

THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: January 3, 1979

TO: Borough Superintendents & Executive Staff

FROM: Irving E. Minkin, P.E., Deputy Commissioner

SUBJECT: LOCAL LAW 41 of 1978

"Blue Angel" Law - Places of Assembly

Attached hereto are copies of Local Law 41 of 1978, approved December 13, 1978 and effective January 12, 1979, which amends various sections of the Administrative Code in relation to fire protection for places of assembly and incorporates recommendations resulting from an investigation into the reasons for a fire at the Blue Angel Cafe in Manhattan, for distribution to all plan examiners and all construction inspectors.

A. Some of the highlights of the new provisions of this local law as it pertains to this department are as follows:

1. Section C26-100.6A.C. - Provides that the Fire Commissioner, as well as the Building Commissioner may enforce provisions of the Building Code as it pertains to the approved number of persons in places of assembly and the maintenance of fire alarm equipment and devices, exit and directional signs and emergency lighting. This is in addition to previous provisions authorizing the Fire Commissioner, as well as the Building Commissioner, to enforce provisions of the Building Code as it pertains to the obstruction of aisles, corridors and exits, and also the maintenance of fire-preventive and fire-extinguishing equipment and devices.

2. Section 643(a)-8.0 A.C. - Provides that persons who own or operate a place of assembly without a current permit or emergency lighting are guilty of a misdemeanor.

3. Section C26-85.5(a) 5A.C. - Permits the issuance of an immediate summons for a violation for failure to have a required current place of assembly permit or failure to have sprinklers or emergency lighting installed as required by law.

4. Section C26-103.0 A.C. - Requires that alterations to sprinkler, alarm protection, and emergency lighting requirements for places of assembly as provided in Article 8 of the Building Code comply with the new code, even though the application is filed in compliance with the old code.

5. Sub-article C26-201.0 A.C. - Defines "Cabaret" and "Stage".

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6. Section C26-801.18 A.C. - Requires the installation of emergency lighting for all existing F3 and F4 places of assembly in accordance with a time schedule based upon the occupant load and use.

7. Section C26-802.2(b)(7)g A.C. - Requires stages in existing F-1a places of assembly to be provided with a sprinkler system within one year, if presently no so protected.

8. Section C26-802.3(b)(2)d A.C. - Requires stages, dressing rooms and property rooms in all new and existing F-1b places of assembly providing live entertainment to be provided with automatic sprinkler and fire alarm protection. Existing F-1b places of assembly not already sprinklered have one year to comply.

9. Section C26-804.1(a)(3) A.C. - Requires stage dressing rooms and property rooms in all F-4 places of assembly used as a cabaret to be provided with automatic sprinkler and fire alarm protection. Existing premises must comply within one year.

10. Section C26-804.1(b) A.C. - Requires all existing F-3 and F-4 places of assembly providing live entertainment or used as a cabaret to be provided with automatic sprinkler and fire alarm protection within one year.

11. Section C26-801.17 A.C. - Requires all exit or directional signs to be placed so they are clearly visible from all parts of the assembly spaces.

12. Section C26-802.2(b)(9) - Requires curtains between the audience area and the stage to be made of non-combustible fabrics.

13. Sections C26-1700.7 A.C., C26-1703.1(j) A.C., C26-1703.1(S) A.C. and C26-1704.1.(a)(10) A.C. - Requires the filing of an application within 90 days, noting compliance and installation within one year, of required sprinklers and fire alarm signal systems, as follows:

Required Sprinklers:

(a) Dressing rooms and property rooms used in conjunction with all places of assembly, except F-1b places of assembly not providing live entertainment.

(b) All F-4 places of assembly used as cabarets.

(c) Stages in all places of assembly, except F-2, providing live entertainment at anytime.

Required Fire Alarms:

(a) Stages, dressing rooms and property rooms used in conjunction with all places of assembly used as cabarets.

(b) Places of assembly used as cabarets.

B. It is the intent of this department to enforce all the requirements of this local law to provide the public with the added safety that such law provides while allowing the owners of such places of assembly with ample opportunity to comply. Therefore:

1. The issuance of a violation by this department for not complying with the provisions of Section C26-1700.7 A.C., which requires the filing of an application within 90 days noting compliance and installation within one year of required sprinklers and fire alarm signal systems, shall not be cause for not renewing the Place of Assembly Permit. However, the Place of Assembly Permit shall not be renewed if such installation is not completed within the required time, and an immediate summons is to be served under the provisions of Section C26-85.5(a) 5A.C.

Likewise, if the installation of emergency lighting as required by the provisions of C26-801.18 A.C. is not completed within the permitted time, the Place of Assembly Permit shall not be renewed and a violation issued with an immediate summons served.

2. Departmental memorandum dated October 7, 1977, entitled "Service of a Summons Without a Prior Order; Court Complaint (Information) - Personal Service (B Form 39B)", is hereby amended. The procedure for the service of an immediate summons provided therein is expanded to apply to the new Section C26-85.5(a) 5A.C., for failure to have a required current Place of Assembly Permit or failure to have sprinklers or emergency lighting installed as required by law.


Irving E. Minkin, P. E.
Deputy Commissioner

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Attachments (Local Law 41/1978)

Distribution (w/attachments)
Chief Construction Inspectors
P.E. Olin (2)
Chief Ifshin, Fire Department
Bureau Gas & Electricity

Metropolitan Motion Picture Assn.
Independent Theater Owners Assn.
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