

HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: July 16, 1973

TO: Borough Superintendents
FROM: Thomas V. Burke, P.E., Director of Operations
SUBJECT: Cooperation with the Fire Department
in Enforcement of Local Law #5/73

The Fire Department has encountered certain problems in the implementation and enforcement of C19-161.2 - Fire Safety in Office Buildings, as amended in Local Law #5. Specifically, the problems relate to the classification identification of buildings to which the requirements of the local law apply, and to the approval of stair and elevator signs.

There have been a number of cases where the Fire Department has placed violations for the failure to comply with Local Law #5 and where the owner claims that the building does not come within the purview of that legislation. Where such cases were taken to court and went to trial, the judge refused to accept the determination of the Fire Department and asked for testimony from the Department of Buildings as to the classification and occupancy load of the building. In future cases that go to trial, the Fire Department will contact the Chief Engineer-Construction of the respective borough, who shall have the Department records reviewed and the building inspected, if necessary, and shall arrange for an inspector to be available to testify at the trial.

Regarding the signs, the Fire Department is presently requiring the installation of signs as part of the Fire Safety Plan under C19-161.2. In the preponderance of cases, there is no question as to whether the signs comply with the specifications in sub-article 608.0 of the Building Code. In the rare instances where there is doubt of such compliance, the Fire Department will here also contact the Chief Engineer-Construction of the respective borough, who will arrange for an inspection of such signs, to determine whether they are in compliance.

TVB:JWS:ASR
cc: Executive Staff

Thomas V. Burke
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Director of Operations