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I N A S S E M B L Y

February 25, 2014

Introduced by M. of A. PERRY, McDONOUGH -- Multi-Sponsored by -- M. of A. SWEENEY -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to requiring the New York state uniform fire prevention and building code to address standards for the installation of carbon monoxide detectors in restaurants, banquet halls and commercial spaces; and to amend the administrative code of the city of New York, in relation to requiring the installation of carbon monoxide detectors in restaurants, banquet halls and commercial spaces

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

1 Section 1. Section 378 of the executive law is amended by adding a new
2 subdivision 5-d to read as follows:
3 5-D. STANDARDS FOR INSTALLATION OF CARBON MONOXIDE DETECTORS REQUIRING
4 THAT EVERY RESTAURANT, BANQUET HALL AND COMMERCIAL SPACE IN THE STATE
5 SHALL HAVE INSTALLED AN OPERABLE CARBON MONOXIDE DETECTOR OF SUCH MANU-
6 FACTURE, DESIGN AND INSTALLATION STANDARDS AS ARE ESTABLISHED BY THE
7 COUNCIL. CARBON MONOXIDE DETECTORS REQUIRED BY THIS SECTION ARE REQUIRED
8 ONLY WHERE THE RESTAURANT, BANQUET HALL AND COMMERCIAL SPACE HAS APPLI-
9 ANCES, DEVICES OR SYSTEMS THAT MAY EMIT CARBON MONOXIDE OR HAS AN
10 ATTACHED GARAGE.
11 S 2. Section 27-981.2 of the administrative code of the city of New
12 York, as amended by local law number 7 of the city of New York for the
13 year 2004, is amended to read as follows:
14 S 27-981.2 Carbon monoxide detecting devices; where required. a. Every
15 dwelling unit in a building within occupancy groups J-1, J-2 or J-3
16 where a fossil fuel-burning furnace or boiler is located, and every
17 dwelling unit in a building that is in close proximity to a source of
18 carbon monoxide, as such proximity is established by the rules promul-
19 gated by the commissioner in consultation with the fire department and
20 the department of health and mental hygiene, shall be equipped with an
21 operational carbon monoxide detecting device approved in accordance with
22 the rules promulgated by the commissioner in consultation with the fire

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

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1 department and the department of health and mental hygiene, provided
2 that there shall be installed at least one approved and operational
3 carbon monoxide detecting device within fifteen feet of each room
4 lawfully used for sleeping purposes. Such carbon monoxide detecting
5 device may be combined with a smoke detecting device that complies with
6 the provisions of this title and any applicable rules promulgated there-
7 under.

8 b. In every building classified in occupancy group G or occupancy
9 group H-2, at least one approved and operational carbon monoxide detect-
10 ing device shall be installed in accordance with rules promulgated by
11 the commissioner in consultation with the fire department and the
12 department of health and mental hygiene.

13 c. IN EVERY BUILDING CLASSIFIED IN OCCUPANCY GROUP F, AT LEAST ONE
14 APPROVED AND OPERATIONAL CARBON MONOXIDE DETECTING DEVICE SHALL BE
15 INSTALLED IN ACCORDANCE WITH RULES PROMULGATED BY THE COMMISSIONER IN
16 CONSULTATION WITH THE FIRE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND
17 MENTAL HYGIENE.

18 D. The provisions of this article shall apply retroactively to every
19 building, in accordance with the provisions of subdivision a or subdivi-
20 sion b of this section, irrespective of when such building was
21 constructed or a certificate of occupancy for such building was issued.

22 [d.] E. The provisions of this article may be enforced by the depart-
23 ment, the fire department, the department of health and mental hygiene
24 and the department of housing preservation and development.

25 S 3. This act shall take effect on the ninetieth day after it shall
26 have become a law.