

Proposed Appendix A- Temporary Use of Buildings
This appendix is enforceable

SECTION A101 GENERAL

A101.1 Purpose. This Appendix permits alternative temporary uses of existing buildings for a limited 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 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 all buildings 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, for a different use than its primary use, as an A, B, E, F or M occupancy classification.

This Appendix shall not apply to buildings of occupancy classification R (residential), H (high-hazard), I (institutional), nightclubs in Group A-2 or any occupancy of 500 persons or more.

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

Exceptions:

1. Buildings that meet the requirements of the *Building Code of New York State* for the intended temporary use occupancy classification shall comply with Section A102.1.1 and need not comply with the rest of this Appendix
2. Buildings that are less than 400 gross square feet and have an occupant load of less than 50 persons shall comply with Sections A102.1.1, A102.1.4 and A104 and shall be limited to 120 days of temporary use in a 12-month period and need not comply with the rest 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 A102.1.6.

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

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

A102.1.3. Where standby personnel are required in conformance with Section A105 or are proposed to be provided as part of a fire safety plan, such personnel shall receive training as required to fulfill their assigned duties. Prior to approval of the temporary use, a drill shall be held for standby personnel, which drill shall be observed by the code enforcement official.

A102.1.4. A fire inspection as prescribed in Section A102.2 shall be performed by the code enforcement official.

A102.1.5. Temporary use shall not exceed 60 days within a 12 month period.

A102.1.6. The code enforcement official shall issue a temporary use permit that shall be posted on premises in a conspicuous place.

A102.2 Fire Inspection. Prior to the issuance of a temporary use permit a fire inspection shall be performed by the code enforcement official on all buildings or areas of buildings used for temporary use with an occupant load greater than 50.

The fire 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.

Temporary use of buildings for 250 to 499 people shall comply with the requirements of Section 1029 of this code.

A102.3 Fire Safety Plans. A Fire Safety Plan shall be developed for temporary uses involving an occupant load of over 50 and submitted to the code enforcement official. 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 such that all points in the building are 75 feet (22 860 mm) or less from an exit.

A103.1.2 Number. A building or a usable portion thereof shall have at least one exit and not less than the number of exits required by 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 ^a	MINIMUM WIDTH OF EACH MEANS OF EGRESS (inches)
1 to 49	1	36
50 to 199	2	72
200 to 499	3	72

For SI: 1 inch = 25.4 mm.

a. For one story structures with egress travel distance under 75 feet and 49 persons or less occupant load, one means of egress may be permitted in accordance with Sections 1015 and 1019 of this code.

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. All overhead doors (garage type) and sliding doors which are used as primary or secondary means of exit shall be secured in the fully open position by locks 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 not more than 250 persons. Where the number of persons served by the aisle exceeds 250 persons, the minimum width shall be not less than 44 inches (1118 mm) and aisles shall be increased in width to provide, at all points, not less than 1 foot (305 mm) of aisle width for each additional 50 persons served by such aisle at that point.

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. Where lighted exit signs are required, listed photoluminescent exit signs shall be acceptable.

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 structure is occupied. For occupancies of 250 persons or more, fixtures required for means of egress illumination shall be supplied from a separate circuit or source of power, including battery power.

Exception: For occupancies of less than 250 people, 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.

SECTION A104 GENERAL FIRE 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 of this code 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. The use of cooking equipment 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 consistent with the manufacturer's instructions regarding distance to exits and within 10 feet (3048 mm) of combustible materials.

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 904.11.5, which include 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. 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. CO alarms may be battery powered and shall meet the requirements of Section 610.6 of this code. 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 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 premises.

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. Safety release valves shall be pointed away from the temporary use of structures.

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 structure 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 structures 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 inside a temporary use of structures 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 the following:

A104.9.1 Flammable and combustible liquid storage. Flammable and combustible liquids shall be stored outside in an approved manner not less than 20 feet (6096 mm) from the building. Storage shall be in accordance with Chapter 34.

A104.9.2 Refueling. Refueling shall be performed in an approved location not less than 20 feet (6096 mm) from the building.

A104.10 Separation of portable generators. Portable generators and other internal combustion power sources shall be separated from the a temporary 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 STANDBY PERSONNEL

A105.1 Standby personnel. When the building is used as a place of assembly or any other use for an occupancy of between 250 and 499, or when the nature of the performance, exhibition, display, contest or activity would create a special hazard, the owner, agent or lessee shall provide one or more qualified persons, as required and approved, to remain on duty during the times such places are open to the public, or when such activity is being conducted. The qualified person(s) shall be responsible for understanding the layout and means of egress of the structure and getting occupants out of the building in an emergency.

A105.1.2 Fire Watch. Before each performance or the start of such activity, standby personnel shall keep diligent watch for fires and shall continue these watches during the time such place is open to the public or such activity is being conducted and assist in the evacuation of the public from the structure.

A105.2 Communication. All standby personal shall have the ability to, immediately and without delay, contact emergency services in the event of a fire or other emergency.

SECTION A106 SANITARY FACILITIES

A106.1 Sanitary Facilities. Toilet and hand washing facilities (or hand sanitizers instead of hand washing facilities) for public use shall be provided as provided in this section. The use of portable toilets may be used. Any existing systems such as composters, chemical and recirculating toilets, incinerator toilets or sanitary privies in proper operating order shall be acceptable

A106.2 Required Facilities for 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, the operator must provide toilet and hand washing facilities (or hand sanitizers instead of hand washing facilities) for public use as described in this section. When portable facilities are provided, a minimum of one accessible unisex toilet facility with hand washing capability (or hand sanitizers instead of hand washing facilities) shall be located in or within 500 feet of the building or area used to serve food. Required facilities may be provided in a nearby dwelling unit or a commercial building.

A106.2.1 For occupant loads between 250 and 499. For occupant loads between 250 and 499, accessible toilet facilities shall be provided consistent with the quantities described in Table 403.1 of the *Plumbing Code of New York State* and Chapter 11 of the *Building Code of New York State*.

A106.3 Required Facilities for Public Assembly uses. When used as a place of public assembly of over 50 persons, toilet and hand washing facilities (or hand sanitizers instead of hand washing facilities) shall be provided in the quantities described in Table 403.1 of the *Plumbing Code of New York State*. When portable facilities are provided, a minimum of one accessible unisex toilet facility with hand washing capability (or hand sanitizers instead of hand washing facilities) shall be provided. All facilities shall be located in or within 500 feet of the building or area used to serve food. Required facilities may be provided in a nearby dwelling unit or a commercial building. The use of portable toilets with hand washing stations (or hand sanitizers instead of hand washing facilities) may be used. Sanitary facilities shall be freely and readily available for the public's use. Accessible toilet facilities shall be provided as required by section 1109.2 of the *Building Code of New York State*.

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