

CHAPTER 1

GENERAL REQUIREMENTS

SECTION 101 TITLE, SCOPE AND PURPOSE

101.1 Title. These provisions shall be known as the *Fire Code of New York State* and shall be cited as such and will be referred to herein as “this code.”

101.2 Scope. The provisions of this code shall apply to the structures, processes and premises and safeguards from the hazards of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises from fire hazards in the structure or on the premise from occupancy or operation; and matters related to the construction, extension, repair, alteration or removal of fire suppression and alarm systems.

101.3 Purpose. This code is intended to provide minimum requirements consistent with nationally recognized good practices that offer a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises.

SECTION 102 APPLICABILITY

102.1 General. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall be applicable. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

102.1.1 Construction provisions. The construction provisions of this code shall apply to the following:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions when identified in specific sections of this code.

Exception:

1. Agricultural buildings, including barns, sheds, poultry houses and other buildings and equipment on the premises used directly and solely for agricultural purposes.

102.1.2 Operational and maintenance provisions. The operational and maintenance provisions of this code shall apply to the following:

1. New systems, equipment and operations;
2. Conditions and operations arising after the adoption of this code; and

3. Existing conditions and operations to the prescribed extent of these provisions.

102.2 Other laws and regulations. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal laws and regulations.

102.3 Change of use or occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of the *Existing Building Code of New York State*.

102.4 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.5 Referenced standards. The standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced standards, the provisions of this code shall apply.

102.6 Appendices. The following appendices have been adopted and are made part of this code:

Appendix E - Hazard Categories

102.7 Partial invalidity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

102.8 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *Property Maintenance Code of New York State*, or the *Existing Building Code of New York State*.

SECTION 103 MATERIALS, EQUIPMENT AND METHODS OF CONSTRUCTION

103.1 Approved materials and equipment. Materials, equipment and devices approved by the code enforcement official for use shall be constructed and installed in accordance with such approval. Materials, equipment and devices tested by an approved testing laboratory shall be permitted to be constructed and installed in accordance with such approval.

103.2 Used materials and equipment. Material, equipment and devices shall not be reused unless they meet the requirements of this code for new materials.

103.3 Alternate materials, design and methods of construction and equipment. This code is not intended to prevent the use of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that

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any such alternative has been approved by the code enforcement official, or the State Fire Prevention and Building Code Council.

An alternative material, design or method of construction may only be approved when it is determined to comply with the intent of the provisions of this code and be at least equivalent to that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

103.4 Safeguards during construction. All construction work covered in this code, including any demolition, shall comply with the requirements of this code and the requirements of Chapter 33 of the *Building Code of New York State*.

103.5 Workmanship. Repairs, maintenance work, alterations or installations, which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with this code and the manufacturer's installation instructions

SECTION 104 SERVICE UTILITIES

104.1 Connection of service utilities. Connections from a utility, source of energy, fuel or power to any building or system which is regulated by this code shall be made in accordance with the regulations of the public utility or other authority having jurisdiction.

104.2 Temporary power. Temporary power shall comply with the requirements of Chapter 27 of the *Building Code of New York State*.

SECTION 105 TEMPORARY STRUCTURES

105.1 Conformance. Temporary structures shall conform to Chapter 31 of the *Building Code of New York State* and Chapter 24 of this code.

SECTION 106 MAINTENANCE OF EQUIPMENT AND SYSTEMS

106.1 Maintenance of required safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code, the *Property Maintenance Code of New York State* and applicable referenced standards.

106.2 Existing nonrequired safeguards. Whenever or wherever any non required device, equipment, system, condition, arrangement, level of protection, or any other feature is provided, such device, equipment, system, condition, arrangement, level of protection, or other feature shall, thereafter, be continuously maintained in accordance with this code and applicable referenced standards or shall be removed in its entirety.

Exception: Nonrequired devices, equipment and systems are permitted to be removed or disabled as provided herein.

1. Nonrequired devices, equipment and systems are permitted to be removed in entirety;
2. Nonrequired devices, equipment and systems are permitted to be disabled, provided that all visible elements are removed;
3. Electrically charged devices, equipment and systems are permitted to be disabled, provided they are disconnected from power sources and all visible elements are labeled as not being energized; and
4. Nonrequired fire protection systems are permitted to be disabled, provided that sprinkler heads, exposed valves, fire department connections, initiating and notification devices and similar equipment are removed, and any remaining visible components are labeled as not being in service.

106.3 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

106.3.1 Test and inspection records. Required test and inspection records shall be available at all times.

106.3.2 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code.

106.4 Rendering equipment inoperable. Fire protection equipment or building systems and equipment that provide life safety functions shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

SECTION 107 UNSAFE STRUCTURES AND EQUIPMENT

107.1 General. When a structure or equipment is found to be unsafe, or when a structure is found to be unfit for human occupancy or is found unlawful, such structure shall be condemned pursuant to the provisions of this code or the *Building Code of New York State*.

107.2 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or to the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire; or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, or structurally unsafe; or is of such faulty construction or unstable foundation that partial or complete collapse is possible.

107.2.1 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure that is in such disrepair or condition that the equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

107.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the structure is unsafe, unlawful, or because of the degree to which the structure is in disrepair or lacks maintenance or the location of the structure constitutes a hazard to the occupants of the structure or to the public.

107.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than are permitted under this code, or was erected, altered or occupied contrary to law.

107.5 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, a placard of condemnation shall be posted on the premises, and the structure shall be closed up so as not to be an unattractive nuisance.

107.6 Prohibited occupancy. No person shall occupy a placarded structure.

107.6.1 Removal of placard. The placard shall be removed whenever the defect or defects on which the condemnation and placarding action were based have been eliminated.

107.7 Notice. Whenever a structure or equipment has been condemned under the provisions of this section, a notice shall be posted in a conspicuous place in or about the structure affected by such notice. If the notice pertains to equipment, it shall also be placed on the condemned equipment.

SECTION 108 EMERGENCY MEASURES

108.1 Imminent danger. When there is imminent danger of failure or collapse of a building or structure which endangers life; or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure; or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials; or operation of defective or dangerous equipment, the occupants shall vacate the premises forthwith. There shall be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Enforcement Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing the structure.

SECTION 109 ADMINISTRATION AND ENFORCEMENT

109.1 Administration and enforcement. Administration and enforcement of the New York State Uniform Fire Prevention and Building Code shall be in accordance with local law, subject to the minimum requirements set forth in the "Official Compilation of Codes Rules and Regulations of the State of New York," 19 NYCRR Part 1203, "Minimum Standards for Administration and Enforcement." State agencies shall comply with the minimum requirements set forth in 19 NYCRR Part 1204, "Administration and Enforcement by State Agencies."

109.2 Modification. No town, village, city or county, nor any state agency charged with the administration and enforcement of this code may waive, modify or otherwise alter any provision of this code unless approved by the State Fire Prevention and Building Code Council in accordance with Section 379 of Article 18 of the Executive Law.

109.3 Application for variance or appeal. Variance or appeal of any provision of this code shall be in accordance with the provisions of the "Official Compilation of Codes Rules and Regulations of the State of New York," 19 NYCRR Part 1205, "Variance Procedures."

SECTION 110 CODE ENFORCEMENT OFFICIAL NOTIFICATION

110.1 Fire Notification. The fire chief shall notify the code enforcement official of any fire or explosion involving any structural damage, fuel-burning appliance, chimney, flue or gas vent.

NEW YORK STATE CODE

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