


THE CITY OF NEW YORK  
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: April 4, 1979.

TO: Borough Superintendents  
FROM: Irwin Fruchtman, P.E. Commissioner   
SUBJECT: Local Law #41 -Places of Assembly

-----

The definition of a cabaret in subarticle 201.0 of the Building Code, as added by Local Law 41/78, is so broad so as to bring virtually every premises in the city serving food or beverages within its scope, which is not the intent, and conflicts with the detailed requirements set forth in Articles 8 and 17 for sprinkler and fire alarm protection for such spaces, as amended by said law.

Accordingly, the term cabaret as added by Local Law 41/78, shall be interpreted to mean the following, insofar as application of said requirements of law are concerned:

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

2. Either:

(a) In which any musical entertainment, singing, dancing or other form of amusement is permitted in connection with the restaurant business or the business of 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,

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

1610

The foregoing shall include places of assembly normally licensed by the Department of Consumer Affairs as cabarets, public dance halls, or public dances, and non profit social clubs for 75 or more people, but shall not include any room, place or space in the city, which is used, leased or hired out in the business of serving food or beverages for a particular function, occasion or event to which the public is not invited or admitted and wherein music or entertainment is permitted, normally licensed by the Department of Consumer Affairs as a catering establishment. However, existing buildings being altered accommodating 300 or more people and classified as a catering establishment and the like shall be subject to all of the requirements set forth in Local Law 41/78 for "cabarets".

This shall not be construed as eliminating the necessity for installation of sprinklers and fire alarm protection for stages, dressing rooms and property rooms in all of the categories of assembly spaces noted in Local Law 41/78.



Irwin Fruchtman, P.E.  
Commissioner

cc: Fire Commissioner Beekman  
Chief of Fire Dept. Cruthers  
Chief of Fire Protection Ifshin  
Deputy Comms. Minkin, Parascandola  
Asst Comm. Dennis  
Executive Staff

1611