant to this code, and enforced as such by the fire department.

§6. Table 28-112.2 of article 112 of chapter 1 of title 28 of the administrative code of the city of New York, as amended by local law 8 for the year 2008, local law 45 for the year 2011 and by a local law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Intro. 1056, is amended by adding the following fee under the section “Other”:

Filing of applications for approval of construction documents for alternative automatic fire suppression systems.	As provided by department rules.		
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§7. Section 107.9.2 of the New York city building code, as renumbered by a local law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Intro. 1056, is amended to read as follows:

107.9.2 Alternative automatic fire-extinguishing systems. [Alternative] Notwithstanding any other provision of this code, construction documents filed with the department for the installation of alternative automatic fire-extinguishing systems [plans] shall be reviewed and approved by the Fire Department. Such construction documents shall comply with Section 904.1.1 and the *New York City Fire Code*.

§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 and the *New York City Fire Code* [shall be permitted] 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 a local law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Intro. 1056, 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 and the *New York City Fire Code*.

§10. Section 903.3.1.1.1 of the New York city building code, as amended by a local law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Intro. 1056, is amended to read as follows:

903.3.1.1.1 Exempt locations protected by other means. [Automatic] When approved by the *New York City 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 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] Any generator or transformer [rooms]room in which an alternative automatic fire extinguishing system is approved shall be 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 in such rooms, the generator shall not use high pressure flammable gas in excess of 15 psi (103.4 kPa).

§11. Section 903.3.3 of the New York city building code, as added by local law number 33 for the year 2013, 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 and the *New York City Fire Code*.

§12. Sections 904.2 and 904.2.1 of the New York city building code, as amended by a local law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Intro. 1056, 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 904.2 of the New York city fire code, as added by local law number 26 for the year 2008, is amended to read as follows:

904.2 Where required. Where this code or the rules requires the installation of a fire extinguishing system, other than a sprinkler system, the commissioner shall approve the type of fire extinguishing system to be installed. Fire extinguishing systems installed as an alternative to sprinkler systems otherwise required by this code or the construction codes, including the Building Code, shall be approved by the commissioner. Such a system may be accepted by the commissioner where the nature of the fire hazard is such that water [is not

effective] would be ineffective or hazardous as an extinguishing agent [and the system is acceptable to the Commissioner of Buildings], or the need to preserve the historic, irreplaceable or special nature of the contents of the occupancy militates against the installation of a sprinkler system. Sprinklers shall not be omitted from any room or area merely because it is of fire-resistance-rated construction or contains electrical equipment. If a system using a fixed amount of extinguishing agent is authorized to be installed in lieu of a required sprinkler system or any other fire extinguishing system otherwise required by law, a connected reserve of charged agent cylinders equal to the primary supply shall be provided. The commissioner may impose additional requirements on the installation of any fire extinguishing system to be installed in lieu of any required sprinkler system. Fire extinguishing systems shall not be considered alternatives for the purposes of exceptions or reductions [permitted] allowed by other requirements of this code.

§14. 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 contractor.

§15. This local law shall take effect on the same date as a local law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Intro. 1056, takes effect.