



## Legislation Text

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**File #:** Int 1189-2013, **Version:** \*

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Int. No. 1189

By Council Members Dilan and Wills (by request of the Mayor)

A Local Law to amend the administrative code of the city of New York and the New York city building code in relation to restaurants with flexible place of assembly seating zones.

Be it enacted by the Council as follows:

Section 1. Section 28-117.1 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, and 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. No. 1056, is amended to read as follows:

**§28-117.1 Place of assembly certificate of operation.** It shall be unlawful to use or occupy any building or space, including an outdoor space, as a place of assembly without a certificate of operation issued by the commissioner. An application for a certificate of operation shall be made to the department in such form and containing such information as the commissioner shall provide. The department shall inspect every place of assembly space prior to the issuance of a certificate of operation. The commissioner shall not issue a certificate of operation unless the department determines that the space conforms substantially to the approved construction documents and to this code or the 1968 building code as applicable and that the certificate of occupancy authorizes such use. A certificate of operation shall not be issued to a place of assembly providing seating or other moveable furnishings unless the commissioner approves a plan conforming to this code or the 1968 building code as applicable and the rules of the department. Seating and other moveable furnishings shall be maintained at all times during occupancy in accordance with the approved plan. Any amendment of such plan shall be subject to the prior approval of the commissioner.

**Exception:** The commissioner may establish by rule standards for plans providing for seating or other moveable furnishings for restaurants with delineated flexible seating zones. Such rule shall establish standards for the location of seats within zones and standards for determining the maximum number of occupants in each zone and require that each zone be served by clearly defined, unobstructed aisles. Such plans shall be allowed for applications filed under this code or the 1968 Building Code. The approval of such a plan shall not be deemed to authorize placement of seats in a manner that would violate the technical provisions of the applicable code, including but not limited to, maximum travel distances, common path of egress travel, spacing between seats, minimum widths of aisle and cross aisle, and accessibility requirements.

§2. Section 1028.1.3 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. No. 1056, is amended to read as follows:

**1028.1.3 Approved plans.** In every place of assembly providing seating or other moveable furnishings, copies of approved plans and approved alternate plans shall be kept on the premises. The plans shall be readily available for inspection, and shall provide the following information:

1. For assembly spaces:
  - 1.1. The location of each seat of each tier of seating, along with the number of occupants of each seating section, except for restaurants with plans that permit flexible seating zones in accordance with the exception to Section 28-117.1 of the *Administrative Code*. In such flexible seating zones, the location of seats and the number of occupants allowable in each seating zone shall be in accordance with department rules.
  - 1.2. The location and number of standees for each standee area.
  - 1.3. The total number of occupants of each tier and of the assembly space.
  - 1.4. The location and classification of all exits.
2. For safe areas:
  - 2.1. The furniture and equipment arrangement and location.
  - 2.2. The number of occupants to be accommodated.
3. For stage areas:
  - 3.1. The maximum number of occupants, including audience seating on the stage.
  - 3.2. Any conditions limiting the use of the stage area.
  - 3.3. The location of all exits.

These plans shall not be smaller in size than required for 1/8-inch scale plans.

§3. This local law shall take effect on the same date that 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 introduction number 1056, takes effect.

