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

6378--B

2015-2016 Regular Sessions

I N A S S E M B L Y

March 20, 2015

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 protection systems at pet stores

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

Section 1. Section 407 of the agriculture and markets law is renumbered section 408 and a new section 407 is added to read as follows:

S 407. 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 PROTECTION SYSTEMS. (A) APPROVED DEVICES, EQUIPMENT AND SYSTEMS OR COMBINATIONS OF SYSTEMS USED TO DETECT A FIRE, ACTIVATE A FIRE ALARM, EXTINGUISH OR CONTROL A FIRE, CONTROL OR MANAGE SMOKE AND PRODUCTS OF A FIRE OR ANY COMBINATION THEREOF SHALL BE PROVIDED IN ALL RETAIL AND WHOLESALE ESTABLISHMENTS UTILIZED BY A PET DEALER TO PERMANENTLY OR TEMPORARILY HOUSE, SELL OR TRADE ANIMALS. FIRE PROTECTION SYSTEMS SHALL BE INSTALLED, INSPECTED, TESTED AND MAINTAINED PER APPROPRIATE CODES AND REFERENCED STANDARDS HEREIN: IF IN THE FIVE BOROUGHS OF THE CITY OF NEW YORK PER NEW YORK CITY BUILDING CODE AND NEW YORK CITY FIRE CODE OR OUTSIDE OF THE FIVE BOROUGHS OF THE CITY OF NEW YORK PER THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE AN THE STATE ENERGY CONSERVATION CONSTRUCTION CODE FOR THE CORRECT OCCUPANCY TYPE AND ANY APPROVED "MORE RESTRICTIVE LOCAL STANDARDS".

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

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(B) IF ANY FIRE PROTECTION SYSTEM BECOMES INOPERATIVE AT ANY TIME, THE PET DEALER SHALL TAKE IMMEDIATE ACTION TO NOTIFY THE CODE ENFORCEMENT OFFICE AND HAVE THE SYSTEM RESTORED TO PROPER WORKING ORDER.

2. 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 of agriculture and markets 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 appropriate agency, whether the New York state department of state code enforcement and administration division, New York city department of buildings or New York city fire department, shall establish standards for the installation, operation and inspection of fire protection systems installed pursuant to the provisions of this act.

S 3. This act shall take effect one year after it shall have become a law, except that buildings in existence or new construction with presently approved plans as of the effective date of this act shall have until the following year to comply with the provisions of this act.