

TOWN OF NORTH CASTLE

Local Law No. ____ For the Year 2011

A local law to amend Chapter 107 (Fire Prevention) of the Town of North Castle to require installation of sprinklers in all new residential and commercial buildings.

Section 1. Create a new Section 107-6 as follows:

ARTICLE III

§ 107-6. Sprinkler requirements.

A. Installation of a sprinkler system is hereby required:

- (1) In all occupied buildings, including but not limited to all new residential and commercial buildings for which building permits are issued on or after the effective date of this section.
- (2) In all existing buildings used for nonresidential purposes for which a certificate of occupancy is required at the time of a change of use, whether or not a building permit is required, if the Building Inspector, in consultation with the Town Fire Marshal, determines that the change of use would result in a more intensive use or increased occupancy creating a greater potential risk of loss, injury or damage in the event of a fire.

Such systems shall be designed and installed in accordance with the standards of the National Fire Protection Association and such systems shall be comprised of equipment listed and approved by Factory Mutual, Underwriter Laboratories Inc. or other nationally recognized approval organization as may be approved by the Town Fire Marshal.

B. No building permit shall be issued for the construction of any occupied building or alteration or restoration of any portion thereof or addition thereto, which construction, alteration or restoration calls for an increase in the floor area of such building as described in the following table, unless the plans and specifications for the alteration or restoration incorporate a sprinkler system for that new portion of the building complying with the provisions of this section and are signed and sealed with respect to such sprinkler system by a New York State Registered Engineer:

| Gross Floor Area of Building | Threshold for Sprinkler Installation |
|------------------------------|---|
| 3,000 square feet and less | 50% construction, alteration or restoration |
| 3,001-5,000 square feet | 40% construction, alteration or restoration |
| 5,001-7,000 square feet | 25% construction, alteration or restoration |
| 7,001 square feet and larger | 20% construction, alteration or restoration |

In the case of repairs of damage from fire, storm or other act of God resulting in structural damage to any building to the extent of 50% or more a sprinkler system shall be required for the entire structure, if insurance allows.

- C. No certificate of occupancy shall be issued for occupancy or use of any building, structure or portion thereof required to have a sprinkler system pursuant to this chapter unless such system is installed, inspected, tested, approved and certified by a New York State licensed professional engineer or licensed architect that the installation complies with the plans which were submitted.
- ~~D. Exception. Sprinklers shall not be required to be installed in spaces where the discharge of water would be hazardous as determined by the Town Fire Marshal. Applications for exception shall be made, in writing, to the Fire Marshal with copies filed with the Building Inspector. All determinations of the Fire Marshal made hereunder shall be in writing and shall be mailed to the applicant and filed with the Building Inspector. In such places, other approved fire extinguishing equipment should be provided, as approved by the Fire Marshal of the Town of North Castle. In addition, the provisions of this chapter shall not apply to the extent existing state law exempts premanufactured housing.~~
- E. Application for variances from the strict application of this chapter shall be made to the Zoning Board of Appeals pursuant to the following procedures:
 - (1) Grounds for appeal. The grounds for such appeal shall consist of:
 - (a) Economic hardship.
 - (b) Inability to achieve a valid state or federal policy.
 - (c) Physical or legal impossibility.
 - (d) The intended objective of the regulation cannot be met without a variance.
 - (e) Compliance with the regulation is unnecessary as there is a more viable alternative.

- (2) Time to file appeal. The time in which to file an appeal under this chapter shall be no more than 90 days from the date of the determination as to the necessity for the installation of a sprinkler system.
- (3) Pursuant to Town Law § 267, Subdivision 5, the Zoning Board of Appeals shall decide such appeal within 60 days after the date of the final hearing. However, failure to render a decision within said time period shall not be deemed an approval of the application.
- (4) Pursuant to all other procedures set forth in Town Code §§ 213-66 and 213-67.

Section 2. Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

Section 3. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

Section 4. Filing.

This Local Law shall be filed with the Secretary of State of the State of New York.

Section 5. Effective Date.

This Local Law shall be effective ninety (90) days subsequent to receipt of approval of said local law by the New York State Fire Prevention and Building Code Council.

Dated: _____, 2011