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

1869--D

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. SCHIMEL, WEISENBERG, HOOPER, JAFFEE, CURRAN, MONTESANO, COOK, ENGLEBRIGHT, MARKEY -- Multi-Sponsored by -- M. of A. GOTTFRIED, THIELE -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to notice requirements and enforcement for residential buildings with truss type, pre-engineered wood or timber construction

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

Section 1. The executive law is amended by adding a new section 382-b to read as follows:

S 382-B. RESIDENTIAL BUILDINGS WITH TRUSS TYPE, PRE-ENGINEERED WOOD OR TIMBER CONSTRUCTION; NOTICE REQUIREMENTS. 1. A. ANY PERSON UTILIZING TRUSS TYPE, PRE-ENGINEERED WOOD OR TIMBER CONSTRUCTION FOR THE ERECTION OF ANY NEW RESIDENTIAL STRUCTURE, FOR ANY ADDITION TO AN EXISTING RESIDENTIAL STRUCTURE, OR FOR ANY REHABILITATION OF AN EXISTING RESIDENTIAL STRUCTURE, SHALL, UPON APPLICATION FOR A BUILDING PERMIT WITH THE LOCAL GOVERNMENT HAVING JURISDICTION, INCLUDE ON THE PERMIT APPLICATION THAT TRUSS TYPE, PRE-ENGINEERED WOOD OR TIMBER CONSTRUCTION IS BEING UTILIZED.

B. THE PROPERTY OWNER OR THE PROPERTY OWNER'S REPRESENTATIVE SHALL COMPLETE A FORM PRESCRIBED BY THE COUNCIL DESIGNATING THE STRUCTURE AS

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

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TRUSS TYPE, PRE-ENGINEERED WOOD OR TIMBER CONSTRUCTION AND FILE SUCH FORM WITH THE APPLICATION FOR A BUILDING PERMIT.

C. UPON RECEIVING THE APPLICATION FOR A BUILDING PERMIT AND A FORM DESIGNATING THE STRUCTURE AS TRUSS TYPE, PRE-ENGINEERED WOOD OR TIMBER CONSTRUCTION, THE LOCAL GOVERNMENT HAVING JURISDICTION SHALL NOTIFY BY CERTIFIED MAIL, FACSIMILE, E-MAIL OR OTHER ELECTRONIC MEANS, THE CHIEF OF THE FIRE DISTRICT, FIRE DEPARTMENT OR FIRE COMPANY HAVING JURISDICTION OVER THE STRUCTURE TO BE ERECTED, ADDED TO, OR MODIFIED, OR HIS OR HER DESIGNEE, THAT TRUSS TYPE, PRE-ENGINEERED WOOD OR TIMBER CONSTRUCTION IS BEING UTILIZED.

D. AS A CONDITION OF THE FINAL RECEIPT OF A CERTIFICATE OF OCCUPANCY OR CERTIFICATE OF COMPLETION, A SIGN OR SYMBOL DESIGNED AND APPROVED BY THE COUNCIL SHALL BE AFFIXED TO ANY ELECTRIC BOX ATTACHED TO THE EXTERIOR OF THE STRUCTURE, IF ONE EXISTS.

E. THE PROPERTY OWNER OR HIS OR HER REPRESENTATIVE SHALL BE RESPONSIBLE FOR MAINTAINING THE SIGN OR SYMBOL ON THE ELECTRIC BOX OF THE RESIDENCE, AS REQUIRED BY PARAGRAPH D OF THIS SUBDIVISION, AND SHALL REPLACE THE SIGN OR SYMBOL WHEN ANY CHANGES OR MODIFICATIONS ARE MADE TO THE ELECTRIC BOX OR THE SIGN OR SYMBOL IS DAMAGED.

2. A. THE LOCAL BUILDING DEPARTMENT OR LOCAL CODE ENFORCEMENT OFFICIAL HAVING JURISDICTION OVER THE RESIDENTIAL STRUCTURE TO BE ERECTED, ADDED TO, OR MODIFIED, OR HIS OR HER DESIGNEE SHALL CONSULT WITH THE COUNTY FIRE COORDINATOR, LOCAL 911 AND EMERGENCY DISPATCHERS, AND THE LOCAL FIRE PROTECTION PROVIDER OR ENTITY DEEMED PERTINENT TO DETERMINE THE MANNER SUFFICIENT TO WARN PERSONS CONDUCTING FIRE CONTROL AND OTHER EMERGENCY OPERATIONS OF THE EXISTENCE OF TRUSS TYPE, PRE-ENGINEERED WOOD OR TIMBER CONSTRUCTION IN THE STRUCTURE.

B. THE CHIEF OF THE FIRE DISTRICT, FIRE DEPARTMENT, OR FIRE COMPANY HAVING JURISDICTION OVER THE RESIDENTIAL STRUCTURE TO BE ERECTED, ADDED TO, OR MODIFIED, OR HIS OR HER DESIGNEE SHALL USE THE INFORMATION PROVIDED UNDER SUBDIVISION ONE OF THIS SECTION TO WARN PERSONS CONDUCTING FIRE CONTROL AND OTHER EMERGENCY OPERATIONS OF THE EXISTENCE OF TRUSS TYPE, PRE-ENGINEERED WOOD OR TIMBER CONSTRUCTION IN THE STRUCTURE.

C. NOTHING CONTAINED IN THIS SECTION SHALL IN ANY WAY AFFECT OR DIMINISH SECTION TWO HUNDRED FIVE-B OF THE GENERAL MUNICIPAL LAW.

3. THE COUNCIL SHALL PROMULGATE RULES AND REGULATIONS IT DEEMS NECESSARY TO CARRY INTO EFFECT THE PROVISIONS OF THIS SECTION INCLUDING, BUT NOT LIMITED TO, THE DIMENSIONS AND COLOR OF SUCH SIGN OR SYMBOL.

4. LOCAL GOVERNMENTS SHALL PROVIDE BY LOCAL LAW OR RESOLUTION FOR THE ENFORCEMENT OF THE PROVISIONS OF THIS SECTION, IF NECESSARY. LOCAL GOVERNMENTS MAY PROVIDE FOR JOINT ENFORCEMENT OF THE PROVISIONS OF THIS SECTION BY AGREEMENT PURSUANT TO ARTICLE FIVE-G OF THE GENERAL MUNICIPAL LAW.

5. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY CITY WITH A POPULATION OF ONE MILLION OR MORE PERSONS.

S 2. The secretary of state, and the state fire administrator, shall to the greatest extent practical make available, and incorporate into existing uniform fire prevention and building code training, and other fire safety training, educational information highlighting truss type, pre-engineered wood or timber construction and safety precautions.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed within 180 days after the date on which this act shall have become a law.