



NY Fire Consultants, Inc. Fire Safety Message

New York City Steam Explosion July 18, 2007



How many buildings activated their Emergency Action Plan? **Answer** not many or none. A steam explosion is a non-fire emergency. This incident is exactly what an Emergency Action Plan is designed for. So why didn't the buildings in the area surrounding the steam explosion activate the buildings Emergency Action Plan. One reason is the building's staff is not training to the level they should be. Another reason the buildings do not have an Emergency Action Plan. As of the 1st of January this year all office buildings are **required by law** to have an Emergency Action Plan. Less than half of the office buildings in New York City have complied with the current EAP law.



If the Emergency Action Plan was implemented the building's Fire Safety/EAP Director would not have let their occupants run into the street to be cut by falling glass.



Top 25 Department of Buildings Violations

Part II (#9 to #17)

ECB Definitions

Cure: If you are a first time offender, and the violation is considered non-hazardous, you are generally given 35 days from the date the violation is issued to certify correction, avoid having to attend a hearing or pay a penalty. A cure is an admission of guilt.

Hazardous: Hazardous determinations are made by the Inspector. These violations cannot be cured and require attendance at a hearing.

Infraction Code: This is used to identify the specific infraction cited by the Department of Buildings inspection unit. It is also known as Violation (computer) Code or Computer Number. There is at least one Violation Code for every violation code section cited.

Section of Law: This is the Building Code or Zoning Resolution section cited on the violation.

Violation Description: This description includes detailed information on the violating condition(s) as well as specific locations and conditions.

Remedy: These are suggestions to correct the violation. Violations will often contain additional specific remedies. These are suggested remedies, not the only possible remedies.

Stipulation: For selected non-hazardous violations, a stipulation may be offered by mail or at the first hearing.

Penalty: This is the board approved penalty imposed for a first time offense violations. ECB penalties can be different depending on the violation charged and when correction is made.

Mitigated Penalty: This is the reduced penalty (generally, one half) imposed for a first offense violation for which satisfactory evidence of compliance has been submitted and approved by the first scheduled hearing date. In some second offense cases a mitigation penalty also may be available.

Default Penalty: This is the penalty imposed by ECB for the failure to appear for a first offense violation.

2nd Offense Penalty: This is the board approved penalty imposed for a second or multiple offense violation for the same condition.

2nd Offense Default Penalty: This is the penalty imposed by ECB for the failure to appear for a second or multiple offense violation.

#9

Code	Provision	Description
B05	27-147	Work without a permit: expired permit

Provision of Law: §27-147 - When permits required.- No building construction or alteration work, foundation or earthwork, demolition or removal work, or plumbing work shall be commenced, and no signs or service equipment of the types listed in articles sixteen and seventeen of this subchapter shall be erected, installed, altered, repaired, or used, nor shall any service equipment of the types listed in article eighteen of this subchapter be used or operated, unless and until a written permit therefore shall have been issued by the commissioner. The provisions of this section shall not apply, however, to minor alterations and ordinary repairs, as defined and delineated in article five of this subchapter or to work or equipment exempted from permit requirements under the provisions of sections 27-176, 27-179, 27-184, and 27-189 of this subchapter.



Background: Construction inspectors issue this violation when an application has been filed and a permit has been issued but has expired. This violation is issued either as a result of a complaint, as a result of a scheduled inspection for an application, as part of a "sweep" of potential expired permits or as part of a review of previously issued violations. In general permits are issued for one year and can be renewed for a fee. No work can be conducted when a permit is expired. The inspector will often include the permit or application number as part of the violation.

Certification Criteria: The violation can be "Cured" if a hearing has not yet been held and it is considered "non-hazardous". A Certificate of Correction must be submitted along with a copy of the renewed permit. Evidence of the payment of imposed civil penalties must also be submitted.

#10

Code	Provision	Description
B25	27-201	Work does not conform to approved plans

Provision of Law: § 27-201 Compliance with application, plans, etc - All work shall conform to the approved application and accompanying plans and papers, and any approved amendments thereto.

Background: Construction inspectors issue this violation when the condition at the location does not match what is in the application (drawings, etc). This violation is issued either as a result of a complaint, as a result of a scheduled inspection for an application, as part of a "sweep" or as part of a review of previously issued violations. No work can be conducted that is not included in the approved plans and application. The inspector will often include the current permit or application number as a reference for the violation.

Certification Criteria: The violation can be "Cured" since this considered a "non-hazardous" violation. A Certificate of Correction must be submitted along with a copy of the revised or new permit and plans indicating the cited violating conditions. An approved Post Approval Amendment (PAA) or the submission of plans reflecting the condition are acceptable. A statement indicating the removal of the described work is also acceptable.

#11

Code	Provision	Description
B7A	27-127	Failure to maintain building: Interior -Hazardous

Provision of Law: §27-127 Maintenance requirements - All buildings and all parts thereof shall be maintained in a safe condition. All service equipment, means of egress, devices, and safeguards that are required in a building by the provisions of this code or other applicable laws or regulations, or that were required by law when the building was erected, altered, or repaired, shall be maintained in good working order.

Background: Inspectors in the Construction Division issue this type of violation. This violation is issued either as a result of a complaint, as a result of a scheduled inspection for an application, or as part of a review of previously issued violations. The violation is used when any part of the interior of a building is not in a safe condition. Similar to (Code B07), 27-127 except that the inspector has determined these conditions are hazardous. Hazardous determinations include: variations from plans that significantly diminish structural stability, fire rating, fire suppression, or means of egress and general construction safety and unsafe site conditions that cannot be immediately corrected.

Owner responsibility: - mandates that the owner is responsible at all times for the safe maintenance of the building and its facilities.

Certification Criteria: The violation cannot be "Cured" since it this has been determined to be a "hazardous" violation. If you receive this violation you must attend your hearing. A Certificate of Correction must be submitted along with a notarized statement by the owner or responsible party along with any bills, receipts, statements, photographs reflecting that all conditions have been corrected. If the violation indicates the submission of a statement New York State licensed Architect or Professional Engineer reflecting the correction of the hazardous condition, the Administrative Enforcement Unit would also require that submission for acceptance of the Certification.



#12

Code	Provision	Description
B5C	27-####	Miscellaneous construction violations

Provision of Law: - Note the provision of law on the violation and review the related Building Code or Zoning Resolution section online.

Background: Inspectors in the Construction Division issue this type of violation. This violation is issued either as a result of a complaint, as a result of a scheduled inspection for an application, or as part of a review of previously issued violations. The inspectors typical use the B5C infraction code followed by any section of law when there is no other computer infraction code known or available.

Certification Criteria: The violation can be "Cured" since it has been determined to be a "non- hazardous" violation provided a hearing has not been held and it is not mark as a second offense. A Certificate of Correction must be submitted along with a notarized statement by the owner or responsible party along with any bills, receipts, statements, photographs reflecting that all conditions have been corrected. Specific observed conditions would require specific remedies.

#13

Code	Provision	Description
B03	27-217	Occupancy contrary to that allowed by the C of O or Building Department records.

Provision of Law: §27-217 - Change of occupancy or use.-

(a) No change shall be made in the occupancy or use of an existing building which is inconsistent with the last issued certificate of occupancy for such building, or which would bring it under some special provision of this code or other applicable law or regulation, unless a new certificate of occupancy is issued by the commissioner certifying that such building or part thereof conform to all of the applicable provisions of this code and all other applicable laws and regulations for the proposed new occupancy or use.

(b) Except as provided by law, a new certificate of occupancy shall not be required where the change of use is within the same use group as listed in the amended zoning resolution. Where a building exceeds three stories in height and the change does not exceed twenty percent of the total floor area, an amendment to the existing certificate of occupancy for such new use shall be issued by the commissioner certifying that the proposed new occupancy and use conforms to the provisions of the laws governing building construction and that the proposed use will not be in conflict with any provisions of the labor law, multiple dwelling law or the zoning resolution.

Background: Inspectors in the Construction Division issue this type of violation. This violation is issued either as a result of a complaint, as a result of a scheduled inspection for an application, or as part of a review of previously issued violations. The violation is used when an inspector observes that any part of the building is being occupied contrary to the current Certificate of Occupancy ("C of O") or other Department records. The C of O is the key document issued by the Department of Buildings and is used to certify the legal use and occupancy of a building. If planned construction is creating a new building, or will result in a change of use, egress, or occupancy to an existing building a new or amended Certificate of Occupancy is necessary. The Certificate of Occupancy will be issued when the completed work complies with the submitted plans and applicable laws, all paperwork is completed, all necessary approvals have been obtained from other appropriate City agencies, all fees owed to the Department are paid, and all relevant violations are resolved. A new building cannot be legally occupied until a C of O has been issued.

If a building was constructed before 1938 and there has been no change in use or additions to the property, it may not have a C of O. If you require proof of the legal use of a building that does not have a C of O, you must obtain a "Letter of No Objection" from the Department of Buildings' borough office where the property is located (see OPPN 2/98 for fee).

Certification Criteria: The violation can be "Cured" since it this has been determined to be a "non- hazardous" violation. A Certificate of Correction must be submitted along with a notarized statement by the owner or responsible party along with any

bills, receipts, statements, photographs reflecting that all conditions have been corrected or submit a copy of a new/alterd Certificate of Occupancy authorizing the observed use cited in the violation.

Beware!

Not renewing your NYC Certificates and Permits will provide City inspectors with an opportunity to pay your building a visit.

The fine for a "failure to renew" violation will cost you, for a first time offense, at least \$250 - \$500. The subsequent inspections may cost you much more. In our experience it is rare for an inspector to issue only 1 violation during a visit, if one is found, multiple violations are usually issued. This can add up to significant penalties! The key is to not give an inspector a reason to visit. Keep your building's registrations up to date.

We found help, and so have some of the largest NYC Real Estate management firms. It's a company called Cityfile, Their tools are designed specifically for buildings within the 5 boroughs of NYC. Cityfile helps you organize, track, maintain, educate your staff on all your building compliance requirements and ensures your building is up to date with all City and State regulations. Cityfile's multi tiered user access levels allows for: Owners, Administrators, Property Managers, Superintendents... anyone to receive alerts 90, 60 and/or 30 days prior to pending expirations, creating a support safely net within your organization.

Best of all, a Cityfile representative will populate your current data into their website, where all data is available 24/7. Don't give City Inspectors an excuse to inspect your building, let them go to the building next door.

We at NY Fire Consultants suggest you call Cityfile today at (212)732-2300 to schedule a fifteen minute presentation, it will be well worth your time.

#14

Code	Provision	Description
BH3	27-147	Work without a permit - hazardous.

Provision of Law: §27-147 - When permits required.- No building construction or alteration work, foundation or earthwork, demolition or removal work, or plumbing work shall be commenced, and no signs or service equipment of the types listed in articles sixteen and seventeen of this subchapter shall be erected, installed, altered, repaired, or used, nor shall any service equipment of the types listed in article eighteen of this

subchapter be used or operated, unless and until a written permit therefore shall have been issued by the commissioner. The provisions of this section shall not apply, however, to minor alterations and ordinary repairs, as defined and delineated in article five of this subchapter or to work or equipment exempted from permit requirements under the provisions of sections 27-176, 27-179, 27-184, and 27-189 of this subchapter.



Background: Inspectors in the Buildings Department Construction Divisions' issue this type of violation. This violation is issued either as a result of a complaint, as a result of a scheduled inspection for an application, or as part of a review of previously issued violations. As a result it is the most common type of all Buildings Department violations adjudicated at the Environmental Control Board.

Certification Criteria: The violation cannot be "Cured" since it is considered a "hazardous violation". To certify correction of this violation it is important that the Respondent review ALL of the conditions cited in the violation description. The violation description may reflect multiple conditions requiring multiple permits and the imposition of civil penalties. Submit a Certificate of Correction along with all permits (and evidence of payment of civil penalties). The remedies for this violation are the same as (Code B04) 27-147 with the exception that all statements reflecting the correction of "hazardous" conditions must be notarized.

#15

Code	Provision	Description
BP8	27-987	Failure to maintain elevator-hazardous

Provision of Law: § 27-987 General requirements.- All of the equipment listed in section 27-982 of this article shall be designed, constructed, altered and maintained as required by the provisions of this subchapter and reference standard RS-18. No piping or ductwork of any kind shall be permitted within hoistway or elevator enclosures except (i) as may be required for the elevator installation and (ii) low voltage wiring required or permitted by subchapter seventeen of this chapter provided that such wiring shall be protected within the hoistway or elevator enclosures in accordance therewith.

(a) Construction equipment. - Except for workers' hoists the provisions of this subchapter shall not apply to materials hoisting equipment for temporary construction use. For such equipment, the requirements of subchapter nineteen of this chapter shall apply.

(b) Portable equipment. - The provisions of this subchapter shall not apply to portable elevating devices used to handle materials only except as specifically provided in reference standard RS 18-5.

*** (c) Fire protection and impact resistance.-

(1) Fire protection.- The fire resistance rating of hoistway enclosures shall be two hours and for hoistway doors and door assemblies the fire protection shall be one and one-half hours subject to the test procedures of subchapter five of this chapter.

(2) (a) vertical conveyors passing through floors shall be fire protected as required for shafts in subchapter five of this chapter.

(b) inclined conveyors passing through floors shall be fire protected as required in reference standard 18-1 for escalators which are not a required means of egress.

(c) horizontal conveyors passing through vertical fire divisions shall be fire protected as required in subchapter five of this chapter.

(2) Impact resistance. - Elevator enclosures serving occupancy group E spaces (office spaces) in high rise buildings constructed pursuant to applications filed on or after July 1, 2006, shall comply with rules to be promulgated by the commissioner establishing minimum impact resistance standards. Such rules shall permit compliance with assemblies comprising approved reinforced construction boards affixed onto stud framing. The commissioner shall promulgate such rules on or before January 1, 2006.

(d) Elevators required. - For provisions designating buildings in which elevators are required, see subdivision (c) of section 27-372 of article five of subchapter six of this chapter.

(e) Elevator mirrors. - In all multiple dwellings in which there are one or more self-service passenger elevators, there shall, pursuant to such regulations as the

commissioner shall prescribe, be affixed and maintained in each such elevator a mirror which will enable persons prior to entering into such elevator to view the inside thereof to determine whether any person is in such elevator.

(f) Emergency signal equipment.- Elevators, other than private residence elevators, that are operated at any time without a designated operator in the car, shall be provided with emergency signal equipment in accordance with the requirements of reference standard RS 18-1 .

(g) Elevators and escalators as exits. - Elevators shall not be accepted as a required means of egress. Elevators shall not be installed in a common enclosure with a stairway. Escalators shall be accepted as equivalent to stairs when they comply with the requirements of section 27-378 of article five of subchapter six of this chapter.

(h) Car switch operation. - Elevators with car switch operation shall be provided with a signal system by means of which signals can be given from any landing whenever the elevator is desired at that landing.

(i) Electrical requirements. - All electric work shall conform to the electrical code of the city of New York.



***Local Law 26-2004.

Background: Inspectors in the Buildings Elevator Division issue this type of violation. This violation is issued either as a result of a complaint, as a result of a scheduled inspection for an application, a periodic inspection or as part of a review of previously issued violations. It is the most common type of all Buildings Department Environmental Control Board elevator violations issued by inspectors.

Certification Criteria: The violation cannot be "Cured" because it is a hazardous violation. After a hearing a Certificate of Correction must be submitted along with a statement on an Elevator Repair company letterhead indicating the correction of every elevator part denoted on the violation. Each elevator violation has an Elevator Part that is linked to a corresponding Elevator Condition and a Suggested Remedy by reading down the column.

#16

Code	Provision	Description
B43	27-21009(c)	Failure to post contractors sign

Provision of Law: §27-1009 General requirements - (c) At a height of no more than twelve feet above ground and on each perimeter of a construction site fronting on a public thoroughfare, a sign shall be erected no more than twenty-five square feet in size which shall bear in letters no less than six inches high, the name, address and telephone number of the owner of the property, and the name, address and telephone number of the general contractor.

§ 27-04 311 Advisory Signs Required on Construction Sites. (a) Applicability. Pursuant to subdivision (a) of Section 27-1009 of the Administrative Code, at least one sign shall be placed at any site of construction for which a New Building or Demolition permit is required. Such sign(s) shall contain the words "TO ANONYMOUSLY REPORT UNSAFE CONDITIONS AT THIS WORK SITE, CALL 311 (referred to herein as a "311 advisory sign") in both English and Spanish. (b) Location. 311 advisory signs shall be placed at a height no more than twelve feet above ground and shall be prominently placed on each perimeter of a construction site fronting on a public thoroughfare. (c) Visibility. The letters on 311 advisory signs shall be black on white background and be no less than six inches high.

Background: Inspectors in our Construction Divisions issue this type of violation. This violation is issued either as a result of a complaint, as a result of a scheduled inspection for an application, as part of a "sweep" or as part of a review of previously issued violations. The referenced section applies to a specific safeguard that is

applied to construction operations. Construction operations includes: excavation, erection, alteration, repair, removal and demolition as related to buildings. Other possible safeguards include: inspections of equipment and devices, sizes and stresses of materials, fire protection (standpipes, temporary elevators, etc), professional technical drawings at construction sites, sheds, chutes, fencing, removal of materials, grading, protection for adjoining property, etc. See Safety of Public and Property During Construction Operations) Signs required as part of the Site Safety program must also include the BEST contact information (see §26-01 Filing of Site Safety Programs and Designation of Site Safety Managers).

Certification Criteria: The violation can be "Cured" if the hearing has not yet been held since this considered a "non-hazardous" violation. A Certificate of Correction must be submitted along with a notarized statement by the owner or responsible party along with any bills, receipts, statements, photographs or a construction permit sign-off reflecting that all conditions have been corrected.

#17

Code	Provision	Description
B54	ZR 22-00	Illegal use in a residential district

Provision of Law: § ZR 22-00 GENERAL PROVISIONS - In order to carry out the purposes and provisions of this Resolution, the uses of buildings or other structures and of tracts of land have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group. Use Groups 1, 2, 3 and 4, including each use listed separately therein, are permitted in Residence Districts as indicated in Sections 22-11 to 22-14, inclusive. The following chart sets forth the Use Groups permitted in the Residence Districts.

(See Zoning Resolution for Use Groups Permitted in Residence District)

Whenever a use is specifically listed in a Use Group and also could be construed to be incorporated within a more inclusive use listing, either in the same or another Use Group, the more specific listing shall control. The uses listed in the various Use Groups set forth in Sections 22-11 to 22-14, inclusive, are also listed in alphabetical order in the Index at the end of this Resolution for the convenience of those using this Resolution. Whenever there is any difference in meaning or implication between the text of these Use Groups and the text of the Index, the text of these Use Groups shall prevail. Special regulations applying in the waterfront area are set forth in Article VI, Chapter 2. In R10H Districts, an eating or drinking establishment, permitted pursuant to Section 72-21 (Findings Required for Variances), that operates a sidewalk cafe pursuant to the provisions of Article I, Chapter 4, may be enlarged into any open area that may exist between the street wall and the street line.

Background: Inspectors in our Construction Divisions issue this type of violation. This violation is issued either as a result of a complaint, as a result of a scheduled inspection for an application, as part of a "sweep" or as part of a review of previously issued violations. The referenced section applies to the Article II: Residence District Regulations Chapter 2 - Use Regulations of the New York City Zoning Resolution. Typically violations for this provision reflect the storage of automobiles in a residential district. Zoning maps are available online at City Planning and may provide additional information. In most zoning districts, parking spaces must be at least 8.5 feet wide and 18.5 feet deep, and must be fully within the property lines. No portion may extend over the legal street or sidewalk. In most zoning districts, parking spaces are allowed only in the side or rear yards. There are some exceptions where front parking spaces are allowed. Consult with the Department of City Planning for specific zoning requirements. Identifying the number of legal parking spaces permitted is also part of the application and Certificate of Occupancy process.

Certification Criteria: This violation can be "Cured" since it is considered "non-hazardous" provided it is not marked as a second offense. A Certificate of Correction must be submitted along with a notarized statement by the owner or responsible party along with any bills, receipts, statements, photographs reflecting that all conditions have been corrected. Provide a copy of an amended or new Certificate of Occupancy reflecting the legalization of cited use or submit current valid registration and license plate information for the vehicles cited in the NOV.

NY Fire Consultants

Some of the largest and most prestigious property Management Firms in New York City uses our service. When you don't use our service you loose productivity from an employee or yourself. Time away from your office or building is money lost. Sitting in an overcrowded Environmental Control Board violation hearing room is time lost that will never be recovered. Paying exorbitant attorneys fees, are you really saving anything? We can and will save you money. If you use our inspection service you may even save a life. We guarantee we will get you the lowest allowable fine on all Fire Department violations. We can completely clear your record of all violations past or present. You must provide us with all necessary documentation to show compliance. We have successfully saved many, many thousands of dollars in fines for our clients by doing an annual building inspection. This is to ensure that all properties are violation free. This in turn reduces the amount of violations given by the Fire Department's inspectors. It may also help your insurance rates. This is being proactive instead of reactive. Our experts, are highly trained retired New York City Fire Officers, that know just what to look for at your property, that could possibly be a life hazard or a violation of the New York City Fire or Building codes. Check out our web site for more information about what we could do for you



Fire Commissioner Nicholas Scoppetta announced the release of the FDNY's annual report for 2006, highlighting the extraordinary service of the more than 15,000 uniformed and civilian members of the Department. The report details how members helped with the Hurricane Katrina recovery effort in New Orleans, launched a state-of-the-art communications center at FDNY Headquarters, increased the Department's hazmat capabilities and terrorism preparedness, and instituted improved safety procedures. It also discusses the Department's expanded fire safety education program, fire prevention unit, recruitment effort and community CPR training program.

http://www.nyc.gov/html/fdny/html/publications/annual/ar_2006.shtml

Emergency Action Plans

Deadline for all New York City Office Buildings December 31, 2006

What is an EAP? An Emergency Action Plan outlines the procedures for a buildings response to a non-fire-related emergency involving an explosion, biological, chemical, radiological, nuclear or hazardous materials incident, natural disasters such as a hurricane or earthquake, or other emergency conditions that occur inside or in close proximity to their buildings.

Emergency Action Plans are professionally designed plans that include an official EAP document that is filed with the Fire Department and kept on site at a building. EAP training and implementation manuals must be created for the buildings staff and tenants. Emergency Action Plans take into account the building's size, its number of occupants, the number of exits/emergency stair pathways, how staff and tenants are to be notified of emergencies, the frequency of drills and who is in charge in an emergency.



NY Fire Consultants Services:

<p><u>Fire and Life Safety Consulting</u> Fire and Life Safety Inspections Fire Safety Plans for Residential Buildings (LL 10 of 1999) Fire Safety & Evacuation Plans Commercial (Class E) Buildings</p> <p><u>Emergency Action Plans</u> FDNY Submissions Training Drills</p> <p><u>Expert Witnesses Provided</u></p>	<p><u>Emergency Procedures Manuals Fire & Evacuation Preparedness Training</u> Hotel Staff Building Service Employees</p> <p><u>Interior Fire Alarms Consultants</u></p> <p><u>Violations Correction & Removal</u> Environmental Control Board Fire & Building Department Housing Preservation & Development</p> <p><u>Fire Consultantants Construction Protects</u></p>
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Personal Life Safety Guide Book

Fireproof Residential Apartment Buildings

The Personal Life Safety Guide Book offers a quick reference for fire and life safety emergencies. A must for residential building staff.

Bomb Threat
Carbon Monoxide
Chemical Spills
Extreme Heat
Fire
First Aid
Gas Leaks
Heart Attack

Person Trapped in Elevator
Poisoning
Power Outage
Robbery or Mugging
Shelter in Place
Suspected Terrorist
Suspicious Packages
Threatening Behavior

HOTEL
EMPLOYEES
GUIDE BOOK
NOW AVAILABLE
CALL

- Overall size 3.5 " x 5.5"
- Coated card stock
- Can write emergency telephone numbers on back
- Comes with a vinyl pouch that fits in your shirt pocket

Prices:

<u>100 +</u>	<u>500 +</u>	<u>1000+</u>
\$4.50	\$4.25	\$3.75

Combine building orders and Save



Basic Emergency Information at Your Finger Tips

Phone (718) 432-1600
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