

THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS
DIRECTIVE NO. 7 of 1979

DEPARTMENTAL MEMORANDUM

DATE: December 31, 1979

TO: BOROUGH SUPERINTENDENTS

FROM: IRWIN FRUCHTMAN, P.E., COMMISSIONER

SUBJECT: PLACES OF ASSEMBLY AND ENFORCEMENT OF LOCAL LAW 41/78

1. This directive is issued for the purpose of summarizing the guidelines for the enforcement of Local Law 41/78 for Places of Assembly in regard to emergency lighting, sprinklers, fire alarm protection, and certain other ancillary requirements in existing Places of Assembly.

2. The attached table, entitled RETROACTIVE REQUIREMENTS FOR EMERGENCY LIGHTING, SPRINKLERS OR FIRE ALARM PROTECTION IN PLACES OF ASSEMBLY summarizes the provisions of Local Law 41/78 for existing premises. (New places of assembly have certain additional requirements.)

3. Also attached is Directive No. 5 of 1979, dated October 2, 1979, entitled ILLUMINATION-EMERGENCY LIGHTING FOR PLACES OF ASSEMBLY, which is a guide as to the intensity of emergency illumination within an assembly space.

a. Such intensity of illumination shall be attested to by an Architect or Engineer on an amended, approved P.A. diagram.

b. Where emergency lighting has been installed but not certified by the Bureau of Gas & Electricity, the renewal of the P.A. Permit shall be issued; however the proprietor shall be notified that approval of the electrical installation by the Bureau of Gas & Electricity shall be obtained as soon as possible (and an architect's or engineer's verification of level of illumination, if not already submitted).

c. Temporary approval may be issued upon presentation to the Department of Buildings of a statement by the Licensed Electrician that the electrical installation conforms to the New York City electrical code. If the proprietor of the P.A. agrees to obtain the Licensed Electrician's statement, then the P.A. inspection may be rescheduled in order that he may obtain such certification. Otherwise the renewal is to be denied and a violation and summons issued.

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4. Similarly, if the proprietor indicates that he will timely comply with requirements for exit and directional signs, and submission of documentation affirming non-combustibility of a stage curtain, as appropriate, the P.A. inspection may be re-scheduled. Otherwise the renewal is to be denied and a violation issued.

5. The following definition shall be used for interpreting the definition "Cabaret" in C26-804.1, subdifiion (a) and the phrase "Places of Assembly used as a cabaret" in sections C26-1703.1 (s) (1) and C26-1704.1 paragraph (10), subparagraph b:

a. A room, place or space occupied or arranged to be occupied by 75 or more persons, and;

b. Either:

(1) In which any musical entertainment, singing, dancing or other form of amusement is permitted in connection with the restaurant business or the business or directly or indirectly selling to the public food or drink, except eating or drinking places, which provide incidental musical entertainment, without dancing, either by mechanical devices, or by not more than three persons playing piano, organ, accordion or guitar or any stringed instrument or by not more than one singer accompanied by himself or a person playing piano, organ, accordion, guitar or any stringed instrument and except coffee houses as defined in paragraph one of section B32-310.0 of this code; or,

(2) Where dancing is carried on, and the public may gain admission, with or without payment or a fee, and food or beverages are sold, served, or dispensed.

6. The following are not included in the foregoing definition:

a. All premises occupied by less than 75 persons.

b. All premises with a capacity of 75 or more persons which provide food or drink without dancing, and which may provide incidental entertainment by only the following:

(1) By mechanical devices, or

(2) By not more than 3 persons playing piano, organ, accordion or guitar, or any stringed instrument; or

(3) By not more than one singer accompanied by him or herself or a person playing piano, organ, accordion or guitar or any stringed instrument.

c. Any room, place or space in the city which is used, leased or hired out, in the business of serving food or drink for a particular function, occasion or event to which the general public is not invited or admitted where-in there is entertainment. This includes:

- (1) Hotel ballrooms provided that no ticket sales are made (or free admission permitted) at the door at the time of the function to the general public.
- (2) Catering establishments.
- (3) Private or Public Schools licensed by the State of New York.
- (4) Churches or Synagogues.
- (5) Veterans group meeting facilities.
- (6) Political group meeting facilities.
- (7) Masons & Knights of Columbus or similar meeting facilities.
- (8) Chartered charitable, fraternal, social and ethnic meeting facilities. The exemption would apply only for functions attended by bonafide members and their guests.

However, all of the foregoing premises currently possessing a "cabaret" license must surrender it to the Department of Consumer Affairs; and, obtain a license for a catering establishment, where appropriate, as well as obtaining a new or amended certificate of occupancy.

7a. Administrative review of fire safety equivalents for specific premises where applicants allege hardships in literal compliance are to be treated as reconsiderations, and, if necessary, forwarded to The Office of the Commissioner.

b. A task force under Deputy Commissioner I. E. Minkin, represented by the Executive Engineer, and members of the Fire Department will review such cases for report to the Commissioner.

8. All of the retroactive requirements for all of the spaces effected must have been completed as of January 12, 1980. Accordingly, all P.A. permits shall be denied on and after that date where an inspection discloses non-compliance with any or all of the installation requirements itemized in the accompanying table; and , a violation issued noting all of the items not complied with, and an immediate summons issued.



Irwin Fruchtman, P. E.
Commissioner

Enclosure: Directive # 5/79
Table of LL #41/78 requirements

cc:

Fire Commissioner Beekman
Director Burrell, Bureau of Gas & Electricity
Deputy Commissioner Minkin
Deputy Commissioner Parascandola
Assistant Commissioner Dennis
Hotel Association
Restaurant League
Metropolitan Motion Picture Assoc .
Independent Theatre Owners Assoc.
Professional Societies

RETROACTIVE REQUIREMENTS FOR EMERGENCY

ASSEMBLY Occupancy C26-305.1	Live Entertainment Presented	EMERGENCY LIGHTING C26-801.18
F-1e Theatres, playhouses, opera houses	<p align="center">Yes</p>	
F-1b Churches, lecture halls court rooms, convention halls, concert halls, sports arenas, planetariums, motion picture theatres	<p align="center">No</p>	
F-2 Grandstands, bleachers, stadiums, drive-in theatres, amusement attractions and devices, bandstands, skating rinks	<p align="center">Yes</p>	
F-3 Exhibition halls, galleries, gymnasiums, museums, passenger terminals, bowling alleys, billiard parlors, skating rinks.	<p align="center">No</p>	<p align="center">Yes d</p>
F-4 Cabarets, night clubs, taverns, dance halls, ballrooms (public) ballrooms (hotel and not public), banquet rooms, catering establishments (without cabaret license)	<p align="center">Yes</p>	<p align="center">Yes a&b</p>
Restaurants, coffee houses,	<p align="center">No</p>	<p align="center">Yes c</p>
Cafeterias, snack bars	<p align="center">Yes</p>	<p align="center">Yes</p>
	<p align="center">No</p>	<p align="center">Yes d</p>

Notes: a. Completion by 4-12-79
b. " " 7-12-79

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LINE 7
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