

NEW YORK CITY FIRE DEPARTMENT

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Fire Department is proposing to amend two rules. One relates to Fire Department notice of violation, certification of correction and stipulation procedures. The other relates to consolidation of Administrative Code provisions for enforcement purposes.

When and where is the hearing? The Fire Department will hold a public hearing on the proposed rule. The public hearing will take place at 10:30 a.m. on Friday, March 14, 2014. The hearing will be in the Fire Department Auditorium at 9 MetroTech Center, Brooklyn, NY 11201.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the Fire Department through the NYC rules website at <http://rules.cityofnewyork.us>, or through the Fire Department's website at <http://www.nyc.gov/fdny> (use the "FDNY Rules" link).
- **Mail.** You can mail written comments to Code Revision Unit, Bureau of Legal Affairs, New York City Fire Department, 9 MetroTech Center, 4th Floor, Brooklyn, NY 11201.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak at the hearing. The time that you can speak may be limited.

Is there a deadline to submit written comments? Yes, you must submit written comments by Friday, March 14, 2014.

Do you need assistance to participate in the hearing? You must notify the Bureau of Legal Affairs if you need a sign language interpreter or other reasonable accommodation for a disability at the hearing. Write to us at the address above or telephone us at (718) 999-2040. You must notify us by Friday, February 28, 2014.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us>. A few days after the hearing, a record of the hearing and copies of the written comments will be available to the public at the Bureau of Legal Affairs.

What authorizes the Fire Department to make this rule? Sections 489 and 1043 of the New York City Charter and Section FC102.6.3 of the New York City Fire Code, Title 29 of Administrative Code of the City of New York, authorize the Fire Department to propose this rule. This proposed rule was not included in the Fire Department's regulatory agenda for this Fiscal Year because the need for it arose upon enactment of Local Law No. 148 of 2013 on December 30, 2013.

Where can I find the Fire Department rules? The Fire Department rules are codified in Title 3 of the Rules of the City of New York.

What rules govern the rulemaking process? The Fire Department must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made in accordance with the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule Amendments

The Fire Department is proposing to amend two Fire Department rules, 3 RCNY §109-01 entitled “Notice of Violation, Certification of Correction and Stipulation Procedures”, and 3 RCNY 109-02, entitled “Consolidation of Administrative Code Provisions For Enforcement Purposes.”

The amendments to 3 RCNY §109-01 are proposed to reflect the current unit within the Fire Department to which certificates of correction of violations should be directed.

The amendments to 3 RCNY §109-02 are proposed as a result of the enactment of Local Law No. 148 of 2013, which amended the New York Fire Code, effective March 30, 2014. The proposed amendments to Section 109-02 would apply to ECB Notices of Violation issued by the Fire Department with a date of occurrence on or after March 30, 2014.

The proposed amendments to Section 109-02 would incorporate the new or amended Fire Code section numbers into the rule and delete the section numbers that have been repealed or renumbered. In addition, the violation categories set forth in Section 109-02 are proposed to be amended as follows:

- Violation Category 5 is amended to limit its application to recordkeeping violations, with posting of permits moved to Violation Category 6 (“Signs, Postings, Notices and Instructions”);
- Violation Category 8 is amended to include storage of combustible material;
- Violation Category 9 is amended to include rooftop access; and
- Violation Category 30 is amended to include emergency preparedness for all buildings and occupancies subject to emergency preparedness requirements, not just office buildings, hotels and motels, and to include the preparation of an emergency preparedness plan (formerly referenced in Violation Category 19).

Terms used in the proposed rule that are defined in the Fire Code or elsewhere in the Fire Department’s rules are indicated by *italics*.

New material is underlined. Material to be deleted is in [brackets].

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

1. Subdivision (c) of §109-01 of Title 3 of the Rules of the City of New York is proposed to be amended as follows:

§ 109-01 Notice of Violation, Certification of Correction and Stipulation Procedures

* * *

(c) Certification of Correction of Violations

* * *

(3) The signed and notarized certificate of correction shall be directed to:

Administrative Enforcement Unit
Bureau of [Fire Prevention] Legal Affairs
New York City Fire Department
9 MetroTech Center
Brooklyn, NY 11201-3857

(4) The certificate of correction must be received by the Administrative Enforcement Unit of the Bureau of [Fire Prevention] Legal Affairs no later than the close of business on the 35th calendar day from the date of offense set forth on the notice of violation. Both the date of offense and the date for certification of correction are indicated on the face of the violation.

* * *

2. Section 109-02 of Title 3 of the Rules of the City of New York is proposed to be amended as follows:

§ 109-02 Consolidation of Administrative Code Provisions For Enforcement Purposes

(a) Scope. This section establishes violation categories for the purpose of enforcing the provisions of the New York City Fire Code (FC) (Title 29 of the Administrative Code); Title 15 of the Administrative Code (Fire Prevention and Control); the New York City Construction Codes (Title 28 of the Administrative Code); the *rules* promulgated by the Department and codified in Title 3 of the Rules of the City of New York (3 RCNY); and/or other laws, [*rule*] *rules* and regulations enforced by the *Department*. These violation categories will be cited by *Department* personnel in connection with the issuance of notices of violations returnable before the New York City Environmental Control Board, in lieu of citation to a particular code or *rule* section.

- (b) Violation Categories. The following violation categories are established for the aforementioned enforcement purposes:

Violation Category 1: Portable Fire Extinguishers and Fire Hoses

Failure to provide and/or maintain required portable fire extinguishers, fire hoses or other portable fire extinguishing devices, in violation of FC 303.5; [304.4;] 307.4; 307.5; [308.6;] 309.4; 309.7; 315.3; [316.5;] 317.5; 319.6; 603.3; 609.6; 901.4; [904.11;] 906.1; 906.2; 906.3; 1105.2[,]; 1105.3[,]; 1105.4[,]; 1105.5[,]; 1105.6[,]; 1107.7; 1110.6; 1208.4; 1407.3; 1415.1; 1417.3; 1418.1; 1504.4; 1504.5; [1504.6;] 1505.5; 1506.4; [1507.10] 1510.1; 1908.8; 1909.5; 2003.5; 2106.3; 2205.5; 2208.7; 2210.6; 2211.6; 2306.10; 2404.12; 2404.13; 2508.2; 2604.2; 2707.9; 2903.6; 2906.6; 3309.9; 3403.2; 3404.3; 3405.4; 3406.2; 3406.4; 3406.8; 3506.5; and 3808.2; Administrative Code section 28-103.1; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 2: Combustible Waste Containers

Failure to provide a required container for *combustible waste* and/or store *combustible waste* in a required container, in violation of FC 304.3; 310.6; 1404.2; 1503.4; 1509.3; [1511.8] 2204.1; 2210.5; 2211.2; 2903.1; and 4204.1; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 3: Permits

Failure to obtain, renew or otherwise possess a *Department permit* required for any material, operation or *facility* regulated by the Fire Code, in violation of FC105.6; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 4: Unlawful Quantity or Location of Regulated Material

Manufacturing, storing, *handling*, using, transporting, selling or possessing *hazardous materials*, combustible materials, or other materials regulated by the Fire Code in an amount in excess of the quantity authorized by *Department permit* and/or the quantity or location restrictions for such materials set forth in the Fire Code or the *rules*, in violation of FC 105.1; 303.7; 309.1; 313.3; 315.5; 1206.2; 1206.3; 1406.3; 1406.4; 1406.5; 2210.2; 2306; 2307; 2308; [2904; 2905;] 2703.1; 2703.11; 2706.6; 2806.2; 2806.3; 2806.4; 2806.5; 2904; 2905; 3404.3; 3404.4; 3405.3; 3504.1; 3504.2; [3507.3;] 3508.3; 3805.3; 3809.12; and 4204.1; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 5: [Posting of Permits and] Recordkeeping

Failure to [post a *permit* and/or] maintain and/or produce required recordkeeping, including records of inspections, tests, servicing, fire watch, emergency preparedness drills and other operations and maintenance, in violation of FC 105.3; 107.2; 107.7; 311.5; [316.5;] 317.5; 401.3.6.1 (incorporating by reference former FC 405.5); 401.4; 401.5; 401.7; 401.8; [405.5;] 604.3; 606.1; 606.14; 609.7; 901.6; 901.7; 901.9; 904.11; 906.2; 907.20; 909.1; 909.2; 910.2; 1106.5; 1201.4; 1205.4; 1408.1; [2201.9;] 2201.10; 2204.3; 2204.4; 2206.2; 2208.1; 2208.2; [2208.7;] 2209.1; 2210.3; 2603.5; 2604.3; 2707.5; 3008.8; 3303.2; and 3307.16; and/or such other Fire Code or *rule* sections as provide therefor.

Violation Category 6: Signs, Postings, Notices and Instructions

Failure to provide and/or maintain required signs, postings, notices, and/or instructions, in violation of FC 105.3; 310.3; 310.5; 316.2; 401.2; 401.3.6.1 (incorporating by reference former FC 408.8; 408.9; 408.11; 408.14); 401.6; 405.5; 406.2; [408.8; 408.9; 408.11; 408.14;] 410.4; 501.4; 503.2; [503.3; 503.7;] 504.4; 505.2; 505.5; [507.2;] 510.1; 605.3; 606.7; [606.9;] 607.2; [608.6;] 608.7; 609.3; [609.8;] 703.2; 903.5; 904.3; 904.8; 904.10; 904.11; 906.6; 907.19; 912.4; 1027.7; 1103.2; 1105.7; 1106.3; 1204.2; 1205.1; 1404.1; 1405.4; 1406.2; 1409.1; 1418.1; 1503.2; [1506.9;] 1507.4; 1510.6; 1607.1; 1703.3; 2107.1; 2204.1; 2204.2; [2204.3;] 2205.4; [2206.12;] 2208.1; 2208.8; 2209.1; 2210.5; 2210.6; 2211.8; 2305.3; 2404.6; 2603.6; 2609.3; 2609.5; 2703.5; 2703.6; 2703.7; 2703.11; 2704.3; 2906.5; 2906.6; 3003.2; 3008.8; 3304.6; 3307.3; 3307.13; 3403.5; 3404.2; 3404.3; 3405.4; 3406.2; 3406.4; 3406.8; 3503.1; 3705.3; 3807.2; 3903.3; 4003.3; 4006.2; 4006.6 and 4303.3; Administrative Code sections 28-103.1 and 15-127(c)(3); and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 7: Labels and Markings

Failure to provide and/or maintain a required and/or approved label, or other marking, in violation of FC 112.3; 309.1; 313.5; 504.4; 505.1; 505.3; 505.4; 510.4; 512.4; 603.6; 605.7; [606.9;] 609.3; 803.1; 803.2; [803.5;] 1403.1; 1406.2; 1606.1; 2107.2; 2206.7; 2208.2; 2211.5; 2211.8; 2404.2; 2703.5; 2703.7; 2803.2; 3003.2; 3203.4; [3203.4;] 3403.5; 3404.2; 3404.3; 3405.4; 3406.4; and 3704.2; [and 4106.1;] Administrative Code section 28-103.1; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 8: Storage, Accumulation and Removal of Combustible Material and Waste

[Failure] Storage of combustible material, failure to timely remove combustible waste from the *premises*, and/or allowing the accumulation of *combustible waste* and/or vegetation upon a *premises*, in violation of FC 304.1; 304.2; 307.5; 311.3; 311.5; 315; [316.5;] 317.5; 318.3; 319.3; [408.1;] 606.10; 1027.3; 1027.4; 1103.3; 1106.4; 1205.1; 1404.2; 1405.3; 1605.1; 2210.5; 2404.5; 2503.3; 2604.1; [2604.1] 2604.3; 2609.4;

2703.12; 2704.11; 2705.3; 2903.1; 3003.5; [3203.6;] 3204.3; 3304.7; 3404.4; 3406.2; 3504.2; 3604.3; 3807.3; 4203.2; and 4204.1; Administrative Code Section 28-103.1; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 9: Rooftop Access and Means of Egress

Failure to provide required rooftop access to, or required means of egress from, any premises or part thereof, free from obstructions or impediments, including unobstructed passage across the building parapet, unobstructed landing areas, and unobstructed clear paths, and overcrowding by reason of the presence of persons in locations that obstruct or impede egress, and/or failure to maintain rooftop access or means of egress, in violation of FC 315.2; 504; 801.6; 1001.2; 1027; [1207.2] 1411.1; 1411.2; [1504.1;] 1504.3; 2404.4; 2404.18; 2804.3; 3003.3; 3404.3; 3406.4; 3506.3; 3809.4; and 4203.3; Administrative Code section 28-103.1; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 10: Overcrowding

Failure to limit the number of persons in a *premises* or any part thereof, in violation of FC 107.6; 202; 403.2; and 1027.3; Administrative Code section 28-103.1; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 11: General Maintenance

Failure to maintain devices, equipment, systems, *facilities* or *premises*, or part thereof, in good working order (except as otherwise provided in Violation Categories 6[,] and 7[, 12, 13, 14, 15, 16 and 20]), in clean condition, or in compliance with other general maintenance or housekeeping requirements, in violation of FC 107.1; 304.1; 609; [904.11;] 1027.6; 1303.2; 1405.3; [2205.7;] 2211.2; and 3304.8; Administrative Code section 28-103.1; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 12: Fire Protection Systems

Failure to provide and/or maintain *fire protection systems*, including *sprinkler systems* and other *fire extinguishing systems, standpipe systems, fire pumps, fire alarm systems*, and/or other devices, and equipment associated with *fire protection systems*, or to prevent *unnecessary alarms* and *unwarranted alarms*, in violation of FC 901.6; 901.7; 901.9; 903.5; 903.6; 904.5; 904.6; 904.7; 904.8; 904.9; 904.10; 904.12; 904.13; 905.12; 907.20; 908.10; 909.1; 909.2; 910.2; [910.5;] 912.6; 913.5; 914.2; and 3406.4; Administrative Code section 28-103.1; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 13: Flame-Resistant Materials

Failure to provide and/or maintain *flame-resistant materials*, in violation of FC 306.3; 805; 2404.2; and 2706.11; Administrative Code section 28-103.1; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 14: Fire-Rated Doors and Windows

Failure to provide, protect and/or maintain a required door or window, including fire-rated doors, self-closing doors, access doors, or fire-rated glass, in violation of FC 703.2; 703.4; 2306.6; 2604.1; and 2804.6; Administrative Code section 28-103.1; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 15: Fire-Rated Construction

Failure to provide and/or maintain required fire-rated construction, including walls and other partitions, in violation of FC [304.4;] 311.2; 311.5; 315.2; 703.1; 1404.8; 1803.14; 2306.3; 2604.1; 2706.6; 2904; and 3006.2; Administrative Code section 28-103.1; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 16: Ventilation

Failure to provide and/or maintain required and/or approved natural or mechanical ventilation, including required devices, equipment or systems, in violation of FC 309.1; 309.3; [608.5;] 608.6; 609; 904.11; 1204.2; 1205.2; 1205.3; 1405.2; [1504.1;] 1504.2; 1504.3; 1504.4; 1504.5; [1505.2;] 1505.3; 1505.4; 1506.3; [1506.10;] 1507.3; [1507.4;] 1509.2; [1510.3;] 1510.5; [1511.5;] 1803.14; 2005.5; 2211.4; 2211.7; 3006.2; 3007.2; 3008.5; 3404; 3405; 3406; 3506.3; and 3803.2; Administrative Code section 28-103.1; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 17: Certificates of Fitness and Certificates of Qualification

Failure to obtain and/or produce a *certificate of fitness* and/or *certificate of qualification* for the supervision and/or operation of materials, operations and/or *facilities*, in violation of FC 303.4; 306.2; 307.6; 313.5; [316.3;] 317.3; 401.3; 401.3.6.1 (incorporating by reference former FC 401.6; 401.7; 403.1); 401.4; 401.5; [401.6; 401.7;] 403.1; 404.3; 405.3; 405.4; 407.2; 407.3; 601.4; 603.1; 606.1; 609.4; 801.7; 901.6; 901.7; 905.1; 914.3; 1110.6; 1201.4; 1403.6; 1404.5; 1406.2; 1408.1; 1418.1; 1501.4; 1701.4; 2201.7; 2201.8; 2211.1; 2404.20; 2603.4; 2604.2; 2706.4; 2707.7; 2801.3; 2906.4; 2906.8; 3001.4; 3101.4; 3201.4; 3301.5; 3401.6; 3406.2; 3406.4; 3501.4; 3510.3; 3601.4; 3701.5; 3801.5; 3901.5; 4001.4; 4101.5; 4201.5; 4301.5; and 4401.5; Administrative Code section 28-103.1; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 18: Certificates of Approval, Certificates of License and Company Certificates

Failure to obtain and/or produce a *certificate of approval*, *certificate of license* or company certificate, in violation of FC 801.8; 901.4; 901.6; 1025.5; 1501.5; [1504.1;] 1701.4; [2201.8;] 2201.9; 2601.7; 3301.5; [and] 3401.8; and 3507.3; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 19: Affidavits, Design and Installation Documents and Other Documentation

Failure to prepare, produce, file with the *Department* and/or submit for Department approval affidavits, applications, certifications, *design and installation documents* and/or other required documentation, in violation of FC 105.2; 105.3; 105.4; [404.2;] 407.4; [606.1; 2206.2;] 2703.4; and 3406.4; Administrative Code section 28-103.1; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 20: Inspection and Testing

Failure to conduct a required initial or periodic inspection or test of any device, equipment, system, *facility* or *premises*, in violation of FC 105.4; [401.8;] 508.4; 508.5; 511.2; 604.4; 606.6; 903.5; 903.6; 904.1; 904.11; 905.12; 912.6; 913.5; 1106.19; 1107.6; 2206.9; 3403.6; 3404.2; and 3406.4; Administrative Code section 28-103.1; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 21: Portable Containers

Failure to provide or use a required *container*, in violation of FC 2204.1; [2204.4;] 2210.3; 3003.1; 3203.1; 3404.3; [and] 3405.2; and 3406.2; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 22: Stationary Tanks

Failure to provide a required *stationary tank* storage system, including aboveground or underground flammable or combustible liquid storage tank systems, and devices and equipment associated with such systems, in violation of FC 1207.3; 2009.2; 2206.2; and 3404; Administrative Code section 28-103.1; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 23: Storage Facilities

Failure to provide a required storage facility, including storage cabinets, enclosures, rooms or vaults, in violation of FC 609.2; [904.11] 1406.3; 1406.4; 2703.8; 2706.8; 2904; 3003.5; 3104; 3404.3; 3504; 3604; 3703; 3809; 3904; 4004; 4104; 4204; 4304; and 4404; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 24: Racks and Shelf Storage

Failure to provide required racks and shelf storage, and/or failure to store *hazardous materials, commodities* or other goods thereupon in an approved manner, in violation of FC 2307; 2308; and 3404.3; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 25: Electrical Hazards

Failure to provide and/or maintain required electrical devices and/or equipment (except as otherwise provided in Violation Category 27 for electrical lighting hazards), and/or allow electrical hazards to exist, in any *facility* or *premises*, in violation of FC 603.1; 604.1; 605; 606.15; 804.3; [804.4;] 904.3; 1106.3; 1106.5; 1204.2; 1404.7; 1503.2; [1504.1;] 1504.4; 1504.5; [1504.7;] 1505.7; [1505.10; 1506.2;] 1506.4; [1507.3;] 1510.3; [1510.5;] 1604.2; 1703.2; 2004; 2005.6; 2201.5; 2204.1; [2204.7;] 2208.1; 2208.8; 2209.2; 2211.3; 2211.8; 2606; 2703.8; 2704.7; 2705.1; 3003.6; 3008.5; 3203.6; [3203.7;] 3403.1; 3405.3; 3406.5; 3406.8; 3504.2; 3704.2; 3809.14; [3809.15;] 3904.1; and 3904.2; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 26: Heating and Refrigerating Equipment and Systems

Failure to provide and/or maintain required heating and/or *refrigerating systems* and/or devices and equipment associated with such equipment or systems, in violation of FC 313.6; 315.2; [315.2.3;] 603.5; 605.10; 606.5; 606.8; 606.9; 606.11; 606.12; 908.6; 1204.2; [1204.2.2;] 1303.1; 1403.5 1503.2; 1504.3; [1504.7] 2005.6; 2201.6; 2210.2; 2404.15; 3304.6; 3405.3; 3406.4; and 4204.4; Administrative Code section 28-103.1; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 27: Electrical Lighting Hazards

Failure to provide and/or maintain required lighting devices or equipment and/or protection therefor, in violation of FC 605.2; 605.9; 605.11; 1504.3; [1504.5;] 1604.4; 2404.9; 2705.1; 3203.10; [3203.11;]and 4203.4; Administrative Code section 28-103.1; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 28: Open Fires, Open Flames and Sparks

Causing or allowing an *open fire, open flame* or sparking device or equipment to be built, kindled, lit, maintained, operated or used, and/or failure to provide protection therefor, in violation of FC 307.1; 307.5; 307.6; 308; 309.1; 309.5; 309.6; [316.2;] 317.2; 319.3; 804.3; [904.11;] 1104.6; 1106.10; 1303.1; 1404.3; 1503.2; 1606.2; 1703.2; 2003.6; 2005.6; 2204.1; [2204.7;] 2208.1; [2208.7;] 2210.5; 2504.1; 2604; 2605.5; 2703.7; 2904.6; 3304.7; and 3309.11; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 29: Designated Handling and Use Rooms or Areas

Failure to provide a required room or area for *handling* and/or use of materials, operations or other activity regulated by the Fire Code, in violation of FC 310.2; [1504.1; 1504.1; 1504.1;] 1504.2; 1504.5; 2601.3; 2705; 3105.1; 3405.3; [3405.3;] 3505.1; 3605.1; 3703; 3905.1; 4005.1; 4105.1; 4204.1; 4305.1; and 4405.1; and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

Violation Category 30: [Fire Safety in Office Buildings, Hotels and Motels] Emergency Planning and Preparedness

Failure to comply with [the fire safety requirements for *office buildings*, hotels and/or motels] emergency planning and preparedness requirements (except as otherwise provided in Violation Categories 5, 6 and 17), in violation of FC [401.8 and 404] Chapter 4, including 401.3.6.1 (incorporating by reference former FC 404); and/or such other Fire Code, Administrative Code, or *rule* sections as provide therefor.

109-02 (1/30/14)

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Fire Code Conforming Amendments

REFERENCE NUMBER: FDNY-1

RULEMAKING AGENCY: FDNY

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

January 31, 2014
Date

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Fire Code Conforming Amendments

REFERENCE NUMBER: 2014 RG 002

RULEMAKING AGENCY: New York City Fire Department

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: January 31, 2014