



Legislation Details (With Text)

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**Title:** A Local Law to amend the New York city fire code, in relation to rooftop access requirements for buildings with solar panel installations.

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**Indexes:**

**Attachments:** 1. Summary of Int. No. 73, 2. Int. No. 73, 3. February 8, 2024 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 2-8-24, 5. Minutes of the Stated Meeting - February 8, 2024

| Date     | Ver. | Action By    | Action                      | Result |
|----------|------|--------------|-----------------------------|--------|
| 2/8/2024 | *    | City Council | Introduced by Council       |        |
| 2/8/2024 | *    | City Council | Referred to Comm by Council |        |

Int. No. 73

By Council Members Restler, Gennaro, Feliz, Avilés, Cabán, Yeger, Louis, Abreu, De La Rosa, Gutiérrez, Schulman, Brewer and Farías

A Local Law to amend the New York city fire code, in relation to rooftop access requirements for buildings with solar panel installations.

Be it enacted by the Council as follows:

Section 1. Section FC504.4.4 of the New York city fire code, as amended by local law 47 of 2022, is amended to read as follows:

**504.4.4 Rooftop clear path.** A clear path of not less than [6] 4 feet ([1829] 1219 mm) horizontal width and 9 feet (2743 mm) in height shall be provided from the front of the building to the rear of the building and from one side of the building to the other for each 100 linear feet (30 480 mm) of rooftop width and depth such that the maximum distance between clear paths is 100 feet (30 480) mm. Such path shall comply with the following requirements:

1. Such clear path shall be accessible from each rooftop perimeter access landing required pursuant to FC504.4.3.
2. Such clear path shall afford reasonable access to bulkhead doors, fire escapes, access ladders, cockloft vents, skylights, scuttles, shafts and rooftop stationary energy storage systems. Such access shall include, to the maximum extent practicable, 3-feet (914 mm) clearance on three sides of the

skylight or scuttle. On buildings constructed after the effective date of this section, the clear path shall afford reasonable access, to the maximum extent practicable, to windowed areas on any side of the building that is not fire apparatus accessible.

3. A conduit or pipe may cross such clear path in accordance with FC504.4.7.
4. Any lawful fence obstructing such clear path shall be provided with a standard 3-foot-wide (914 mm) gate, which may be secured by padlock or chain capable of being cut by standard bolt cutters, or secured by other approved device.
5. When the main building rooftop has more than one level, a fixed ladder or other approved means shall be provided to afford access along the clear path from one roof level to the next, excluding any height differential between levels exceeding one story or 16 feet (4077 mm), and any level with a rooftop area that is less than 6 feet (1829 mm) in any dimension.
6. On an “H”-shaped building or other building whose irregular configuration renders a single clear path inadequate to provide access to each wing of the building or other rooftop area, the commissioner may require one or more additional clear paths to provide adequate access to such rooftop areas.
7. The rooftop surface serving as the clear path shall not be constructed of glass or other transparent or translucent material, nor shall it require a firefighter to walk upon any flush-mounted solar panels or other energized equipment.
8. Rooftop stationary energy storage systems shall be designed and installed in accordance with FC608 and the rules, including ensuring that the deflagration zone is not in the clear path and the exhaust system does not vent into the clear path.
9. The requirements for wind turbines and other equipment with moving components set forth in FC504.4.1(8) shall be applicable to the rooftop clear path.

§ 2. Section FC512.2 of the New York city fire code, as amended by local law 47 of 2022, is amended to read as follows:

**512.2 Flat-roofed buildings and structures 100 feet or less in height.** Solar panel installations shall not obstruct any rooftop area access to which is required pursuant to FC504.4, except that solar panel installations may obstruct the clear path required by FC504.4.4 as follows:

1. if the installation is provided with a hinged mechanism or other device for which a certificate of approval has been issued that enables the installation to be safely swung, slid, lifted, collapsed or otherwise moved out of the clear path, and that is designed to allow for operation by one person, without the use of a tool; or
2. on any building with a rooftop width or depth of 25 feet (7620 mm) or less, where the design of a solar panel installation necessitates coverage of all or substantially all of the rooftop across the full width or length thereof, [the commissioner may authorize] permanent obstructions [that] may encroach upon and thereby reduce the clear path width within such area when necessary to accommodate the presence of building features and building service equipment that constitute permanent obstructions, including attic ventilators, bulkheads, chimneys, hatches, plumbing ventilations pipes, scuttles, skylights, and

roof-mounted heating, ventilation and air conditioning equipment. Such permanent obstructions may encroach upon and, for the distance of the obstruction, reduce the clear path width up to [2] 3 feet (914 [610] mm). Such permanent obstructions shall not reduce the width of clear path at any point to less than [4] 3 feet ([1219] 914 mm) and shall not encroach upon the rooftop landing areas required by FC504.4.3.

§3. The New York city fire code is amended by adding a new section FC504.6 to read as follows:

**504.6 Rooftop access on adjoining rooftops.** Two or more adjoining rooftops meeting the requirements of FC504.6.1 may be consolidated for purposes of complying with the rooftop access requirements of FC504.4.1 (1) and rooftop obstruction requirements of FC504.4.2(1). Where adjoining rooftops are consolidated for these purposes, they may comply with the alternative access and obstruction requirements of FC504.6.2.

**504.6.1 Eligible rooftops.** Rooftops may be consolidated for rooftop access purposes only in connection with the installation of solar panels and only where the rooftops:

1. are on buildings classified as Occupancy Group R-2 or R-3;
2. are at the same height and are physically adjoining, without any gap;
3. have no bulkheads; and
4. individually are not more than 25 feet in width.

**504.6.2 Alternative rooftop access and obstruction requirements.** All rooftops consolidated for purposes of this section must be provided with rooftop access in compliance with the following requirements:

1. The front portion of each adjoining roof shall be unobstructed for the full width of the adjoining roofs to a depth of 6 feet (1829 mm) and height of 9 feet (2743 mm), providing an unobstructed path along the front portion of the adjoining buildings. A similar unobstructed path shall be provided along the front portion of any other building exposure that is fire apparatus accessible, (such as on a corner building fronting on two streets.

2. The rear portion of each adjoining roof shall be unobstructed for the full width of all of the adjoining roofs to a depth of 4 feet (1219 mm) and a height of 9 feet (2743 mm), providing an unobstructed path along the rear portion of the adjoining buildings.

3. Access to the rear of the adjoining buildings shall be provided by a clear path 6 feet (1829 mm) in width and 9 feet (2743 mm) in height, complying with the requirements of FC504.4.1, on not less than every other building.

4. Rooftop obstructions shall not obstruct fire escapes or other means of rooftop access or egress; cover skylights, hatches or scuttles; or otherwise obstruct any building feature required by the Building Code to be operable or accessible.

**504.6.3 Application.** The application for the rooftop solar panel installation submitted to the Department of Buildings shall include a plan identifying the rooftops consolidated for purposes of this section. The application shall be signed or otherwise authorized by the owners of the respective buildings.

**504.6.4 Notification to department.** Notification of a solar panel installation on rooftops consolidated

pursuant to this section shall be made to the department in an approved manner.

**504.6.5 Signage.** A durable sign shall be conspicuously posted on each rooftop upon which there is a solar panel installation indicating the location of the inverter shut off switch for the installation by reference to the building address and floor of the building.

**504.6.6 Discontinuance and restoration of adjoining rooftop access.** If, for any reason, the rooftop access required pursuant to FC504.6.2 is no longer available on one or more adjoining rooftops consolidated for purposes of this section, any adjoining rooftop or rooftops lacking the required access from an adjoining building shall be restored or altered to comply with the rooftop access provisions of FC504.4.1 and the rooftop obstruction provisions of FC504.4.2

§ 4. This local law takes effect immediately.

Session 13

LS #7106

1/22/24

Session 12

JDK

LS #7106

1/24/23