S T A T E O F N E W Y O R K

830--A

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. KELLNER, WEISENBERG, SCARBOROUGH, KAVANAGH -- Multi-Sponsored by -- M. of A. GALEF, GOTTFRIED, McDONOUGH, SALADINO -- read once and referred to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

1. FIRE EQUIPMENT. (A) FIRE DETECTION, FIRE ALARM AND FIRE FIGHTING EQUIPMENT, INCLUDING AN ADEQUATE NUMBER OF FIRE EXTINGUISHERS, APPROPRIATE TO THE TYPE OF BUILDING AND ANIMALS OCCUPYING SUCH BUILDING, SHALL BE PROVIDED IN ALL RETAIL AND WHOLESALE ESTABLISHMENTS UTILIZED BY A PET DEALER TO HOUSE ANIMALS. FIRE PROTECTION EQUIPMENT THROUGHOUT UNSUPERVISED SPACES WITHIN THE BUILDING, INCLUDING STOREROOMS, BOILER ROOMS AND EXIT WAYS SHALL INCLUDE AN AUTOMATIC FIRE DETECTION ALARM SYSTEM OF THE HEAT OR SMOKE SENSING TYPE.

(B) ALL FIRE DETECTION, FIRE ALARM AND FIRE FIGHTING EQUIPMENT SHALL BE TESTED EVERY SIX MONTHS BY THE PET DEALER AND MAINTAINED IN GOOD WORKING CONDITION. STAFF SHALL BE INSTRUCTED IN THE FUNCTIONING AND OPERATION OF SUCH EQUIPMENT.

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

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(C) IF THE FIRE ALARM SYSTEM BECOMES INOPERATIVE AT ANY TIME, THE PET DEALER SHALL TAKE IMMEDIATE ACTION TO HAVE THE FIRE ALARM SYSTEM RESTORED TO PROPER WORKING ORDER.

2. SPRINKLER SYSTEM. (A) AN ELECTRICALLY SUPERVISED AUTOMATIC SPRINKLER SYSTEM, INSTALLED IN CONFORMITY WITH RULES PROMULGATED BY THE COMMISSIONER, SHALL BE PROVIDED IN ALL RETAIL AND WHOLESALE ESTABLISHMENTS UTILIZED BY A PET DEALER TO HOUSE ANIMALS. THE SPRINKLER SYSTEMS SHALL BE PROVIDED IN ALL PARTS OF BUILDINGS UTILIZED TO HOUSE ANIMALS AND SHALL BE DESIGNED AND INSTALLED IN SUCH MANNER THAT, WHEN ANY PORTION OF THE SYSTEM SERVING SPACES THAT ARE NOT UTILIZED TO HOUSE ANIMALS IS SHUT DOWN, SPRINKLER PROTECTION FOR SPACES UTILIZED TO HOUSE ANIMALS WILL REMAIN OPERATIONAL. AT LEAST ONE AUTOMATIC SPRINKLER HEAD SHALL BE INSTALLED IN THE STAIRWELL AREA OF ANY MEANS OF EGRESS.

(B) THE SPRINKLER SYSTEMS SHALL BE INSPECTED AT LEAST EVERY SIX MONTHS BY A COMPETENT PERSON HOLDING A CERTIFICATE OF FITNESS, EMPLOYED BY THE PET DEALER OR THE OWNER OF THE BUILDING, TO SEE THAT ALL PARTS OF THE SYSTEM ARE IN PERFECT WORKING ORDER, AND THAT THE FIRE DEPARTMENT CONNECTION OR CONNECTIONS, IF ANY, ARE READY FOR IMMEDIATE USE BY THE FIRE DEPARTMENT. A DETAILED RECORD OF EACH INSPECTION SHALL BE KEPT FOR EXAMINATION BY A REPRESENTATIVE OF THE FIRE DEPARTMENT. SUCH RECORDS SHALL BE KEPT FOR THREE YEARS.

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

4. APPLICATION. (A) THE PROVISIONS OF THIS SECTION SHALL APPLY TO EXISTING BUILDINGS AND TO BUILDINGS HEREAFTER ERECTED BUT SHALL NOT INCLUDE BUILDINGS ZONED RESIDENTIAL.

(B) FOR THE PURPOSES OF THIS SECTION,

(1) "PET DEALER" SHALL HAVE THE SAME MEANING AS "PET DEALER" AS DEFINED IN SUBDIVISION FOUR OF SECTION FOUR HUNDRED OF THIS ARTICLE, AND

(2) "ANIMAL" SHALL HAVE THE SAME MEANING AS "COMPANION ANIMAL" AS DEFINED IN SUBDIVISION FIVE OF SECTION THREE HUNDRED FIFTY OF THIS CHAPTER.

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

S 3. This act shall take effect January 1, 2012, except that buildings in existence as of the effective date of this act shall have until January 1, 2014 to comply with the provisions of this act.