

972--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. KELLNER, RAIA, McDONOUGH, ROBINSON, WEISENBERG, HOOPER, CORWIN, ZEBROWSKI, GUNTHER, JAFFEE, ROSENTHAL -- Multi-Sponsored by -- M. of A. DUPREY, FINCH -- read once and referred to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- 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:

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 EVERY SIX MONTHS BY THE PET DEALER AND MAINTAINED IN GOOD  
17    WORKING CONDITION. STAFF SHALL BE INSTRUCTED IN THE FUNCTIONING AND  
18    OPERATION OF SUCH EQUIPMENT.

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

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

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

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

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

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

31 (B) FOR THE PURPOSES OF THIS SECTION,

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

34 (2) "ANIMAL" SHALL HAVE THE SAME MEANING AS "COMPANION ANIMAL" AS  
35 DEFINED IN SUBDIVISION FIVE OF SECTION THREE HUNDRED FIFTY OF THIS CHAP-  
36 TER.

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, 2015, except that buildings  
44 in existence as of the effective date of this act shall have until Janu-  
45 ary 1, 2017 to comply with the provisions of this act.