

10616

I N A S S E M B L Y

April 12, 2010

Introduced by M. of A. KELLNER -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to requiring the installation and testing of fire equipment and sprinkler systems at pet stores

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The agriculture and markets law is amended by adding a new
2 section 408 to read as follows:

3 S 408. FIRE PROTECTION REQUIREMENTS FOR PET STORES. ALL PET DEALERS
4 LICENSED UNDER THIS ARTICLE SHALL PROVIDE FIRE PROTECTION MEASURES FOR
5 EVERY PREMISES AT WHICH THE DEALER HOUSES ANIMALS IN ACCORDANCE WITH THE
6 PROVISIONS OF THIS SECTION.

7 1. FIRE EQUIPMENT. (A) FIRE DETECTION, FIRE ALARM AND FIRE FIGHTING
8 EQUIPMENT, INCLUDING AN ADEQUATE NUMBER OF FIRE EXTINGUISHERS, APPROPRI-
9 ATE TO THE TYPE OF BUILDING AND ANIMALS OCCUPYING SUCH BUILDING, SHALL
10 BE PROVIDED IN ALL RETAIL AND WHOLESALE ESTABLISHMENTS UTILIZED BY A PET
11 DEALER TO HOUSE ANIMALS. FIRE PROTECTION EQUIPMENT THROUGHOUT UNSUPER-
12 VISED SPACES WITHIN THE BUILDING, INCLUDING STOREROOMS, BOILER ROOMS AND
13 EXIT WAYS SHALL INCLUDE AN AUTOMATIC FIRE DETECTION ALARM SYSTEM OF THE
14 HEAT OR SMOKE SENSING TYPE.

15 (B) ALL FIRE DETECTION, FIRE ALARM AND FIRE FIGHTING EQUIPMENT SHALL
16 BE TESTED ONCE A WEEK BY THE PET DEALER AND MAINTAINED IN GOOD WORKING
17 CONDITION. STAFF SHALL BE INSTRUCTED IN THE FUNCTIONING AND OPERATION
18 OF SUCH EQUIPMENT.

19 (C) IF THE FIRE ALARM SYSTEM BECOMES INOPERATIVE AT ANY TIME, THE PET
20 DEALER SHALL TAKE IMMEDIATE ACTION TO HAVE THE FIRE ALARM SYSTEM
21 RESTORED TO PROPER WORKING ORDER. PLACARDS SHALL BE PLACED ON ALL FIRE
22 ALARM BOXES INDICATING THAT THE SYSTEM IS INOPERATIVE.

23 2. SPRINKLER SYSTEM. (A) AN ELECTRICALLY SUPERVISED AUTOMATIC SPRIN-
24 KLER SYSTEM, INSTALLED IN CONFORMITY WITH RULES PROMULGATED BY THE
25 COMMISSIONER, SHALL BE PROVIDED IN ALL RETAIL AND WHOLESALE ESTABLISH-
26 MENTS UTILIZED BY A PET DEALER TO HOUSE ANIMALS. THE SPRINKLER SYSTEMS
27 SHALL BE PROVIDED IN ALL PARTS OF BUILDINGS UTILIZED TO HOUSE ANIMALS

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 AND SHALL BE DESIGNED AND INSTALLED IN SUCH MANNER THAT, WHEN ANY
2 PORTION OF THE SYSTEM SERVING SPACES THAT ARE NOT UTILIZED TO HOUSE
3 ANIMALS IS SHUT DOWN, SPRINKLER PROTECTION FOR SPACES UTILIZED TO HOUSE
4 ANIMALS WILL REMAIN OPERATIONAL. AT LEAST ONE AUTOMATIC SPRINKLER HEAD
5 SHALL BE INSTALLED IN THE STAIRWELL AREA OF ANY MEANS OF EGRESS.

6 (B) THE SPRINKLER SYSTEMS SHALL BE INSPECTED AT LEAST ONCE A MONTH BY
7 A COMPETENT PERSON HOLDING A CERTIFICATE OF FITNESS, EMPLOYED BY THE PET
8 DEALER OR THE OWNER OF THE BUILDING, TO SEE THAT ALL PARTS OF THE SYSTEM
9 ARE IN PERFECT WORKING ORDER, AND THAT THE FIRE DEPARTMENT CONNECTION OR
10 CONNECTIONS, IF ANY, ARE READY FOR IMMEDIATE USE BY THE FIRE DEPARTMENT.
11 A DETAILED RECORD OF EACH INSPECTION SHALL BE KEPT FOR EXAMINATION BY A
12 REPRESENTATIVE OF THE FIRE DEPARTMENT.

13 3. DISCONNECTION. IF, FOR ANY REASON, IT BECOMES NECESSARY TO DISCON-
14 NECT THE SOURCE OF CURRENT OF ANY FIRE ALARM SYSTEM OR THE SPRINKLER
15 SYSTEM, THE PET DEALER SHALL NOTIFY THE FIRE DEPARTMENT IN ADVANCE OF
16 EACH DISCONNECTION, STATING THE REASONS THEREFOR, AND SHALL NOTIFY THE
17 FIRE DEPARTMENT AT THE TIME THE SOURCE OF CURRENT OF THE FIRE ALARM
18 SYSTEM OR THE SPRINKLER SYSTEM IS RE-CONNECTED.

19 4. APPLICATION. (A) THE PROVISIONS OF THIS SECTION SHALL APPLY TO
20 EXISTING BUILDINGS AND TO BUILDINGS HEREAFTER ERECTED.

21 (B) FOR THE PURPOSES OF THIS SECTION,

22 (1) "PET DEALER" MEANS ANY PERSON WHO ENGAGES IN THE SALE OR OFFERING
23 FOR SALE OF MORE THAN NINE ANIMALS PER YEAR FOR PROFIT TO THE PUBLIC.
24 SUCH DEFINITION SHALL INCLUDE BREEDERS WHO SELL OR OFFER TO SELL
25 ANIMALS; PROVIDED THAT A BREEDER WHO SELLS OR OFFERS TO SELL DIRECTLY TO
26 THE CONSUMER FEWER THAN TWENTY-FIVE ANIMALS PER YEAR THAT ARE BORN AND
27 RAISED ON THE BREEDER'S RESIDENTIAL PREMISES SHALL NOT BE CONSIDERED A
28 PET DEALER AS A RESULT OF SELLING OR OFFERING TO SELL SUCH ANIMALS. SUCH
29 DEFINITION SHALL FURTHER NOT INCLUDE DULY INCORPORATED HUMANE SOCIETIES
30 DEDICATED TO THE CARE OF UNWANTED ANIMALS WHICH MAKE SUCH ANIMALS AVAIL-
31 ABLE FOR ADOPTION WHETHER OR NOT A FEE FOR SUCH ADOPTION IS CHARGED, AND

32 (2) "ANIMAL" MEANS A DOG, CAT, RABBIT, FERRET, RODENT, REPTILE, AMPHI-
33 BIAN, FISH, BIRD, INSECT, ARACHNID AND ANY OTHER DOMESTICATED ANIMAL
34 NORMALLY MAINTAINED IN OR NEAR THE HOUSEHOLD OF THE OWNER OR PERSON WHO
35 CARES FOR SUCH OTHER DOMESTICATED ANIMAL. "ANIMAL" SHALL NOT INCLUDE A
36 "FARM ANIMAL" AS DEFINED IN SECTION THREE HUNDRED FIFTY OF THIS CHAPTER.

37 S 2. The commissioner shall promulgate rules, regulations and stand-
38 ards as he or she deems necessary to implement the provisions of this
39 act on or before its effective date and, in conjunction with the state
40 fire administrator, shall establish standards for the installation,
41 operation and inspection of fire equipment and sprinkler systems
42 installed pursuant to the provisions of this act.

43 S 3. This act shall take effect January 1, 2011.