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**REPORT ON LEGISLATION BY THE  
ANIMAL LAW COMMITTEE**

**Intro. 145**                      **Council Members Johnson, Vacca, Crowley, Arroyo, Chin, Constantinides, Eugene, Koo, Levine, Richards, Mendez, Espinal, Rosenthal, Cohen, Deutsch, Cornegy, Cumbo, Dromm, Gibson, Greenfield, King, Koslowitz, Levin, Maisel, Miller, Palma, Reynoso, Rodriguez, Rose, Torres, Vallone, Weprin, Wills, Treyger, Lander, Menchaca, Lancman, Ferreras, Van Bramer, Garodnick, Ignizio and Ulrich**

A LOCAL LAW to amend the New York City building code, in relation to the installation of fire sprinklers in certain establishments that provide services for animals.

**THIS LEGISLATION IS APPROVED WITH RECOMMENDATIONS**

**I. SUMMARY OF THE PROPOSED LEGISLATION**

The proposed legislation would add a new section 28-315.8 to the Administrative Code of the City of New York to require the installation of automatic sprinkler systems<sup>1</sup> throughout all animal service facilities classified as “Business Group B occupancy” under section BC 304.1 of the New York City Building Code. The animal service facilities classified as “Business Group B occupancy” under section BC 304.1 would include animal hospitals, kennels, pounds, veterinary clinics and pet shops that provide services for animals if animals are continuously sheltered therein for a period of at least twenty-four hours. The requirements of the proposed legislation would apply retroactively to all such animal service facilities in existence as of the effective date and would require compliance by October 1, 2015.

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<sup>1</sup> The proposed legislation would create a new section 903.2.2.2 of the New York City Building Code setting forth the requirements of the automatic sprinkler system.

## II. JUSTIFICATION

Under existing law, there is no requirement for the implementation of fire safety measures by pet shops.<sup>2</sup> While animal hospitals, kennels and pounds are classified as “Business Group B occupancy” under existing New York City law, currently this classification only requires such facilities to implement alarm systems where there is an “occupant load of 500 or more persons or more than 100 persons above or below the lowest level of exit discharge” (New York City Building Code section 907.2.2) or where the facility is “located more than 75 feet (22 860 mm) above the lowest level of fire department vehicle access or having a total gross area exceeding 100,000 square feet” (New York City Building Code section 907.2.2.1). As a result of these criteria , very few animal hospitals, kennels, and pounds are required to implement any fire safety measures.

Fires in animal service facilities such as pet shops and kennels can have tragic consequences both for the animals and the first responders. Confined animals have no means to escape a fire, and may die or suffer serious injuries while trapped in their cages during a fire. Accordingly fire safety standards are critical to the well-being of animals housed in animal service facilities. Additionally, the lack of fire mitigation systems which might otherwise extinguish or control fires, creates more dangerous situations for firefighters and other first responders as they rush into burning facilities to save trapped animals as well as the employees, customers and other members of the public who may be in proximity to the fire, and the adjacent buildings and structures.

The risk of injury and death to people and animals is greatly exacerbated where, as is the case in New York, there is no requirement that pet shops and other animal service facilities maintain fire mitigation systems like automated water sprinklers. Animal service facilities can be particularly vulnerable to fire because many of the animals they house require the use of many electrical outputs and appliances, such as heat lamps, in proximity or right next to flammable materials like shredded newspaper or sawdust used for bedding or cage lining or laboratory veterinary chemicals, and discarded hazardous materials that may be fire accelerants. Additionally, animal service facilities like pet shops and kennels rarely have staff on site on a twenty-four hour basis (or even after-hours or overnight) to monitor the conditions of the facility. Moreover, it is common for such businesses to use opaque roll-down security gates on the facility façade, which may make it difficult to locate the source of a fire and may also delay first responders from entering the premises to rescue the animals.<sup>3</sup> Accordingly, without automated sprinklers or other fire detection systems in place, there can be a significant delay between the onset of a fire and the detection and mitigation of the fire by first responders. Consequently, animals may die or suffer serious injuries from exposure to fire and smoke inhalation before help arrives.

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<sup>2</sup> Article 26-A of the Agriculture and Markets Law requires licensed pet dealers in New York to comply with minimum standards of care for dogs and cats in their possession, including facilities for housing such animals. However, these standards do not include fire safety standards. *See* N.Y. AGRIC. & MKTS. LAW § 401(1)(b);(3).

<sup>3</sup> *Fire at Astoria pet store inspires new legislation*, Queens Chronicle (June 3, 2010), [http://www.qchron.com/editions/western/fire-at-astoria-pet-store-inspires-new-legislation/article\\_3f8c990b-a207-5285-a188-81698b79b60a.html](http://www.qchron.com/editions/western/fire-at-astoria-pet-store-inspires-new-legislation/article_3f8c990b-a207-5285-a188-81698b79b60a.html) (all citations herein last visited March 26, 2015) (noting that “[a]ccording to the FDNY, opaque roll-down gates often make it hard to locate the source of a fire” and that “more animals may have been saved if our firefighters hadn’t been delayed by a solid security gate.”).

Hundreds of animals have died unnecessarily in pet store fires in New York in recent years. For example, in March 2015 a fire killed approximately half of the 50 dogs housed at a kennel in Mendon, New York, with several others severely injured. The kennel did not have water sprinklers.<sup>4</sup> Similarly, in 2010 a fire occurred in a Queens pet store that did not have an automated sprinkler system and as a result firefighters risked their lives to save animals from the burning building. Several firefighters were injured and a number of animals perished in the fire.<sup>5</sup> 140 firefighters were required to respond to a fire at a Bronx pet shop in 2008 that resulted in the deaths of dozens of animals and injuries to several of the firefighters.<sup>6</sup> In 2006, an overnight fire at a Queens pet shop required 138 firefighters to respond and resulted in the deaths of approximately 200 animals and serious injuries to many animals and several firefighters.<sup>7</sup> In 2004, more than 1,000 animals were killed in a pet store fire on Long Island.<sup>8</sup> In 2002, more than 200 animals died in a pet store fire in Manhattan.<sup>9</sup> By requiring the implementation of sprinkler systems in animal service facilities, thousands of animals and people may be saved from serious injuries and deaths arising out of fires occurring in pet stores, kennels, veterinary clinics and other locations in which animals are housed.

### III. RECOMMENDATIONS

While we support the proposed legislation as drafted, we offer the following recommendations to strengthen it: First, we note that the proposed legislation would apply only to animal service facilities that house animals continuously for a period of at least twenty-hour hours. We do not believe that it is appropriate to exempt animal service facilities that hold animals for fewer than twenty-four hours from the requirements of the proposed legislation as fire safety controls are needed at any time that animals are confined in animal service facilities. The dangers presented to animals and first responders by fires at animal service facilities are the same regardless of the duration of time that the animals are confined in such facilities. Moreover, a requirement for fire safety measures at all animal service facilities is especially important given that many animal service facilities like pet shops rarely have staff on site after-hours or overnight to monitor the conditions of the facility. Accordingly, we recommend that the proposed legislation be amended to

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<sup>4</sup> *Pain, anger and questions remain after kennel fire*, Democrat & Chronicle (March 10, 2015), <http://www.democratandchronicle.com/story/news/2015/03/10/anger-questions-owner-dog-perish-kennel-fire/24733377/>; *Several dogs perish in kennel fire*, Democrat & Chronicle (March 9, 2015), <http://www.democratandchronicle.com/story/news/2015/03/08/firefighters-battle-blaze-dog-kennel/24609657/>.

<sup>5</sup> *See Fire at Astoria pet store inspires new legislation*, FN 3 *supra*.

<sup>6</sup> *More than a 100 animals perish in Bronx pet shop fire*, The Daily News (November 20, 2008), <http://www.nydailynews.com/new-york/bronx/100-animals-perish-bronx-pet-shop-fire-article-1.335388>.

<sup>7</sup> *Pet Shop Horrors: Late-Night Fight Prompts Animal Rescue*, Times Newsweekly (August 10, 2006), <http://www.timesnewsweekly.com/sites/www.timesnewsweekly.com/files/archives/Archives2006/July-Sept.2006/081006/NewFiles/FIRE.html>; *see also* Laurel Babcock, "How can city pet stores NOT have sprinklers?," The Journal News (November 20, 2008), <http://pets.lohudblogs.com/2008/11/20/how-can-city-pet-stores-not-have-sprinklers/>.

<sup>8</sup> *Hundreds of Animals Die in L.I. Store Fire*, New York Times (December 19, 2004), <http://www.nytimes.com/2004/12/19/nyregion/19pet.html?pagewanted=print&position=&r=0>.

<sup>9</sup> *Animals Die as Fire in Inwood Destroys Pet Store and Shops*, New York Times (July 29, 2002), <http://www.nytimes.com/2002/07/29/nyregion/animals-die-as-fire-in-inwood-destroys-pet-store-and-shops.html>.

apply to all animal service facilities classified as “Business Group B occupancy” under section BC 304.1 of the New York City Building Code regardless of whether animals are continuously sheltered therein for a period of twenty-four hours.

Next, we recommend that the proposed legislation be amended to require the implementation of automated fire alarm systems by all covered animal service facilities in addition to the requirement for automated sprinkler systems. While water sprinklers may assist in temporarily controlling a fire, automated fire alarms are necessary to ensure prompt intervention by firefighters or other first responders to extinguish the fire and deliver help to all those in need of assistance – both people and animals.

#### **IV. CONCLUSION**

For all of these reasons, the Committee supports this proposed legislation and recommends that the Council take into consideration the above recommendations.

Animal Law Committee  
Christine Mott, Chair

April 2015