

Chapter 239 of Town Code: SPRINKLER SYSTEMS

[HISTORY: Adopted by the Town Board of the Town of Guilderland 9-3-1991 by L.L. No. 6-1991 (Subpart 1 1/2, Div. 5, of the 1974 Code). Amendments noted where applicable.]

**Section 239-1 Applicability.**

This chapter shall apply to all parts of the Town of Guilderland outside the Village of Altamont.

**Section 239-2 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

APPROVED SPRINKLER SYSTEM — A sprinkler system approved by the New York Board of Fire Underwriters, the National Fire Protection Association or other nationally recognized approval organization as determined by the Town Building Inspector, which approval shall have been obtained prior to installation of this system. Such system, to be approved, shall meet all standards of installation and operation as prescribed by such approval bodies and the manufacturer of the system. Any such installation and the operation thereof shall be also subject to the approval of the Town of Guilderland Building Inspector.

BUILDING INSPECTOR — The Chief Building Inspector and Zoning Coordinator of the Town of Guilderland or his/her designated representative. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**Section 239-3 New buildings required to have sprinkler systems.**

- A. All classifications of buildings listed below, which are constructed after the effective date of this chapter within an approved Town of Guilderland water district, shall be required to have approved sprinkler systems installed and operational:
- (1) Multiple dwellings consisting of three or more living units (except no system will be required in enclosed closets 50 square feet or less in area and in bathrooms).
  - (2) Office buildings.
  - (3) Administrative buildings.
  - (4) Bank buildings.
  - (5) Professional buildings.
  - (6) Retail and personal service buildings (mercantile).
  - (7) Industrial buildings.
  - (8) Storage buildings.
  - (9) Amusement park buildings.

- (10) Armories.
- (11) Art galleries
- (12) Assembly halls.
- (13) Auditoriums.
- (14) Bathhouses.
- (15) Bowling alleys.
- (16) Clubrooms.
- (17) Coliseums and stadiums.
- (18) Courtrooms and buildings.
- (19) Dance halls.
- (20) Exhibition halls or buildings.
- (21) Gymnasiums.
- (22) Indoor tennis courts or other sport courts.
- (23) Lecture halls.
- (24) Libraries.
- (25) Lodge halls or rooms.
- (26) Hotels.
- (27) Motels.
- (28) Lodging and boarding houses (including bed-and-breakfast establishments).
- (29) Motion-picture theaters.
- (30) Museums.
- (31) Nightclubs.
- (32) Recreation centers.
- (33) Restaurants.
- (34) Skating rinks.
- (35) Theaters.
- (36) Churches, synagogues and similar places of worship.
- (37) Schools, colleges and similar places of education, including dormitories.
- (38) Outpatient clinics.
- (39) Day-care centers.
- (40) Any building in which child care is provided for any number of children for hire.
- (41) Clinics.
- (42) Hospitals.

- (43) Infirmaries.
- (44) Sanatoriums.
- (45) Boathouses.
- (46) Nursing homes.
- (47) Group homes.
- (48) Halfway houses.
- (49) Any other buildings the use of which includes regular overnight sleeping by human occupants, except for one- or two-family residential dwelling units.

**Section 239-4 Existing structure.**

A building listed in § 239-3 hereinabove which is existing on the effective date of this chapter, which is located in an approved Town of Guilderland water district, shall comply with this chapter when said building is reconstructed, remodeled or enlarged to the extent that the cost of construction exceeds 50% of the market value of the building as shown on the Town of Guilderland Assessor's records.

**Section 239-5 Building permit.**

No building permit shall be issued for the construction of any new building, structure or portion nor for the reconstruction, remodeling or enlargement of any existing building described in § 239-4 hereof required to have an approved sprinkler system pursuant to this chapter unless an approved sprinkler system is included in the plans for such construction submitted for the building permit.

**Section 239-6 Certificate of occupancy.**

No certificate of occupancy shall be issued for occupancy or use of any building structure, or portion thereof, required to have an approved sprinkler system unless such system is installed, inspected, tested and approved to the satisfaction of the Town of Guilderland Building Inspector.

**Section 239-7 Exception.**

Notwithstanding the terms of this chapter, sprinklers shall not be required to be installed in spaces where the discharge of water would be hazardous. In such places, other fire-extinguishing equipment approved by the New York Board of Fire Underwriters, National Fire Protection Association or other nationally recognized approval organization and by the Town of Guilderland Building Inspector shall be required.

**Section 239-8 Penalties for offenses.**

- A. Failure to comply with any provision of this chapter shall be deemed a misdemeanor, and the violator shall be liable for a fine up to \$1,000 or imprisonment not to exceed 1 year, or both, and each day such violation continues shall constitute a separate offense. The Building Inspector is hereby authorized to issue an appearance ticket for any violation of this chapter pursuant to Chapter 171, Fire Prevention and Building Construction, and Chapter 177, Flood Damage Prevention, and any successor statutes. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
- B. An action or proceeding in the name of the Town of Guilderland may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this chapter, or to vacate the occupancy or building in the case of imminent danger to life or property. Such remedy shall be in addition to penalties otherwise prescribed by law.

**Section 239-9 Variances.**

- A. Where practical difficulties or unnecessary hardship may result from enforcement of the strict letter of any provision of this chapter, application for variances consistent with the spirit of this chapter may be made to and acted upon by the Zoning Board of Appeals of the Town of Guilderland. The Board is empowered to grant a variance when the Board has found:
  - (1) The application of the strict letter of this chapter would create a practical difficulty or unnecessary hardship for the applicant.
  - (2) The omission of an approved sprinkler system from all or part of a building will not significantly jeopardize human life.
  
- B. In granting any variances, the Zoning Board of Appeals may impose such conditions as such Board may reasonably determine necessary to mitigate the consequences of the omission of an approved sprinkler system from all or any part of a building, including the requirement that alternative forms of fire-extinguishing equipment be provided or a requirement of additional alarms or other devices to ameliorate the effects of having no sprinkler systems.

**Section 239-10 Administration.**

The requirements set forth in this chapter shall be in addition and shall supplement the requirements set forth in Chapter 171, Fire Prevention and Building Construction, and Chapter 177, Flood Damage Prevention. The plans, specifications, rating body approvals and other materials required by the Building Inspector relating to the sprinkler systems shall be submitted to the Building Inspector in conjunction with an application for a building permit pursuant to said laws and pursuant to Chapter 280, Zoning.