

LOCAL LAW “I” FOR 2018

A LOCAL LAW OF THE COUNTY OF ALBANY TO ENACT THE REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE REQUIRING RESIDENTIAL FIRE SPRINKLERS IN NEW CONSTRUCTION AND SUBSTANTIAL ADDITIONS WITHIN ALBANY COUNTY

Introduced 4/9/18

By Mr. Miller, Ms. Plotsky, Messrs. Signoracci, Bullock, Reinhardt, Touchette, O’Brien, Clay, Commisso, Mayo, Beston, and Ms. Lekakis:

BE IT ENACTED, by the County of Albany as follows

Section 1 Legislative finding and intent

The Legislature hereby finds that for the safety of the residents and the firefighters of the County of Albany a local law requiring the installation of residential fire sprinklers in conformance with the International Residential Code and the International Fire Code is necessary and appropriate. The County of Albany like many other counties is facing a crisis in the recruitment and retention of volunteer firefighters. In the rural areas of the county there are often not enough firefighters to respond to fires especially during the workday. In our cities and some of our suburban localities the fire service is provided by career firefighters. While there is not a problem in recruiting personnel to the ranks of our career fire service, these municipalities are confronted with tax caps and budget restrictions that have reduced or limited the ability to fund the ranks of the career firefighters. While there are many municipalities in counties throughout the state that are having budget issues, Albany County unlike the others has an additional problem in that approximately 36% of the property in the county is tax exempt, which limits the ability of the local governments to provide the necessary funds to increase the ranks of firefighters either career or volunteer.

As new homes are being constructed, they are being built with open floor plans and lightweight construction materials. These two elements of construction have demonstrated in tests conducted by the National Institute for Standards Technology (NIST) and Underwriters Laboratory (UL) that new homes burn eight times faster than legacy homes that don’t use these same materials and design. The impact of the rapid extension of fire is that residents have less time to escape a fire and firefighters are arriving when fires are much more developed.

According to an NFPA report “U.S Experience with Sprinklers” (2012 Addendum) When homes are equipped with sprinklers there is an 83% reduction in civilian deaths per 1,000 home structure fires (from 7.3 to 1.3 deaths per 1,000 fires), and a 69% reduction in property damage per 1,000 home structure fires (from \$20 thousand per 1,000 fires to \$6 thousand per 1,000 fires). In addition, experience in the

State of Maryland, which mandates home fire sprinklers, shows that there has not been a fatality from a home fire in a sprinklered home since they mandated their use.

In addition to the safety aspects of home fire sprinklers there are environmental benefits. When activated a home fire sprinkler flows only approximately 8 gallons of water per minute to contain the fire. A fire hose will often flow 150 gallons per minute. By the time the fire department arrives and has to extinguish a much larger fire, they will use hundreds if not thousands of gallons of water. This water also creates significant runoff.

According to research publicized in a report The Environmental Impact of Automatic Fire Sprinklers released in March 2010; fire sprinklers

- Reduce greenhouse gases by 98%
- Reduce fire damage by up to 97%
- Reduce water usage to fight a fire by upward of 90%
- Reduce the amount of water pollution released into the environment
- Reduce debris to landfills

New York State has chosen to adopt the International Codes Council (ICC) family of codes as the basis for all building and fire codes in the state. The ICC codes which are negotiated and developed by fire safety specialists, code enforcement officers and representatives of the home building industry, include a requirement that all new 1 and 2 family homes and townhouses be equipped with residential fire sprinklers. Unfortunately, the state has chosen to remove the residential fire sprinkler provision from the code when it was adopted as part of the New York State Uniform Fire Prevention and Building Code. This legislature finds that due to the potential for the rapid spread of fire in newly constructed homes and the financial difficulties faced by our communities and challenges faced by the fire service in Albany County that the adoption of this legislation is necessary.

Section 2 Definitions

Residential Fire Sprinklers: As defined in NFPA 13D, Standards for the installation of Sprinkler Systems in one- and Two- Family Dwellings and manufactured Homes

Uniform code: Is the New York State Uniform Fire Prevention and Building Code

Construction tradeoffs: Those waivers of the Uniform Code that code enforcement officials may approve in exchange for the installation of residential fire sprinklers. These trade-offs may include but are not limited to items such as,

increased spacing for fire hydrants, additional homes allowed to be built in cul-de-sacs, etc.

NFPA: National Fire Protection Association

Section 3 Fire Sprinkler Systems

A. All residential construction of one- and two- family homes and townhouses within Albany County that does not currently require fire sprinklers under the NYS uniform fire prevention and building code; constructed after January 1, 2019 shall have a Fire Sprinkler conforming to the current NFPA 13D standards.

B. Prior to issuance of a building permit, each builder shall submit two sets of proposed plans to the appropriate official within each municipality, depicting the fire sprinkler system. These plans must be signed and sealed by a licensed New York State professional Engineer, NICET (level 3 or above) or a licensed Fire Protection Engineer.

C. No certificate of Occupancy shall be issued for occupancy or use of any building, structure or portion thereof required to have a fire sprinkler under this local law unless such system is installed, inspected tested and approved in accordance with NFPA standards.

Section 4 Exceptions

Sprinklers shall not be required to be installed in spaces where the discharge of water would be hazardous. In such spaces, other approved fire-extinguishing equipment shall be provided, as approved by the local municipality.

Section 5 Trade offs

In any building which is subject to this local law , the owner may apply to the appropriate board or agency within their municipality for a hardship waiver to request construction trade -offs in exchange for installation of the residential fire sprinklers. These tradeoffs as defined in section 2 above may not include elimination of the sprinkler requirement enacted by this law.

Section 6 Maintenance

Installed fire sprinkler systems shall be maintained in good working order by the property owner. A designee of each municipality may make inspections to verify as this compliance or may rely on inspections submitted by the owner performed by independent contractors trained and approved to conduct such inspections on an annual basis.

Section 7 Enforcement

Enforcement shall be done by local code enforcement officers and any revenue generated as a result of violations of this law will be revenue to the enforcing municipality

Section 8 Penalties for offenses

Any contractor that constructs a home without complying with this local law shall be punished by a civil penalty of \$250 per day until such home is brought into compliance.

Section 9 Effective date

This local law shall be effective January 1, 2019

Referred to Law, Public Safety and Audit and Finance Committees – 4/9/18