



**New York State Department of State
Division of Code Enforcement and Administration
Code Development Unit**

**Petition to the State Fire Prevention & Building Code Council
for the Incorporation of More Restrictive Local Standards**

The chief executive officer or the chairperson of the legislative body of such local government shall petition the State Fire Prevention and Building Code Council for a determination as to whether or not the local law or ordinance is more restrictive than the provisions contained in the New York State Uniform Fire Prevention and Building Code. Such petition shall be submitted within 30 days of enactment or adoption of the local law or ordinance. Any petition failing to comply with the requirements listed below may be rejected by the Council as incomplete; in which case, the local ordinance would not be legally enforceable in the municipality.

The petition from a local government for the incorporation of more restrictive local standards must contain the following:

- A certified copy of the local law or ordinance, indicating the date of enactment.
- A legislative finding setting forth the special conditions prevailing within the municipality which warrant imposing more restrictive local standards.
- Documentation which includes substantiation (such as research reports, statistical analysis, and field-related experience) showing that such local law or ordinance conforms to accepted engineering and fire prevention practices and does not discriminate against material products, methods or systems of demonstrated capabilities.
- An analysis of each section of the local law or ordinance, indicating the content and comparable sections of the New York State Uniform Fire Prevention and Building Code.
- Copies of meeting minutes and/or transcripts if available from meetings or hearings in which the local law or ordinance was discussed and adopted.

The petition shall be reviewed based upon the following criteria:

- Where the council finds that such higher or more restrictive standards are reasonably necessary because of special conditions prevailing within the local government as stated in Section 379(2) of the New York State Uniform Fire Prevention and Building Code Act, the State Fire Protection and Building Code Council shall consider the request based on the merits of the petition.

(*Village, Town, City of* - please circle one)

Local government name: _____

Chief executive officer (name and title): _____

Local government contact person: _____

Address: _____

Telephone number: _____ Fax: _____

E-mail address: _____ Date: _____

Please submit this form and all necessary documentation to substantiate the above proposal to: Raymond Andrews, R.A., Assistant Director for Code Development, NYS Department of State, Codes Division, 99 Washington Ave., Suite 1160, Albany, New York 12231. If you have questions concerning submission requirements, please call the Code Development Unit at (518) 474-4073, e-mail: Raymond.andrews@dos.ny.gov or fax: (518) 486-4487.