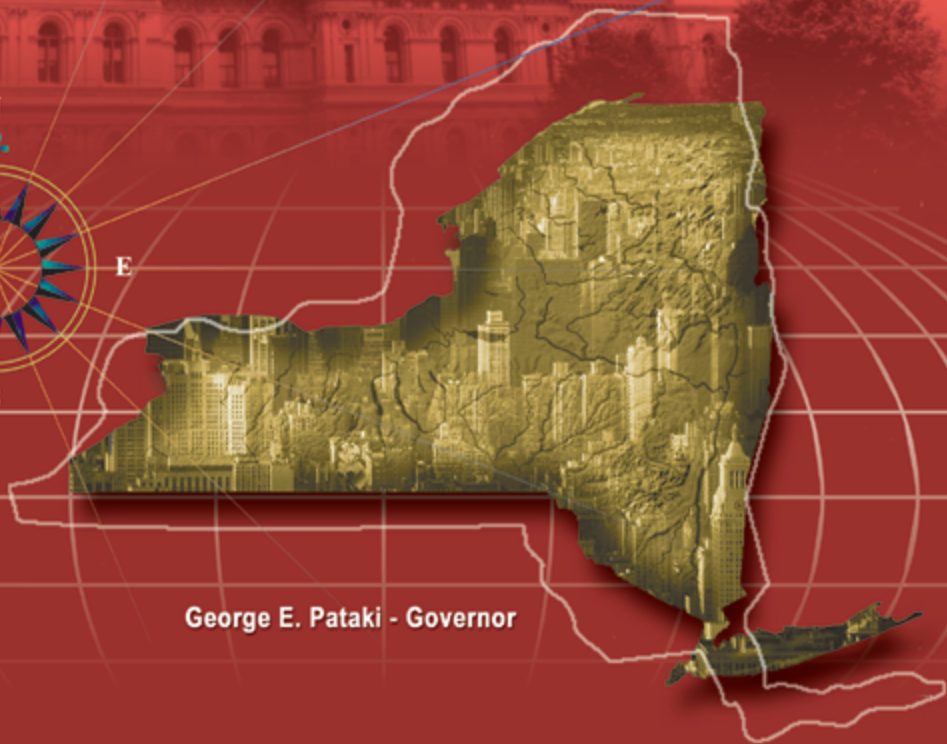
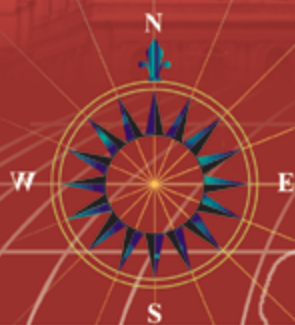


Fire Code of New York State

**New York State
Department of State**

Division of Code Enforcement and Administration

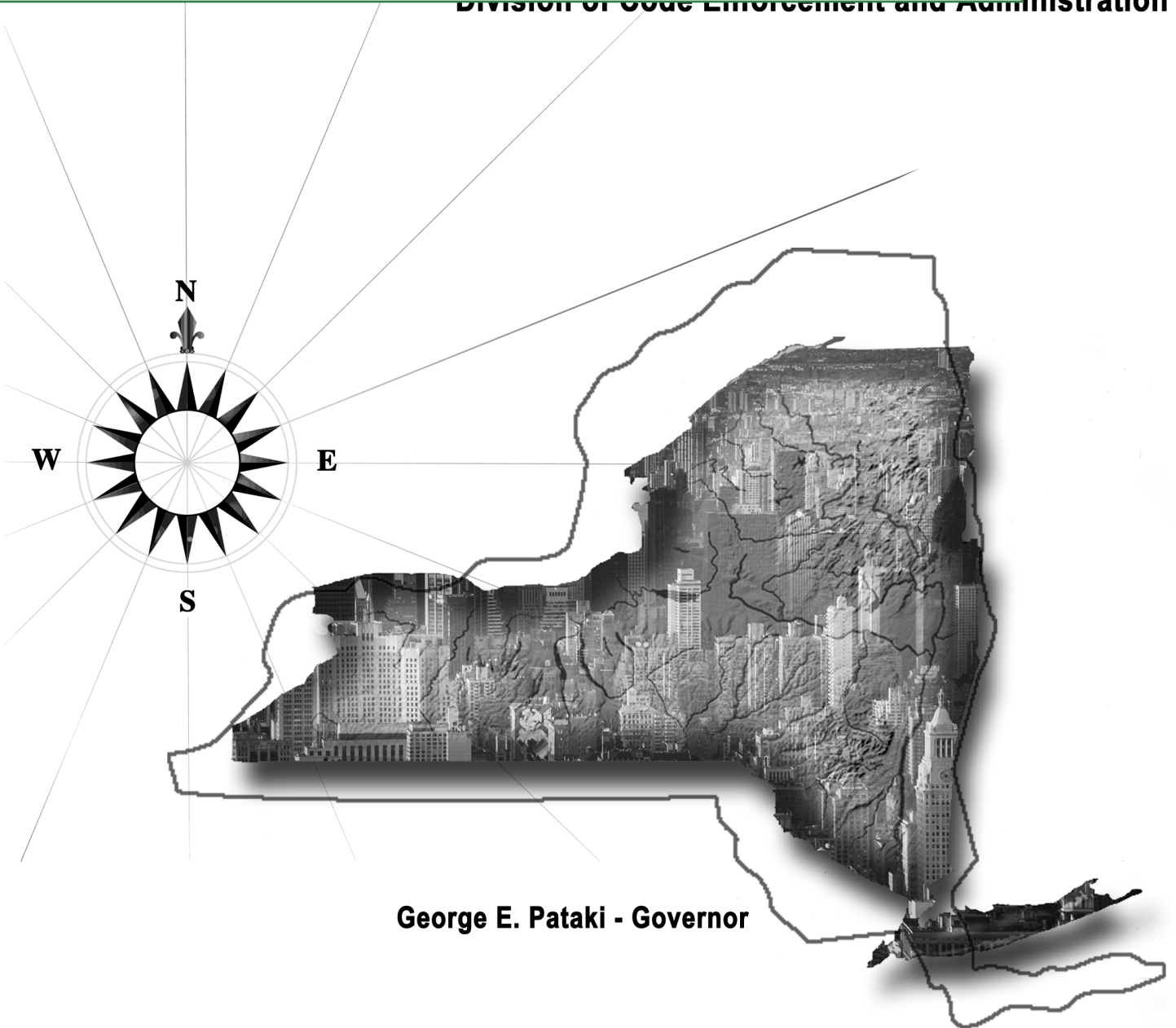


George E. Pataki - Governor

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Marginal Markings

New York modifications to code language are indicated by NY tape (\mathbb{N}) in the margin, and New York text is underlined. Deletion of code language by New York is indicated by an arrow (\Rightarrow) in the margin.

“Reserved” indicates that a section or portion of the International Code™ has been deleted, but its number or position has been retained.

Letter Designations in Front of Section Numbers

The content of sections in this code which begin with a letter designation are maintained by another code development committee in accordance with the following: [B] = International Building Code Development Committee; [F] = International Fire Code Development Committee; [M] = International Mechanical Code Development Committee; [P] = International Plumbing Code Development Committee; [RBE] = International Residential Code Building and Energy Development Committee; [RMP] = International Residential Code Mechanical/Plumbing Development Committee; and [E] = International Energy Conservation Code Development Committee.

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CHAPTER 1

GENERAL REQUIREMENTS

SECTION 101 GENERAL

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 structures, processes and premises and safeguards from the hazard 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.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically referenced herein.

101.3 Purpose. The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing 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.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

101.5 Validity. 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 hereof, which are determined to be legal; and it shall be presumed that this code would have been passed without such illegal or invalid parts or provisions.

SECTION 102 APPLICABILITY

102.1 Construction and design provisions. The construction and design provisions of this code shall apply to:

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.
4. Existing structures, facilities and conditions which constitute a distinct hazard to life or property.
5. Agricultural buildings used solely in the raising, growing or storage of agricultural products by a farmer engaged in a farming operation shall be exempt from those provisions

pertaining to construction. Agricultural buildings shall be subject to the applicable requirements of fire safety practice and methodology prescribed herein.

102.2 Operational and maintenance provisions. The operational and maintenance provisions of this code shall apply to:

1. Conditions and operations arising after the adoption of this code; and
2. Existing conditions and operations.

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 this code and the *Building Code of New York State*.

102.4 Application of building code. The design and construction of new structures, additions and alterations shall comply with the *Building Code of New York State*.

102.5 Reserved.

102.6 Referenced standards. The standards referenced in this code shall be those that are listed in Chapter 45 and such standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

102.7 Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the code official to determine compliance with codes or standards for those activities or installations within the code official's jurisdiction or responsibility.

102.8 Reserved.

102.9 Conflicting provisions. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

102.10 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.

SECTION 103 OFFICE OF CODE ENFORCEMENT

103.1 General. A city, town, village or county that is responsible for administration and enforcement of this code shall designate a code enforcement official in accordance with applicable provisions of local law.

A state agency that is responsible for administration and enforcement of this code shall be in compliance with applicable provisions of state agency regulations.

**SECTION 104
CODE ENFORCEMENT OFFICIAL**

104.1 General. A city, town, village or county that is responsible for administration and enforcement of this code shall establish program features in accordance with the applicable provisions of local law.

A state agency that is responsible for administration and enforcement of this code shall be in compliance with the applicable provisions of state agency regulations.

⇒ **104.2 through 104.5** Reserved.

104.6 Official records. A city, town, village or county that is responsible for administration and enforcement of this code shall establish and maintain records in accordance with the applicable provisions of local law.

A state agency that is responsible for administration and enforcement of this code shall keep records in compliance with the applicable provisions of state agency regulations.

⇒ **104.6.1** Reserved.

104.6.2 Inspections. A city, town, village or county that is responsible for administration and enforcement of this code shall provide for inspections in accordance with the applicable provisions of local law.

A state agency that is responsible for administration and enforcement of this code shall be in compliance with the applicable provisions of state agency regulations.

⇒ **104.7 Approved materials and equipment.** All materials, equipment and devices determined to be acceptable for use shall be constructed and installed in accordance with such approval.

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

⇒ **104.8** Reserved.

104.9 Alternative materials and methods. The provisions of this code are not intended to prevent the installation of any design or material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the State Fire Prevention and Building Code Council finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

**SECTION 105
PERMITS**

105.1 General. A city, town, village or county that is responsible for administration and enforcement of this code shall determine local permit requirements in accordance with the applicable provisions of local law.

A state agency that is responsible for administration and enforcement of this code shall be in compliance with the applicable provisions of state agency regulations.

**SECTION 106
INSPECTIONS**

106.1 Inspection authority. A city, town, village or county that is responsible for administration and enforcement of this code shall determine necessary inspections in accordance with the applicable provisions of local law.

A state agency that is responsible for administration and enforcement of this code shall be in compliance with the applicable provisions of state agency regulations.

**SECTION 107
MAINTENANCE**

107.1 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 and applicable referenced standards.

107.1.1 Existing non-required 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: Non-required devices, equipment and systems are permitted to be removed or disabled as provided herein.

1. Non-required devices, equipment and systems are permitted to be removed in entirety;
2. Non-required 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. Non-required 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.

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

⇒ **107.2.1 Test and inspection records.** Required test and inspection records shall be available at all times.

⇒ **107.2.2 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.

⇒ **107.3** Reserved.

⇒ **107.4 Rendering equipment inoperable.** Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

SECTION 108 VARIANCE PROCEDURES

⇒ **108.1 Application for variance or appeal.** A variance or appeal of any provision of this code shall be in accordance with the provisions of Title 19 NYCRR, titled "Variance Procedures," which is administered by the Secretary of State. No town, village, city, county or state agency charged with the administration and enforcement of this code may waive, modify or otherwise alter this code.

SECTION 109 VIOLATIONS

⇒ **109.1 Unlawful acts.** Violations of this code shall be dealt with in a manner appropriate to the applicable provisions of a city, town, village or county and shall be in accordance with the applicable provisions of local law.

⇒ Violations of this code on state property shall be dealt with in a manner appropriate to a state agency.

SECTION 110 UNSAFE STRUCTURES AND EQUIPMENT

110.1 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.

110.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or 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, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

110.1.2 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 such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

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

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

110.2 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 attractive nuisance.

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

110.4 Prohibited occupancy. No person shall occupy a placarded premises or shall operate placarded equipment.

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

SECTION 111 STOP WORK ORDER

111.1 Order. A city, town, village or county that is responsible for administration and enforcement of this code shall determine the criteria for the issuance of stop work orders in accordance with the applicable provisions of local law.

A state agency that is responsible for administration and enforcement of this code shall be in compliance with the applicable provisions of state agency regulations.

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CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *Building Code of New York State*, *Fuel Gas Code of New York State*, *Mechanical Code of New York State* or *Plumbing Code of New York State*, such terms shall have the meanings ascribed to them as in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 202 GENERAL DEFINITIONS

[B] ACCESSIBLE MEANS OF EGRESS. See Section 1002.1.

AEROSOL. See Section 2802.1.

Level 1 aerosol products. See Section 2802.1.

Level 2 aerosol products. See Section 2802.1.

Level 3 aerosol products. See Section 2802.1.

AEROSOL CONTAINER. See Section 2802.1.

AEROSOL WAREHOUSE. See Section 2802.1.

AGENT. A person who shall have charge, care or control of any structure as owner, or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person representing the actual owner shall be bound to comply with the provisions of this code to the same extent as if that person was the owner.

AIR-SUPPORTED STRUCTURE. See Section 2402.1.

AIRCRAFT OPERATION AREA (AOA). See Section 1102.1.

AIRPORT. See Section 1102.1.

[B] AISLE ACCESSWAY. See Section 1002.1.

ALARM NOTIFICATION APPLIANCE. See Section 902.1.

ALARM SIGNAL. See Section 902.1.

ALARM VERIFICATION FEATURE. See Section 902.1.

[B] ALTERNATING TREAD DEVICE. See Section 1002.1.

ANNUNCIATOR. See Section 902.1.

APPROVED. Acceptable to the code enforcement official.

[B] AREA OF REFUGE. See Section 1002.1.

ARRAY. See Section 2302.1.

ARRAY, CLOSED. See Section 2302.1.

AUDIBLE ALARM NOTIFICATION APPLIANCE. See Section 902.1.

AUTHORITY HAVING JURISDICTION. The organization, office or individual responsible for approving equipment, an installation or a procedure. For the purposes of this code, authority having jurisdiction shall not include the code enforcement official or the fire department.

AUTOMATIC. See Section 902.1.

AUTOMATIC FIRE-EXTINGUISHING SYSTEM. See Section 902.1.

AUTOMATIC SPRINKLER SYSTEM. See Section 902.1.

AUTOMOTIVE SERVICE STATION. See Section 2202.1.

AVERAGE AMBIENT SOUND LEVEL. See Section 902.1.

BATTERY, LEAD ACID. See Section 602.1.

BATTERY SYSTEM, STATIONARY LEAD ACID. See Section 602.1.

BED AND BREAKFAST DWELLING. Owner-occupied one-family dwelling used for providing overnight accommodations and a morning meal to not more than 10 transient lodgers, containing at least three but not more than five bedrooms for such lodgers.

BIN BOX. See Section 2302.1.

[B] BLEACHERS. See Section 1002.1.

BOILING POINT. See Section 2702.1.

BONFIRE. See Section 302.1.

BRITISH THERMAL UNIT (BTU). The heat necessary to raise the temperature of 1 pound (0.454 kg) of water by 1°F (0.5565°C).

BULK OXYGEN SYSTEM. See Section 4002.1.

BULK PLANT OR TERMINAL. See Section 3402.1.

BULK TRANSFER. See Section 3402.1.

CANOPY. See Section 2402.1.

CARBON DIOXIDE EXTINGUISHING SYSTEM. See Section 902.1.