

Proposed Appendix A - Temporary Use of Buildings

SECTION A101 GENERAL

A101.1 Purpose. This Appendix permits alternative uses of existing buildings for a temporary time without creating a change of use or occupancy, while also providing for public health, safety and security.

Any repair, alteration, addition, or relocation of an existing building shall comply with the applicable requirements of the *Existing Building Code of New York State*. Any repairs, alterations and change of occupancy beyond the scope of this Appendix shall meet the applicable requirements of the *Existing Building Code of New York State*.

A101.2 Applicability: The provisions of this Appendix shall apply to any building or a portion thereof with an occupancy classification A (assembly), B (business), E (educational), F (factory), M (mercantile), S (storage) or U (utility and miscellaneous, including agricultural buildings) that is to be used temporarily as an A, B, E or M occupancy classification.

This Appendix does not allow the temporary use of buildings of occupancy classification R (residential), H (high-hazard), I (institutional), nightclubs in Group A-2 or any occupancy of more than 150 persons.

A101.3 Scope. The temporary use of a building shall meet the requirements of this Appendix.

SECTION A102 TEMPORARY USE PERMITS AND APPROVALS

A102.1 General. The temporary use of a building as provided in Section A101.2 shall not be permitted until a temporary use permit is applied for and issued in conformance with Sections A102.1.1 through A102.1.4.

A102.1.1 A written application shall be submitted to the code enforcement official that includes the location of the building, its current and temporary occupancy classification, intended occupant load, layout and egress calculations, dates of temporary use and the intended temporary use.

Applicants need not reapply for a temporary use permit provided all conditions remain the same and the code enforcement official agrees to the continued use. When temporary use permits are allowed to continue the code enforcement official may reinspect the building to ensure the conditions remain the same.

A102.1.2 Where required by Section A102.3, a fire safety plan shall be submitted with the application.

A102.1.3. Temporary use shall not exceed a total of 60 days of one occupancy within a 12 month period.

Exception: Mercantile uses less than 400 square feet may exceed 60 days of operation at the discretion of the code enforcement official.

A102.1.4 The code enforcement official shall issue a temporary use permit that shall be posted on premises in a conspicuous place.

A102.2 Inspection. Prior to the issuance of a temporary use permit an inspection shall be performed by the code enforcement official on all buildings or areas of buildings used for temporary use.

The inspection shall include but not be limited to a review of the means of egress, separation of combustibles from ignition sources, housekeeping, storage, dangerous or hazardous processes, mechanical systems and obvious structural and/or electrical problems.

A102.3 Fire safety plans. A fire safety plan shall be developed and submitted to the code enforcement official for approval of temporary uses involving an occupant load of 50 or more. The plan shall be prominently posted for reference and review by employees and occupants and include the following:

A102.3.1 The procedure for reporting a fire or other emergency.

A102.3.2 The life safety strategy and procedures for notifying, relocating, or evacuating occupants.

A102.3.3 An approved address number, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.

Exception: Buildings identified under an addressing scheme as part of a countywide 911 numbering system.

A102.3.4 A site and floor plan indicating the means of egress and evacuation routes, seating capacity and arrangement, location of portable fire extinguishers, heating systems and manual fire alarm pull stations (if they exist).

**SECTION A103
MEANS OF EGRESS**

A103.1 Means of egress. Means of egress from structures shall be in accordance with the following:

A103.1.1 Exit locations. Exits shall be located so that no single point within the temporary use space is more than 75 feet (22 860 mm) from an exit.

A103.1.2 Number of Exits. A building or a usable portion thereof used for temporary use shall meet the requirements of Table A103.1.2.

TABLE A103.1.2 MINIMUM NUMBER AND WIDTHS OF THE MEANS OF EGRESS

OCCUPANT LOAD	MINIMUM NUMBER OF MEANS OF EGRESS	MINIMUM WIDTH OF EACH MEANS OF EGRESS (inches)
1 to 49	1	36
50 to 150	2	72

For SI: 1 inch = 25.4 mm.

A103.1.3 Exit openings. All required exit doors shall be readily openable from the egress side without the use of a key or special knowledge or effort, and shall remain unlocked while the building is open to the public.

Overhead doors (garage type) and sliding doors shall be permitted to be used as primary or secondary means of egress provided they are secured in the fully open position in a manner that will prevent them from closing or being closed during the hours that the public is permitted in the building.

A103.1.4 Aisle. The width of aisles without fixed seating shall be in accordance with the following:

A 103.1.4.1 In areas serving employees only, the minimum aisle width shall be 24 inches (610 mm) but not less than the width required by the number of employees served.

A103.1.4.2 In public areas, smooth-surfaced, unobstructed aisles having a minimum width of not less than 36 inches (914 mm) for aisles serving up to 150 persons.

A103.1.4.3 The arrangement of aisles shall be subject to approval by the code enforcement official and shall be maintained clear at all times during occupancy.

A103.1.5 Exit signs. Exits shall be clearly marked. Exit signs shall be installed at required exit doorways and where otherwise necessary to indicate clearly the direction of egress when the exit serves an occupant load of 50 or more.

A103.1.6 Means of egress illumination. Means of egress shall be illuminated with light having an intensity of not less than 1 foot-candle (11 lux) at floor level while the building is occupied. Buildings used during daylight hours only with natural light having an intensity of not less than 1 foot-candle (11 lux) of light at floor level need not provide artificial illumination.

A103.2 Occupant load. Occupant load must be posted in a conspicuous location.

SECTION A104 GENERAL LIFE SAFETY

A104.1 Open flame devices. Open flame decorative devices such as candles or torches shall not be allowed in or within 100 feet of the building.

A104.2 Smoking. Smoking shall not be permitted within the building and shall only be allowed in compliance with Section 310 and located not less than 100 feet (30 480 mm) from the building.

A104.3 Fireworks and pyrotechnic displays. Fireworks and pyrotechnic displays shall not be used in buildings. Exterior fireworks and pyrotechnic displays shall not be used unless approved by the local authority having jurisdiction.

A104.4 Portable fire extinguishers. Extinguishers shall be checked annually and recharged after use and shall be tagged to indicate when this was done and by whom. Portable fire extinguishers shall be provided as

required by Section 906 based on the occupancy use classification the temporary use of buildings most resembles during operation.

A104.5 Fire alarms. Fire alarms meeting the requirements of Section 907.2.3 shall be provided in E occupancies with an occupant load of 50 or more.

A104.6 Cooking. Preparation of food for the public shall be in accordance with the following:

A104.6.1 Venting. Gas, liquid and solid fuel-burning equipment designed to be vented shall be vented to the outside air. Vents or flues shall be installed consistent with the manufacturer's instructions.

A104.6.2 Location. Cooking equipment shall be located and installed consistent with the manufacturer's instructions.

A104.6.3 Electrical cooking equipment. Electrical cooking equipment shall comply with Chapter 27 (Electrical) of the *Building Code of New York State*, which requires compliance with NFPA 70.

A104.6.4 Food operations. Operations such as warming of foods, cooking demonstrations and similar operations that use solid flammables, butane or other similar devices which do not pose an ignition hazard, shall be approved for use.

A104.6.5 Permanently installed equipment. Permanently installed equipment that creates grease laden vapor is prohibited unless provided with a Type I hood as required by Section 609.2.

A104.6.6 Table- top portable cooking equipment. Table- top portable cooking equipment that produces grease laden vapors shall meet the requirements of Section 904.11.5, which includes providing a Class K rated extinguisher within a 30-foot (9144mm) travel distance of the cooking equipment.

A104.6.7 Outdoor cooking. Outdoor cooking that produces sparks or grease-laden vapors shall not be performed within 20 feet (6096 mm) of the building.

A104.6.8 Open burning. Open burning shall not be performed within 50 feet (15240 mm) of the building.

A104.7 Temporary heating. The use of temporary heating equipment shall be in accordance with the following:

A104.7.1 Venting. Gas, liquid and solid fuel-burning equipment designed to be vented shall be vented to the outside air. Vents or flues shall be installed consistent with the manufacturer's instruction.

A104.7.2 Location. Heating equipment shall be located consistent with manufacturer's instruction regarding exits and greater than 10 feet (3048 mm) from combustible materials.

A104.7.3 Electrical heating equipment. Electrical heating equipment shall comply with Chapter 27 (Electrical) of the *Building Code of New York State*, which requires compliance with NFPA 70.

A104.7.4 Carbon monoxide alarms. When non-electric heaters are used, carbon monoxide alarms shall be provided. Carbon monoxide alarms may be battery powered and shall meet the requirements of Section 610.6. Placement shall be consistent with manufacturer's instructions.

A104.7.5 Portable heating appliances. Portable vented heaters shall be listed and labeled and operated in accordance with the manufacturer's operation and maintenance instructions. Portable unvented heaters shall be prohibited.

A104.7.6 Fixed appliances or systems. Each appliance shall be supported by a floor having a noncombustible surface and shall be insulated or located as not to overheat adjacent woodwork or other combustible material. No combustible material shall be stored within five feet of such appliance or system. Chimneys and the connections between them and the appliance or systems shall be smoke and gas tight, firmly constructed and so located or insulated as not to overheat any adjacent combustible material. Ashes shall be placed in noncombustible receptacles and immediately removed from the building.

Appliances such as pellet fuel burning appliances, wood stoves, kerosene and oil-fired stoves and heaters shall meet the requirements of Sections 904, 905 and 922 of the *Mechanical Code of New York State*.

A104.8 LP-gas. The storage, handling, and use of LP-gas and LP-gas equipment shall be in accordance with the following:

A104.8.1 General. LP-gas equipment such as tanks, piping, hoses, fittings, valves, tubing and other related components shall be approved and in accordance with Chapter 38 and the *Fuel Gas Code of New York State*, except as otherwise provided in this section.

A104.8.2 Location of containers. LP-gas containers shall be located outside the building. Safety relief valves shall be pointed away from the structure.

A104.8.2.1 Containers 500 gallons or less. Portable LP-gas containers with a capacity of 500 gallons (1893 L) or less shall have a minimum separation between the container and building not less than 10 feet (3048 mm).

A104.8.2.2 Containers more than 500 gallons. Portable LP-gas containers with a capacity of more than 500 gallons (1893 L) shall have a minimum separation between the container and building not less than 25 feet (7620 mm).

A104.8.2.3 Protection and security. Portable LP-gas containers, piping, valves and fittings which are located outside and are being used to fuel equipment shall be adequately protected to prevent tampering, damage by vehicles or other hazards and shall be located in an approved location. Portable LP-gas containers shall be securely fastened in place to prevent unauthorized movement.

A104.9 Flammable and combustible liquids. The storage of flammable and combustible liquids and the use of flammable-liquid-fueled equipment shall be in accordance with Section 603.

A104.10 Separation of portable generators. Portable generators and other internal combustion power sources shall be separated from the building by a minimum of 20 feet (6096 mm) and shall be isolated from contact with the public by fencing, enclosure or other approved means.

SECTION A105 SANITARY FACILITIES

A105.1 Sanitary facilities. Toilets with hand washing facilities (or hand sanitizers instead of hand washing facilities) within this section shall be referred to as sanitary facilities and shall be provided as required by this section.

Sanitary facilities shall be located within 500 feet of the building or area used. They may be located in a nearby dwelling or commercial building; may be an existing system such as composters, chemical and recirculating toilets, incinerator toilets or sanitary privies in proper operating order; or portable toilets.

A105.2 Required facilities for public assembly and food service operations. When the operation of a building includes the serving of any food products including but not limited to meals, samples or tastings and/or a place of assembly of over 50 persons, the operator must provide at least one sanitary facility as described in this section. When portable facilities are provided, a minimum of one accessible unisex sanitary facility shall be provided.

A105.2.1 For less than 50 occupants. For less than 50 occupants, at least one sanitary facility shall be provided.

A105.2.2 For occupant loads between 50 and 150. For occupant loads between 50 and 150, a minimum of two sanitary facilities shall be provided.

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