

WHITE PLAINS FIRE CODE

PART 1. GENERAL REQUIREMENTS

a. Application of Code.

- (1) The provisions of this Code shall apply equally to new and existing conditions.
- (2) Nothing contained in this Code shall be construed as applying to the transportation of any article shipped under the jurisdiction of and in compliance with the regulations prescribed by the Department of Transportation (DOT), nor as applying to the military forces of the United States.
- (3) In general, wherever the term "Commissioner" is used, it shall mean the Commissioner of Public Safety.

b. Authority to Enter Premises.

- (1) The Chief of the Fire Department, or any designated inspector thereof, may at all reasonable hours, enter any building or premises for the purpose of making any inspection, or investigation which, under the provisions of this Code, the Chief or Inspector deem necessary to be made.
- (2) The Chief of the Fire Department, or any designated inspector thereof, shall be permitted by the owner, lessee, manager, or operator of any building or premise to enter and inspect their building or premise at the time and for the purpose stated in this section.

c. Inspection of Buildings and Premises.

- (1) The Chief of the Fire Department, with the approval of the Commissioner of Public Safety (or the Commissioner's designated representative), may designate competent members of the Fire Department to make the inspections, keep the records or perform any other duty required by this Code and any inspection or order given by such designated member shall have the same force and effect as if performed or given by the Fire Chief personally.
- (2) It shall be the duty of the Chief of the Fire Department to inspect, or cause to be inspected by the Division of Fire Prevention, or by the Fire Department officers or members, all buildings and premises, except the interiors of dwellings containing less than three (3) dwelling units, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of this Code and of any other ordinance affecting the fire hazard.

- (3) The Chief of the Fire Department or an inspector upon the complaint of any person, or whenever it is deemed necessary, shall inspect any buildings and premises within their jurisdiction.
- (4) Whenever any of the officers, members or inspectors of the Fire Department or Division of Fire Prevention shall find in any building or upon any premises dangerous or hazardous conditions or materials as set forth below, it shall be ordered that such dangerous conditions or materials be removed or remedied in such manner as may be specified by the Chief.
 - (i) Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials.
 - (ii) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials.
 - (iii) Dangerous accumulations of rubbish, waste paper, boxes, shavings or other highly combustible materials.
 - (iv) Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen or other exhaust ducts or inadequate clearances to unprotected combustible material from hoods, grease extractors, and ducts.
 - (v) Obstructions to or on fire escapes, designated access openings in exterior walls for fire department use, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire.
 - (vi) Any building or other structure which, for want of repairs, lack of sufficient fire escapes or other exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a hazardous condition.

d. **Orders.** The Commissioner shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the hazards inspected and for safeguarding of life and property from fire. Whenever the Commissioner shall find in any building or upon any premises combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of waste paper, boxes, shavings, or any highly flammable materials and which is so situated as to endanger property or the occupants thereof; or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire, it shall be ordered that the same be removed or remedied. Whenever the Commissioner shall find any building or other structure which, for want of repairs, lack of sufficient fire escapes, lack of automatic or other fire alarm apparatus or fire extinguishing equipment, or, by reason of age or dilapidated condition, or, from any other cause, is especially liable to fire, and, which is so situated as to endanger other property or the occupants thereof, the deficiency shall be remedied, or the installation of automatic fire extinguishing equipment or other fire alarm apparatus may be required.

Any order authorized herein shall be given verbally at the time of inspection by the member of the Fire Department making such inspection to any person of suitable age and discretion apparently in charge of the premises. If no person shall be found in charge of the premises, or the verbal order is not complied with within a reasonable time, or whenever the Commissioner deems it advisable to serve an immediate written order, a written copy of the order signed by the Commissioner or the Commissioner's duly authorized representative shall be delivered to the owner, lessee, if any, and person apparently in charge of the premises. If neither the owner, lessee nor person in charge of the premises can be found, a copy of the order shall be affixed in a conspicuous place at the entrance to said premises and a duplicate shall be mailed to the owner or his agent or lessee at such person's last known address. Any order authorized herein shall forthwith be complied with by the owner, lessee and occupant of such premises or building.

The Commissioner may require any building or premises which in the Commissioner's opinion is inadequately protected against fire perils to be vacated, and may require any equipment or appliance causing such condition to be condemned and removed.

e. Service of Orders.

- (1) The service of orders for the correction of violations of this code shall be made upon the owner, occupant or other person responsible for the conditions, either verbally or by delivering a copy of same to such person or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place at the premises or on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a copy of the said order, or, if such owner is not in the jurisdiction of the officer making the order, by sending such copy by registered or certified mail to the owner's last known post office address.
- (2) If buildings or other premises are owned by one person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of this Code shall apply to the occupant thereof, except where the rules or orders require the making of additions to or changes in the premises themselves, such as would immediately become real estate and be the property of the owner of the premises; in such cases the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.

f. Driveways for Fire Apparatus.

- (1) Such driveways shall be provided and maintained in accordance with Section 503 of the Fire Code of the New York State and approved by the Fire Department and shall be adequate to admit the driving in and out of the Fire Department apparatus and shall be kept clear of vehicles or obstruction. Such driveways shall be posted with signs, installed by the City, indicating "NO STANDING - FIRE LANE". Such signs shall be of metal, 12 inches by 18 inches, reflective, with red letters on white

background, and placed every seventy-five (75) feet on the driveway. Any person who shall park or leave any vehicle or obstruction on such driveways displaying such Fire Department posted regulation, shall be deemed in violation of this Code.

g. **False Alarms.** No person shall by outcries, ringing of bells, sounding of alarm, or otherwise, raise a false alarm of fire.

h. **Injuring Fire Department Equipment.** No person shall injure in any manner any hose, fire engine or other apparatus used for the extinguishment of fires, belonging to or used by the Fire Department. No person shall drive a vehicle over such hose except the driver of a vehicle carrying the United States mail, driver of an ambulance when conveying any patient or injured persons to any hospital, or when proceeding to the scene of any accident by which any person or persons have been injured; or any driver of any vehicle who may be permitted to drive over or across any such hose by the officer of the Fire Department in command of the force operating at any such fire and under Fire Department direction.

i. **Investigation of Fires.** The Fire Department shall investigate the cause, origin and circumstances of every fire occurring in the municipality which is of suspicious nature or which involves loss of life or injury to person or by which property has been destroyed or substantially damaged. Such investigations shall begin immediately upon the occurrence of such a fire and, if it appears that such fire is of suspicious origin, the Chief shall be immediately notified of the facts; the Chief shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.

j. **Fire Records.** The Chief shall keep a record of all fires and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby. Such record shall be made daily from the reports made by the Fire Department officers and inspectors.

k. **Permits.**

- (1) A permit shall constitute permission to maintain, store or handle materials, or to conduct processes, which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permit does not take the place of any license required by law. It shall not be transferable, and any change in use or occupancy of premises shall require a new permit.
- (2) Before a permit may be issued, the Chief, or the Chief's inspectors or assistants, shall inspect and approve the receptacles, vehicles, buildings or storage places to be used. In cases where laws or regulations enforceable by departments other than the Fire Department are applicable, joint approval shall be obtained from all city departments or other agencies concerned.
- (3) All applications for a permit required by this Code shall be made to the Commissioner in such form and detail as shall be prescribed. Applications for permits shall be accompanied by such plans as required by the Fire Department.

- (4) Permits shall at all times be kept on the premises designated therein, and shall at all times be subject to inspection by any officer of the Fire or Police Departments.
- (5) The Commissioner may revoke a permit or approval issued if any violation of this Code is found upon inspection or in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

1. **Fire Drills.** Fire drills shall be conducted in accordance with Section 405 of the Fire Code of New York State.

m. Liability for Damages.

- (1) This code shall not be construed to hold the municipality or the Fire Department or its members responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect or the permit issued as herein provided or by reason of the approval or disapproval of any equipment herein.
- (2) Any officer or employee charged with the enforcement of this Code, acting for the city in the discharge of authorized duties, shall not thereby be rendered liable personally, and such persons and the city are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any omission or act required or permitted in the discharge of such persons duties. Any suit instituted against any officer or employee because of an act performed in the lawful discharge of the officer or employee's duties and under the provisions of this Code shall be defended by the City of White Plains or its representative until the final termination of the proceedings. In no case shall the Commissioner or any of the Commissioner's subordinates be liable for costs in any action, suit or proceeding that may be instituted in pursuance of provisions of this Code. Any officer of the Department of Public Safety acting in good faith and without malice, shall be held harmless from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of the official duties in connection therewith.

n. **Mandatory Fire Report.** All fires involving any property damage or personal injury in any part of The City of White Plains shall be immediately reported to fire headquarters of The City of White Plains by telephone (via 911) or by a fire alarm system. Responsibility for said reporting of a fire shall be the duty of the person in charge of the building or facility where the fire occurs.

o. **Violations.** The violation of any of the provisions of this Code, or failure to comply therewith, shall be punishable by a fine as outlined in permit fees (WPBCAE-q) and violation fines section, (WPBCAE-hh) or imprisonment not exceeding fifteen (15) days, or both such fine and imprisonment, and each day such violations shall exist or be permitted to exist shall constitute a separate offense. The owner or owners of any building, structure or part thereof, where any violation of this Code shall exist, or any other person who may be employed or assist in the commission of any such violation, and any and all persons who knowingly violate any

of the provisions of this Code, or fail to comply therewith, or any requirements thereof, or who shall knowingly violate or fail to comply with any order or regulation made hereunder, shall be severally liable for each and every such violation and noncompliance. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

p. **Conflicts.** In any case where a provision of this Chapter is found to be in conflict with a provision of any zoning, building, electrical, plumbing, mechanical, property maintenance, health code, or any regulation adopted pursuant thereto, or any other law, ordinance, code, or regulation of The City of White Plains, Westchester County Health Department, County of Westchester or State of New York, the provision which establishes the highest standard shall prevail.

PART 2. EQUIPMENT AND SYSTEMS

a. Standpipes.

- (1) **Required Installations.** Notwithstanding any other provisions of this Code or Section 905 of the Fire Code of New York State an approved standpipe system(s) shall be provided as herein specified:
- (2) **Building Height.** Class III standpipe systems shall be installed throughout all buildings, where the floor level of the highest story is located more than 30 feet above the lowest level of the **designated** Fire Department vehicle access or where the floor level of the lowest story is located more than 30 feet below the highest level of the **designated** Fire Department vehicle access. Designated Fire Department vehicle access shall be established by the Fire Chief or the Chief's representative.

Exceptions:

- (i) Class I stand pipes are allowed in buildings equipped throughout with an automatic sprinkler system in accordance with NFPA.
 - (ii) Class I semi automatic dry standpipes are allowed in open parking garages that are subject to freezing temperatures. A key operated activation device shall be provided at each point of vehicle access into garage.
- (3) **Building Area.** In buildings exceeding 10,000 square feet in area per story, Class I automatic wet standpipes shall be provided where any portions of the building's interior area is more than 200 feet of travel vertically and horizontally from the designated point of Fire Department vehicle access.
 - (4) **Quantity.** In any building the number of standpipes shall be such that all parts of every floor can be reached within thirty-five (35) feet of a nozzle attached to one hundred (100) feet of hose connected to a standpipe.
 - (5) **Pipe.** All standpipes and automatic sprinkler systems shall be installed in strict compliance with NFPA 14, generally accepted standards and as approved by the Fire Prevention Bureau. Minimum pipe materials and fittings for fire standpipes shall be per NFPA 14. Minimum schedule 40 pipe shall be installed whenever a combined

sprinkler/standpipe riser system is proposed. Pipes for all standpipes and sprinkler systems shall be designed so that every pipe is fed by a supply line of at least the same diameter or greater. Pipes run to hose cabinets shall be of a minimum diameter of one and one-half (1-1/2) inches.

(6) **Hose.**

- (i) Standpipes located inside of buildings shall have approved lined hose,(where required) sufficient to reach all parts of the floor, but not in excess of 100 feet, attached to the one-half (1-1/2) inch outlet
- (ii) Such hose shall not be less than one and one-half (1-1/2) inches in diameter.
- (iii) Each line of hose shall be provided with washers at both ends and fitted with an approved nozzle.
- (iv) Hose shall be kept on approved hose racks or in approved hose cabinets.

(7) **Water Supply.**

- (i) Notwithstanding exception WPFC-2a(2)(ii), standpipes shall be supplied under full pressure from an adequate water supply or the water supply shall be furnished automatically by the opening of a hose outlet.
- (ii) Such water supply shall be furnished by a "street main" in which the pressure is sufficient to maintain a residual pressure as required by NFPA 14 at the most hydraulically remote standpipe while flowing water as described in NFPA 14.

(8) **Pumps.**

- (i) In buildings requiring a standpipe where the "street mains" cannot maintain a residual pressure as required by NFPA 14 at the top of the most hydraulically remote standpipe an approved fire pump(s) shall be installed in addition to the water supply that is provided, and permanently connected to the required standpipe systems.
- (ii) The capacities of such pumps shall be sized to maintain the minimum flow rates established in NFPA 14, however the pump shall be not less than 500 gpm.
- (iii) Such pumps shall have an adequate source of power and shall be supplied in accordance with NFPA 70 and 72. If an emergency power system is required or provided in the building, the fire pump shall be connected to such system.

(9) **Tests.**

- (i) The fire pump shall be tested in accordance with NFPA 20 and 25.

b. Sprinklers.

- (1) **Required Installations.** Notwithstanding any other provisions of this Code or Section 903 of the Fire Code of New York State, approved automatic sprinkler systems installed in conformity with NFPA 13/13R (as applicable) shall be provided in all buildings herein specified:

- (i) All new buildings, except as noted below exceptions (a), (b) & (c) for which a building permit is issued on or after August 1, 2005.

- (ii) Conversion of an existing building or portion therein to a more hazardous use group, and including the conversion to an area of public assembly or to a public restaurant, eating or drinking establishment, or cabaret use.
 - (iii) Building addition: including one or more additional stories, or any addition in excess of ten (10) percent of the gross floor area of the existing building, or 1,000 sq. ft. of gross floor area whichever is greater, for which the addition itself shall comply with all of the Provisions of this Section. For any addition in excess of fifty (50) percent of the gross floor area of the existing building (or exceeding sixty (60) percent of the value of the existing building), both the addition and original building shall comply with all of the provisions of this Section.
 - (iv) Rehabilitation of existing structures. If the "reconstruction" provisions of the Building Code of New York State (as defined in Appendix K) apply to an existing building or a portion of an existing building, then the building or portion thereof shall be fully sprinklered in accordance with this Code.
- (2) **Exceptions.** The following buildings are not required to have sprinklers systems:
- (i) One and two family detached homes up to two stories.
 - (ii) Open parking garages and structures, for those stories above grade only.
 - (iii) Detached private parking garages, and open public parking garages of one-story in height, conditioned that such structures are used exclusively for parking and contain no cellars nor other uses, including the dispensing of any flammable fuels or liquids.
- (3) **Sprinkler System Design.** All sprinkler systems required under this Section shall comply with the following:
- (i) Sprinklers (or other approved fire suppression system) shall be installed within all areas and throughout all portions of buildings in accordance with NFPA 13/13R (as applicable), including, but not limited to boiler rooms, mechanical rooms, storage rooms, stairways, closets, etc.
- Sprinklers in stairways shall be located throughout the stairway including all landings and risers.
- Sprinklers **shall not** be installed in "dedicated" electrical closets, electrical equipment rooms, electrical switchgear rooms, elevator machine rooms, UPS rooms and battery rooms or any other space where the introduction of water would be considered hazardous.(These locations shall be reviewed with the Commissioner). Note: Battery rooms housing "flooded type" batteries shall be provided with an inert gas suppression system.
- Exceptions:**
1. In Residential Occupancy buildings (R2 & R4), up to four stories, sprinklers shall be installed in all closets and bathrooms that are greater than six (6) square feet in size.

In all residential occupancy buildings (R1) and residential occupancies (R2) greater than four (4) stories sprinklers shall be installed in all closets and bathrooms regardless of size.

2. Other exceptions permitted by NFPA may or may not apply in White Plains. Please Confer with Fire Department.

- (ii) In buildings containing ceiling plenums, a two-tier sprinkler system (or other approved fire-suppression system) shall be installed with heads mounted at both the finished ceiling level, as well as within every ceiling plenum and/or cavity, except that all buildings of fireproof or noncombustible construction shall not be required to have sprinklers within such ceiling plenum/cavities.
 - (iii) All new sprinkler systems shall be of a "fully-supervised" design equipped throughout with both floor valve supervision and main sprinkler valve supervision (for each and all sprinkler valves) connected to the central fire alarm system.
 - (iv) Sprinkler system design drawings shall be submitted for permit prior to the start of any installation work. Designs shall be in accordance with the requirements of the National Fire Protection Association (NFPA).
- (4) **Pipe.**
- (i) Piping shall be ferrous or copper drawn, and shall be designed to withstand when ready for service, a water pressure of not less than 200 pounds per square inch for two (2) hours without leakage at joints, valves, fittings or any part of the piping.
Exception: Plastic pipe as defined and approved by the Fire Code of New York State shall be permitted for sprinkler systems in 1 & 2 family houses (R-3) and Residential (R-2 and R-4) occupancies up to four (4) stories.
 - (ii) Minimum schedule 40 pipe shall installed be whenever a combined sprinkler/standpipe riser system is proposed.
- (5) **Valves.** Inspector test valves, for testing the most remote sections shall be installed. Such valves may empty to the exterior of the building, or be of the approved interior type. Test valves shall have capped hose threads, to receive a hose for testing.
- (6) **Water Supply.** Required sprinkler systems shall be connected to two (2) independent sources of water supply, at least one of which shall be automatic in action. A single connection to the public street main of a reliable water system shall be deemed sufficient when tests indicate an adequate supply is available to the most hydraulically remote sprinklers.
- (7) **Fire Department Connections.**
- (i) Every sprinkler and standpipe system shall be equipped with approved siamese connections.
 - (ii) There shall be a siamese connection on each street frontage or, when the building sets back from the street lines, a siamese shall be provided on each accessible exterior wall. If a frontage or exterior wall, is less than fifty (50) feet in length, no

such connection will be required on that frontage if the required siamese connection is provided on the other frontages. All such siamese connections shall be interconnected so that the water supply from any source will supply the complete sprinkler system.

- (iii) Siamese connections shall be identified by color as ordered by the Fire Chief in addition to the regular markings of standpipes, automatic sprinkler, cellar sprinkler, basement sprinklers and wall hydrants. Colors shall be as follows:

Sprinklers - Green

Standpipe and Wall Hydrants - Red

Combination Standpipe and Sprinkler - Yellow

Deluge - Blue

c. Fire Alarm Systems.

- (1) Notwithstanding any other provisions of this Code or Section 907 of the Fire Code of New York State an approved manual fire alarm system shall be installed within and throughout all areas of the following occupancy groups in accordance with NFPA 72:
 - (i) Parking structures three (3) stories (or thirty-five (35) feet in height) or greater.

d. Fire Alarm and Detection Systems.

- (1) **Required Installations.** Notwithstanding with any other provisions of this Code or Section 907 of the Fire Code of New York State, an approved manual and automatic fire alarm system with smoke detection capabilities shall be installed as follows:
 - (i) All existing buildings or areas of existing buildings that are altered per Section K304 of the Building Code of New York State shall be equipped with a fire alarm and detection system per NFPA 72.
 - (ii) All buildings or structures required to have sprinkler coverage per section WPFC-2b shall be equipped with a fire alarm system with complete area smoke detection in accordance with NFPA72.

Exceptions:

- (I) A fire alarm system with smoke detection shall be provided in all R-2 occupancies in common/public corridors, storage rooms, shared amenity spaces, electrical/mechanical rooms etc. Smoke detectors (connected to the building fire alarm system) are not required within the dwelling units. Single/Multiple Station smoke detection shall be provided in each dwelling unit in accordance with the Fire Code of New York State.

In addition to multiple station smoke detectors required in dwelling units a minimum of one (1) heat detector shall be provided in each kitchen/kitchenette connected to the building fire alarm system. This provision applies to any R-1, R-2 & R-4 buildings that contain kitchens or kitchenettes.

- (II) Parking garages. Smoke detection shall not be required in parking areas.

(III) Other exceptions permitted by NFPA may or may not apply in White Plains. Please confer with Fire Department.

(2) **Detector Locations.**

- (i) In general, all areas shall be provided with smoke detection including, but not limited to, corridors, hallways, passageways, storage areas, lobbies, closets, offices, rooms, battery rooms, electrical equipment rooms, mechanical equipment rooms, elevator shafts and elevator machine rooms.
- (ii) Smoke detection shall be installed within the ceiling cavity of all buildings. Detector spacing shall be approximately one (1) per 5,000 sq. ft. of ceiling cavity space.

Exceptions:

- 1. Buildings equipped with return duct detection in the ceiling plenum shall not require area smoke detection within such plenum.
 - 2. Buildings equipped with a smoke control system so described in The White Plains Smoke Control Code shall not require area detection within such plenum.
 - 3. Ceiling cavities which are inaccessible (e.g. gypsum board ceilings) shall not require smoke detectors.
- (iii) Heat detection (In lieu of smoke detectors) shall be installed in boiler rooms, janitors closets, kitchens, pantries, and spaces with high or low temperature or other environmental conditions that would preclude the use of smoke detectors.

e. **Plans and Specifications.** Plans and specifications for the installation, extension, modification, alteration or removal from service of any automatic fire, alarm and detection systems shall be submitted to the Division of Fire Prevention and the Department of Building prior to the commencement of any work.

f. **Smoke Venting of Interior Exitway Stairways.** All new enclosed exitway stairways shall be equipped with an approved automatic smoke-actuated roof scuttle vent, or other approved automatic smoke purge system located at the uppermost level. The scuttle shall be activated by a smoke detector. Ambient conditions shall be considered when selecting the type of smoke detection devices.

Exception: If the building is required to have a stair pressurization system, smoke venting is not required.

g. **Alarm Notification.** Whenever a fire alarm is activated in any building occupancy (except institutional and others as directed by the Fire Chief), all occupants shall vacate the premises immediately in an orderly fashion.

h. **Adequate Radio Coverage.** No person shall erect, construct, maintain, change the use of or construct an addition to any building or structure of Type I or Type II construction which is located more than seventy-five (75) feet above the lowest level of fire department vehicle access and/or having a floor level more than thirty (30) feet below the lowest level of exit

discharge which fails to support adequate radio coverage for the City of White Plains Radio Communications System, including, but not limited to, radio coverage for emergency service workers, firefighters and police officers.

i. **Equivalent Facilitation.** Nothing in this Code is intended to prevent the use of designs or technologies as alternatives to those prescribed in this Code provided they result in substantially equivalent or greater construction, performance etc. The applicant shall provide all technical information requested by the Commissioner so the equivalent facilitations can be evaluated. The Commissioner reserves the right to approve or disapprove any submission at his/her discretion.

PART 3. SPECIAL PROPERTY USES OR CONDITIONS

a. Places of Assembly.

- (1) **Permit required.** A place of assembly as defined herein shall not be maintained, operated or used as such without a permit from the Commissioner, except that no permit shall be required for any place of assembly used solely as a place of religious worship as approved by the Commissioner of Public Safety.
- (2) **Overcrowding.** A person shall not permit overcrowding or admittance of any person beyond the approved number of occupants of any place of public assemblage. The fire department or police department, upon finding overcrowding conditions or obstruction in aisles, passageways, or other means of egress; or upon finding any condition which constitutes a serious menace to life and safety, shall cause the performance, presentation, spectacle or entertainment to be stopped until such a condition or obstruction is corrected.

b. Family Day Care Homes.

- (1) Electrical heaters or other portable heating devices shall not be used in rooms accessible to children regardless of the type of fuel used.
- (2) Extinguishers shall be installed in the kitchen, boiler room, and hallways.
- (3) Children shall be cared for only on such floors as are provided with readily accessible alternate means of egress which are remote from each other.
- (4) A procedure for evacuation of the children shall be established.
- (5) Quarterly fire drills shall be held and a written record of such drills shall be on file.

c. Day Care Centers. Extinguishers shall be installed in the following areas:

- (1) One fire extinguisher suitable for Class "A" fires shall be installed for each 2500 square feet of floor space within 100 feet of travel distance from any point.
- (2) Kitchens shall be equipped with a Class "B" extinguisher, minimum five (5) pound capacity, wall mounted and easily accessible.

The extinguisher shall be a dry chemical or carbon dioxide type.

- (3) A Class "B" extinguisher shall be provided for the boiler room, if the boiler room is part of the day care center.
- d. **Vacant Buildings and Buildings under Construction or being Demolished.**
- (1) **Vacant Buildings.** Vacant or unoccupied buildings or portions thereof shall maintain all required sprinkler and standpipe systems and all component parts in a workable conditions at all times. Fire alarm systems shall be maintained in operating condition at all times.
- (2) **Buildings Under Demolition.** When a building is being demolished and a standpipe or sprinkler system is existing within said building, such standpipe and/or sprinkler system shall be maintained in an operable condition so as to be available for use by the Fire Department. Such standpipe and/or sprinkler system shall be demolished with the building, but in no case shall the system, or systems, be more than one (1) floor below the floor being demolished.
- (3) **Buildings Under Construction.** During construction in buildings in which standpipes are required by this Code, such standpipes shall be installed as construction progresses, in such manner that they are always ready for Fire Department use to the top and lowest most floor of construction that has been erected to date. Standpipes shall be provided with Fire Department connections on outside of building at street level and be indicated with a lighted red light and sign. One or more outlets with valves shall be provided on each floor as the standpipe rises. All connections and fittings shall be designed to fit the White Plains Fire Department equipment.

PART 4. RESERVED

PART 5. MATERIALS

a. **Flammable and Combustible Liquids.**

- (1) **General Requirements.**
- (i) **Permit Required.** A permit shall be required for the storage or handling of more than fifty-five (55) gallons of corrosive liquids; or more than 500 pounds of oxidizing materials; or more than 500 millicuries of radioactive material; or more than 2,000 cubic feet of flammable compressed gas; or ten (10) pounds or more of organic peroxides; or 500 pounds or more of ammonium nitrate; or any amount of highly toxic material or poisonous gas.

b. **Explosives.**

- (1) **General Requirements.** No person shall manufacture any explosives, within the corporate limits of the municipality except that any explosives may be manufactured in the laboratories, in colleges and similar institutions for the purpose of investigation and instruction.
- (i) The mixing of any substances which result in the creation or concoction of an explosive mixture is prohibited except in laboratories in colleges and similar institutions for the purpose of investigation and instruction, and the use of any such mixture is prohibited.

- (ii) No person shall possess, keep, store, sell, offer for sale, give away, use, discharge, transport, or dispose of in any manner any explosives within the municipality, except by the authority of a written permit therefore as specified herein.
- (iii) No person shall discharge any explosives, except small arms ammunition and construction devices such as explosive rivets and explosive-driven pins or studs, for purposes other than blasting or demolition operations.

(2) **Storage.**

- (i) Except while being transported or blasted or while in the custody of a common carrier awaiting shipment or delivery to a consignee during the time permitted by Federal Law, all explosives shall be stored in magazines in accordance with this section. Each such magazine shall be at all times in charge of a competent person at least twenty-one (21) years of age, and is physically fit. It shall be unlawful for any other person to have access to the magazine or to place, handle or remove any explosives therein.
- (ii) **Permit Required.** It shall be unlawful to store or keep any explosives in a magazine without first having obtained from the Commissioner a permit therefore. Application for such permit shall be accompanied by a fee as outlined in for each magazine. Each permit shall state the maximum quantity of explosives that may be stored in the magazine, the location for which it is approved, the date issued, the name and signature of the person authorized to be in charge of the magazine, and such other information as the Commissioner may deem necessary. The permit shall be good for only the one location designated therein, shall not be transferable, and shall expire not later than one year from date thereof. No such permit shall be issued until the Commissioner, after inspection, has been satisfied that the magazine complies with the other provisions of this Article. Such permit shall be posted on the inside of the door or cover of the magazine in such position as will expose it to full view when the magazine is open.

(3) **Transportation on City Street.**

- (i) **License Required.** It shall be unlawful to transport any explosives, except in a vehicle for which a license has been issued by the Commissioner. Application for such license shall be accompanied by a fee as outlined in each license, or renewal thereof, shall expire on December 31 next following its issuance and may be renewed upon payment of the permit fee.

c. **Blasting.**

1. General Requirements.

- (i) **Permit Required.** It shall be unlawful for any person to blast or carry on any blasting operations without first having obtained a permit therefore from the Commissioner. The permit shall state the location for which it is approved, the date issued, the name of the person authorized to do the blasting and such other information as the Commissioner may deem necessary. The permit shall be good

only for the one location designated therein, shall not be transferable and shall expire not later than one year from date thereof. No such permit shall be granted unless the person to be authorized thereby to blast is at least 21 years of age and has satisfied the Commissioner as to such person's experience in blasting. Application for such permit shall be accompanied by a fee as outlined in.

- (ii) **Hours of Blasting.** It shall be unlawful to blast or carry on any blasting operations after 5 p.m. or before 8 a.m., nor shall any blasting be done on Sunday, except with the prior written approval from the Commissioner.

(2) **Exceptions.**

- (i) This article shall be strictly complied with except where extraordinary conditions exist in the opinion of the Commissioner. To meet these conditions not entirely covered in this article, the Commissioner may issue special orders to meet these conditions or the Commissioner may order complete compliance with the Standards of the U.S. Bureau of Mines and its amendments, as periodically adopted.
- (ii) Nothing in this article shall be construed as applying to the regular military or naval forces of the United States the duly authorized militia of this State, or to the Police and Fire Departments in the proper performance of their duty.
- (iii) Nothing in this article shall be construed as applying to signal rockets or devices or compositions used to obtain visible or audible pyrotechnic effects, which are covered in the Article on Fireworks of this Code.
- (iv) Nothing in this article shall be construed as applying to the laboratories of schools, colleges and similar institutions when confined to the purpose of instruction or research, or explosives in the forms prescribed by the official United States Pharmacopoeia.

d. **Ammunition.**

1. General Requirements.

- (i) **Manufacture Prohibited.** It shall be unlawful to manufacture small arms ammunition in The City of White Plains.
- (ii) **Use.** It shall be unlawful to discharge unnecessarily in or into any street, highway or public place, or within five hundred (500) feet of a building, any rifle, gun, pistol, revolver, or other appliance whether projecting or exploding any bullet, cartridge, blank cartridge, cap or any explosive substance or mixture of chlorates or nitrates, except that a cannon or piece of artillery may be discharged or fired upon the written permission of the Commissioner, but no such permission shall be construed to incur on the part of the city any liability for damage by reason of such firing.

2. **Storage and Sale of Small Ammunition.**

- (i) **Permit Required.** It shall be unlawful to store, sell or offer for sale any small arms ammunition without first having obtained a permit therefore from the

Commissioner. Application for such permit shall be made on a form provided by the Commissioner and shall be accompanied by an inspection fee as outlined in. Each such permit, or renewal thereof, shall expire on December 31 next following its issuance and may be renewed for a period of one year from date of expiration after application and payment of an inspection fee. No such permit or renewal shall be issued until the Commissioner, after inspection, has been satisfied that the other provisions of this article have been complied with. Such permit shall state the location of the premises, the maximum amount of ammunition to be stored at any time and such other information as the Commissioner may deem necessary.

- (ii) **Precautions.** The amount of ammunition authorized by any permit shall not exceed the normal amount required to carry on the business at the location specified.
- (iii) **Exception.** Nothing in this article shall be construed as prohibiting the hand loading of small arms ammunition for private personal use and not for resale.

e. **Firearms.**

1. General Requirements.

(i) **Definitions.**

- (I) "*Dealer*" shall mean any person engaged in the business of selling firearms or ammunition at wholesale or retail; any person engaged in the business of repairing firearms or making or fitting special barrels, stocks, or trigger mechanism to firearms any person who is a pawnbroker.
- (II) "*Firearm*" shall mean a pistol, revolver, or other firearm of a size which may be concealed upon the person.

2. **Display and Storage.** Dealers shall not publicly display more than one model of any type of firearm. Display cases will be locked at all times when not guarded by the salesperson. Duplicate models shall be stored in an area on the premises that can be secured and is not in view of the public. At the close of each business day, all firearms shall be stored in a safe or locked storage container which is not in view of the public and which shall be approved by the Commissioner of Public Safety of the City of White Plains.

e. **Fireworks**

(1) General Requirements.

- (i) **Definitions.** Shall mean and include any combustible, or explosive composition, or any substance or combination of substances, or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, in which explosives are used, the type of balloons which required fire underneath to propel the same, or other devices of like construction and any devices containing any

explosive or flammable compound, or any tablets or other devices containing any explosive substances, except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of twenty-five hundredths (.25) of a grain of explosive content per cap manufactured in accordance with the DOT regulations for packing and shipping as provided therein, and toy pistols, toy canes, toy guns or other devices for use of such caps.

- (ii) **Manufacture, Sale and Storage Prohibited.** It shall be unlawful to manufacture, store or sell fireworks in The City of White Plains.

(2) **Use.**

- (i) It shall be unlawful to use, discharge, or cause to be discharged, ignited, fired or otherwise set in action any fireworks except as permitted by subdivision (ii) of this section.
- (ii) The Commissioner may issue a permit to a properly qualified person for giving a public display of fireworks in public parks or other open spaces.

Any person desiring to procure a permit for a public display of fireworks shall make written application to the Commissioner at least one week before the proposed display, giving the applicant's name, place of residence and age. Such application shall also state time and place at which it is proposed to give such public display, the name, address and experience of each person who is to discharge the fireworks, and the kinds, quantities and wholesale market value of the fireworks proposed for use. Such application shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths. Such application shall be accompanied by an insurance policy approved as to sufficiency by the Commissioner and as to form by the Corporation Counsel and conditioned for the payment to the city or any other person entitled thereto of any loss, damage or injury resulting to persons or property by reason of the discharge of use of such fireworks, regardless of negligence. Such application shall be accompanied also by an inspection fee of twenty-five dollars (\$25.00) dollars. The Commissioner, upon receipt of such application, policy and fee, shall make or cause to be made an inspection of the premises named in the application as the place where it is proposed to give the public display of fireworks, and if in the Commissioner's judgement, it would not be hazardous to surrounding property or dangerous to any person or persons to permit such public display at such location, the Commissioner shall approve such application. If such application is so approved, and it appears therefrom that the applicant is of legal age and that each of the persons who are to discharge the fireworks has had experience, the Commissioner shall issue a permit in writing to such applicant, to conduct such public display of fireworks. Such permit shall designate time and place at which the display is to be given, the kinds and quantities of fireworks to be used, and the distance to be preserved between the place of discharge and the bystanders and nearby buildings. No other kinds and not greater quantities of fireworks and no

less distance than those specified in the permit shall be used or permitted in such public display. In case it shall be impracticable to make the display at the time authorized in the permit, the Commissioner may authorize such display at another time, under the original application and policy, by certification on the permit, and without exacting another fee therefore.

- (3) **Disposal of Unfired Fireworks.** Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.
- (4) **Exceptions.** Nothing in this article shall be held to mean or include any small arms ammunition or shall be deemed to apply to the possession or use of signaling devices for current daily consumption by railroads or others requiring them, nor to the possession, sale or use of normal stocks of flashlight compositions by photographers or dealers in photographic supplies.
- (5) **Seizure of Fireworks.** The Chief shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held, in violation of this article.

e. **Material for Welding and Cutting.**

- (1) **Calcium Carbide Storage.**
 - (i) **Calcium Carbide and Acetylene Manufacture Prohibited.** It shall be unlawful to manufacture acetylene in The City of White Plains.

PART 6. FIRE SAFETY PRACTICES

a. **Fire Safety Safeguards.**

- (1) **Interior Protection.**
 - (i) **Handling Readily Combustible Materials.** No person making, using, storing or having in charge, or control of any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible waste materials shall not fail or neglect at the close of each day to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal or metal-lined, covered, receptacles or bins. The Commissioner may require suitable baling presses to be installed in stores, apartment buildings, factories and similar places where accumulations of paper and waste materials are not removed at least every second day.
 - (I) **Permit Required.** No person shall store in any building or upon any premises in excess of 2,500 cubic feet gross volume of combustible empty packing, cases, boxes barrels or similar containers, or rubber tires, or baled cotton, rubber or cork, or other similarly combustible material without a permit form the Commissioner.

- (II) **Storage Requirements.** Storage in buildings shall be orderly, shall not be within two feet of the ceiling, sprinkler head or girder whichever may be lowest, and not so located as to endanger exit from the building. Storage in the open shall not be more than twenty feet in height, and shall be at least fifty feet from the nearest building. All such storage shall be in a compact and orderly manner.

b. Miscellaneous Requirements.

- (1) **Additional Regulations.** It shall be unlawful to:
- (a) Remove switch box, fuse or junction box covers and leave exposed.
 - (b) Use improper fuses.
 - (c) Use extension cords over eight feet long.
 - (d) Use extension cords as lighting circuits.
 - (e) Store combustible materials near electric motors (minimum two feet).
 - (f) Operate electric motors that are in a dirty or hazardous condition.
 - (g) Use electrical fixtures which are defective or improperly installed.
 - (h) Use electric hot plates, glue pots, soldering irons, etc. on combustible surfaces.
 - (i) Pile or store combustible material against smoke pipes, flues furnaces, steam pipes, etc.
 - (j) Operate any furnace or other heating device with holes rusted through smoke pipes.
 - (k) Accumulate rubbish, newspaper, or flammable material in any assembly, educational, institutional, residential, mercantile office or industrial occupancies.
 - (l) Have exposed wood lath or exposed caused by breaks in plaster walls or ceiling.
 - (m) Have windows with broken ropes or chains opening into fire escapes, or windows that will not open.
 - (n) Have dumbwaiter shaft doors that are not self-closing.
 - (o) Have rubbish or flammable materials under stairs, bottom of elevator or dumbwaiter shafts, or stored in garages which are located under buildings.
 - (p) Operate kitchens with excess amount of grease around ranges, broilers, deep-fryers, or in hoods, exhaust ducts or fans.
 - (q) Leave oily waste, rags, or greasy material except in metal cans with metal covers.
 - (r) Obstruct any entrances, exit, exitway stairs, stair landings, aisle, passageway, hall or ramp.
 - (s) Lock any exit door during the hours when premises are occupied by persons who may have to use same in case of emergency.

- (t) Obstruct fire escapes with air conditioners, clothes lines, or by placing any material or object on or under same.
- (u) To block open any fire doors in basements, boiler rooms, refrigerator rooms, storage rooms, halls, fire towers, or passageways.
- (v) Have fire doors with fusible links for self-closing purposes that have not been properly installed or are not in proper working condition.
- (w) Store any combustible material or rubbish in boiler rooms or air conditioning machinery rooms.
- (x) Clean any articles or parts with flammable liquids in open containers.
- (y) Have an accumulation of paint pots, paint cans, paint rags, etc., in any assembly, educational, institutional, residential, mercantile, office, or industrial occupancies.
- (z) Have painters' drop cloths, linseed oil, turpentine, thinners, open cans of paint, paint brushes soaking in any flammable liquid, etc. except in an approved paint locker or approved storage room.
- (aa) Operate multiple residence laundries or laundry equipment when laundry rooms and dryers have an excess amount of lint and dust.
- (bb) Have or erect wood partitions in multiple residence basements.
- (cc) Have unsealed openings in chimneys.
- (dd) Store flammable material in open basements.
- (ee) Use for storage unused dumbwaiter shafts unless fire retarded with a one hour rating material.
- (ff) Use dumbwaiter shafts unless shafts are vented to the outside.
- (gg) Use coal or oil heaters without first fire protecting the wood floors under same and adjacent walls.
- (hh) Have loose excelsior, ribbon paper, or shredded newspaper in any assembly, educational, institutional, residential, mercantile, office, or industrial occupancies except in metal container with metal covers or metal lined bins with metal covered lids provided with a heat actuated releasing device, arranged to close the cover automatically in case of fire.
- (ii) Leave cock loft scuttle holes open.
- (jj) Tie-up electric wires on nails, pipes, etc.
- (kk) Fill, store, or transport Class I or II flammable liquids in glass bottles, jugs, or containers.
- (ll) Operate any steam boiler without safety guards on water gauge glass.
- (mm) Handle or store hazardous materials without notifying the Fire and Police Departments.

- (nn) No radio or television antenna or other wire suspended over a flat roof shall be erected less than eight feet clear above the roof so as to become a serious obstruction to the Fire Department.
- (oo) It shall be unlawful to attach a television antenna to plumbing Vent pipes extending through the roof.