



City of Rochester

Fire Department
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Fire Marshal

To whom it may concern:

February 26, 2020

In 2018, New York State made changes to Title 19 NYCRR Part 1203, requiring an operating permit for parking garages. As part of this process, a Condition Assessment (CA) must be performed by a registered professional engineer. The CA schedule for parking garages spans a (3) year time frame based on the year the garage was built. If the garage was built prior to January 1, 1984, the CA was due by October 2019. If the garage was built between January 1, 1984 and December 31, 2002, the inspection is due by October 1, 2020; and between January 1, 2003 and October 1, 2019, the inspection is due by October, 2021. **The Rochester Fire Department Fire Marshal's office will oversee this program.**

We are aware that there may be some parking garages, which are overdue for the required Condition Assessment. Fire Safety Inspector Brian Anten will work with parking garage owners to rectify this situation. For the full text of the law go to:

<https://www.dos.ny.gov/DCEA/2018-726%20Rule%20Text%201203.3%20parking%20garage.pdf>

A summary of the CA report shall be submitted to the RFD. Refer to the enclosed **Parking Garage – Operating Permit Requirements** for detailed information. This summary must have the responsible professional engineer's signature and seal.

The full CA report shall be available for review as part of the annual permit process. The owner of the parking garage is required to provide documentation that the deficiencies were corrected within the time frame noted on the report or risk the operating permit being withdrawn.

The **Parking Garage Operating Permit Requirements** explains the information that shall be included in the CA report. After reviewing this report and reviewing any additional reports, certain repairs may be required before the operating permit is issued. The cost of this permit is \$200 per year, whereas, the CA and summary are required every three (3) years.

In addition to the CA Report, any parking garage with a standpipe system will need to meet the requirements of the **Parking Garage Standpipe Identification System**. Refer to the enclosed document for specific requirements. This identification system must be in place prior to your yearly inspection.

Parking garages are required to have their fire protection systems (standpipe system, sprinkler system, fire extinguishers, etc.) inspected annually and properly maintained by a qualified professional. For additional information please contact Inspector Brian Anten at (585) 428-6380 or brian.anten@cityofrochester.gov.

Thank you,

Christine A. Schryver, Fire Marshal
City of Rochester Fire Department





Parking Garages – Operating Permit requirements

Overview:

- The owner or designee shall obtain an annual Operating Permit (OP) from the Rochester Fire Department
- Dependent on the year garage was constructed, the owner or designee shall have available a condition assessment (CA) report to include an executive summary that is sealed and signed by a professional engineer (PE)
- PE shall prepare, or supervise the preparation of a written report of each CA, and shall submit the CA report with affixed PE seal to the Authority having jurisdiction (AHJ).

Initial Condition Assessment:

The Initial condition assessment shall provide all the information required of a condition assessment as well as the following addition information.

- Description of the garage (Construction type, exits and entrances, number parking spots and other descriptive information)
- History of the garage
- Overview of previous significant structural and preventative maintenance and repairs since it was constructed

New parking garages shall undergo an **initial condition assessment** upon construction completion and prior to the issuance of a certificate of occupancy or certificate of compliance.

Existing parking garages shall undergo an **initial condition assessment** as follows:

- If originally constructed prior to 1/1/1984, initial assessment shall be completed prior to 10/1/2019
- If originally constructed between 1/1/1984 and 12/31/2002, initial assessment shall be completed prior to 10/1/2020
- If originally constructed between 1/1/2003 and 8/29/2018, initial assessment shall be completed prior to 10/1/2021

Periodic Condition Assessment:

Following the initial condition assessment, it shall be the PE's responsibility to make a recommendation regarding the time in which the next CA of the parking garage or portions thereof is to be conducted. The interval of "PE's recommended time frame" shall not to exceed three (3) years. The PE shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements and any other factors deemed relevant by the responsible PE's professional judgement.



Condition Assessment Report Requirements:

1. **RESPONSIBILITY:** The responsible PE shall prepare, or directly supervise the preparation of a written report of each condition assessment, and shall submit such condition assessment report to the Fire Marshal's with a license stamp.
2. **OVERVIEW:** A brief overview /history of the garage (Date constructed, square footage number of spots and graphic(s) showing basic site plan)
3. **ASSESSMENT AND DESCRIPTIONS:** An assessment and a description of the extent of deterioration and or the conditions causing deterioration that could result in an unsafe condition or unsafe structure.
4. **ELEMENTS ASSESSED:** The assessment shall address the following elements at minimum;
 - **STRUCTURAL SYSTEMS** (Columns, Beams, Slabs (decks))
 - **ARCHITECTURAL SYSTEMS** (Walls, Vehicle Barriers, Facade, Stairs, Elevator Enclosures (elevator inspection remains a separate inspection)
 - **WATERPROOFING ELEMENTS** (Expansion Joints, Waterproofing Membranes & Sealants)
 - **MECHANICAL/ELECTRICAL/PLUMBING SYSTEMS**
 - Addressing only those items that if not addressed would pose a life safety hazard and or might impact structural integrity
5. **ASSESSMENT CATEGORIES:** The assessment shall categorize conditions observed regarding the above elements as needing;
 - i. **IMMEDIATE REMEDIATION:** Reported in the Condition Assessment shall be an evaluation and description of the extent of deterioration and conditions that, in the opinion of the responsible PE, the structure or a portion of the structure should IMMEDIATELY stop being operational. The determination that there are components of either an unsafe structure or an unsafe condition qualifies as an item of immediate remediation. This condition shall be addressed immediately and initial remediation measures will be started within 48 hours. The structure, or portions of the structure, will be closed to operation immediately as well. In the event of an immediate remediation, the following personnel shall be immediately notified;
 - a. Property Owner/Representative (if not on site during inspection)
 - b. Rochester Fire Department Fire Safety Rep/Fire Marshal
 - c. Rochester Building Permit DepartmentThis condition(s) shall be documented in the CA report even though the above listed personnel will already be aware of the situation.

Initial remediation shall include the priority protection of life and property as well as shutting down the structure or portion of the structure. The amount to be shut down is to be determined by a PE and should be done to a limit that the structure is safe, and/or no unsafe condition(s) remains. Once measures are taken to protect life and property, measures to temporarily fix/brace the identified element(s) will be taken within the time period of 7 days, unless otherwise determined by the PE. A permanent fix/repair for the identified element(s) shall be completed within a time period of 180 days and shall replace the previous temporary measures taken, unless documentation from the PE modifies the remediation level. All remediation steps taken involving the unsafe structure or condition shall be under direct supervision of a PE. The permanent fix shall be certified by a PE and the AHJ prior to reopening/reusing.

- ii. **PRIORITY REMEDIATION:** Reported in the Condition Assessment shall be an evaluation and description of the extent of deterioration and condition that, in the opinion of the PE, requires remediation within a three year period or less. It is the responsibility of the PE to determine the timeframe for remediation and the remediation strategy depending on the severity of deterioration. All remediation for this level must be completed within the determined timeframe and/or prior to the next Condition Assessment. Elements that fall into this category do not meet the required severity of the Immediate Remediation but do hold the severity of being remediated in accordance to the timeline provided by the PE.
 - iii. **PREVENTATIVE REMEDIATION:** Reported in the Condition Assessment shall be an evaluation and description of the extent of deterioration and condition that, in the opinion of the PE, should be evaluated and/or monitored to prevent any further deterioration or any condition(s) that cause deterioration. The evaluation time frame or monitoring frequency would be determined by the responsible PE and should be addressed within a period determined by the PE.
6. **CORRECTIVE OPTIONS / TIME FRAME FOR REMEDIATION:** An evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause the deterioration, and unsafe conditions.
 7. **EVALUATION ASSOCIATED WITH RISKS:** An evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deteriorations, and unsafe conditions.
 8. **RECOMMENDATIONS FOR PREVENTATIVE MAINTENANCE:** The PE shall make recommendations, including recommended time frame for completion, regarding preventative maintenance
 9. **SCHEDULING OF WORK:** The CA shall include a listing of the work that has been completed and/or scheduled since the prior CA Report.
 10. **REPAIR WORK:** All repair work shall require a "follow up" report describing the work completed and how it effects the current status of the structure. This report is to be attached to the Condition Assessment in which the time frame of the repair work it falls or addressed. Any repair work that has been identified as requiring "IMMEDIATE REMEDIATION" shall require a PE's report upon completion. That report is to be reviewed by the AHJ prior to reusing that portion of the structure.

Additional Conditional Assessments

Additional assessment shall be required by the AHJ if:

- the PE conducting latest CA has a recommendation for such an assessment
- new or increased deterioration is discovered which in the judgement of the AHJ, requires assessment prior to the regular CA cycle

For specific information regarding parking garages refer to pages 3 – 10 of the Rule Text:

<https://www.dos.ny.gov/dcea/pdf/2018-2-22-Rule-Text-1203.3-parking.pdf>.

For additional information please contact:

Firefighter Brian Anten (Program coordinator): Brian.Anten@CityofRochester.gov

Captain Edward Kuppinger: Edward.Kuppinger@CityofRochester.gov

Captain Arthur Kucewicz: Arthur.Kucewicz@CityofRochester.gov

Parking Garage Standpipe Identification System

The Parking Garage Standpipe Identification System is a color coded system to allow easy identification by firefighters.

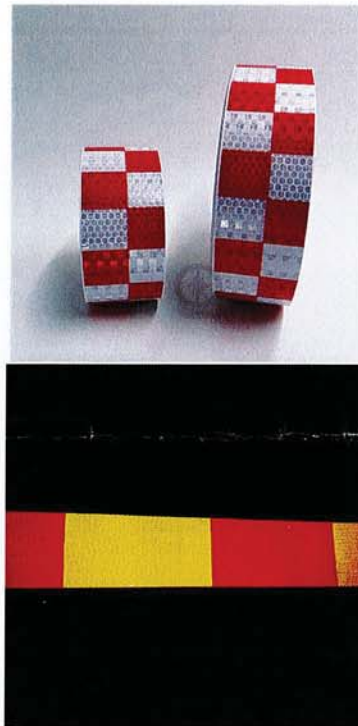
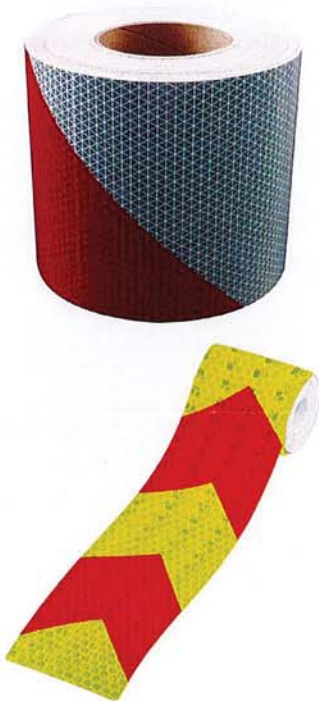
The Standpipe marking system shall meet the requirements listed below:

- It shall be a **REFLECTIVE** material
- Color coding shall consist of 2 colors. Red shall be the top color. The secondary color can be yellow or white.
- The colors shall alternate.
- The markings shall be a minimum of 6 inches in height.
- The color coding shall cover the circumference of the standpipe in 1 piece
- Bottom edge of the color coding is to be approx. 84 inches from garage floor (must be visible over the tallest vehicle)

Any questions, please feel free to contact Inspector Brian Anten at 585-428-6380 or

Brian.Anten@cityofrochester.gov

Examples of acceptable materials:



RULE TEXT
(Part 1203 – Parking)

Section 1202.4 of Title 19 NYCRR is amended to add a new subdivision (c) to read as follows:

(c) Parking garages (as that term is defined in section 1203.3(j)(2)(iv) of Part 1203 of this Title) shall be subject to condition assessments in accordance with section 1203.3(j) of Part 1203 of this Title. It shall be the responsibility of the owner or operator of the parking garage to provide the Department of State with the condition assessment reports for any parking garages and to otherwise comply with section 1203.3(j) of Part 1203 of this Title. For the purposes of section 1203.3(j)(5), the period fixed by the Department of State's code enforcement program as the interval between periodic condition assessments shall be deemed to be three (3) years.

Subdivision (b) of section 1203.2 of Title 19 NYCRR is amended to read as follows:

(b) Every state agency accountable under section 1201.2(d) of this Title for administration and enforcement of the Uniform Code shall provide for such administration and enforcement in accordance with Part 1204 of this Title and section 1203.3(j) of this Part. For the purposes of section 1203.3(j)(5), the period fixed by the code enforcement program of each such state agency as the interval between periodic condition assessments shall be deemed to be three (3) years.

Paragraph (1) of subdivision (g) of section 1203.3 of Title 19 NYCRR is amended to read as follows:

(g) Operating permits.

(1) Operating permits shall be required for conducting [the activities or using the categories of buildings listed below] any activity listed in subparagraph (i), (ii), or (iii) below or operating any type of building or structure listed in subparagraphs (iv), (v), or (vi) below:

(i) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in tables [2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4), of the Fire Code of New York State (see Part 1225 of this Title)] 5003.1.1(1), 5003.1.1(2), 5003.1.1(3) or 5003.1.1(4) of the 2015 edition of the International Fire Code (a publication currently incorporated by reference in Part 1225 of this Title);

(ii) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

(iii) use of pyrotechnic devices in assembly occupancies;

(iv) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; [and]

(v) parking garages as defined in subdivision (j) of this section; and

[(v)] (vi) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by the government or agency charged with or accountable for administration and enforcement of the Uniform Code.

Subdivision (j) of section 1203.3 of Title 19 NYCRR is renumbered subdivision (k) and a new subdivision (j) is added to read as follows:

(j) Condition assessments of parking garages.

(1) General. Each authority having jurisdiction shall include in its code enforcement program provisions requiring condition assessments of parking garages. Such provisions shall include, at a minimum, the requirements and features described in this subdivision.

(2) Definitions. For the purposes of this subdivision:

(i) the term “authority having jurisdiction” means the city, town, village, county, State agency, or other governmental unit or agency responsible for administration and enforcement of the Uniform Code with respect to a parking garage;

(ii) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;

(iii) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;

(iv) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:

(a) buildings in which the only level used for parking or storage of motor vehicles is on grade;

(b) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and

(c) a townhouse unit with attached parking exclusively for such unit;

(v) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;

(vi) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report.

(vii) the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the 2015 edition of the International Property Maintenance Code (a publication currently incorporated by reference in Part 1226 of this Title); and

(viii) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(3) Condition assessments – general requirements. The owner or operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in paragraph (4) of this subdivision, periodic condition assessments as described in paragraph (5) of this subdivision, and such additional condition assessments as may be required under paragraph (6) of this subdivision. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition

assessment shall be prepared, and provided to the authority having jurisdiction, in accordance with the requirements of paragraph (7) of this subdivision. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

(4) Initial condition assessment. Each parking garage shall undergo an initial condition assessment as follows:

(i) New parking garages shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure,

(ii) Existing parking garages shall undergo an initial condition assessment as follows:

(a) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;

(b) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and

(c) if originally constructed between January 1, 2003 and the effective date of the rule adding this subdivision to 19 NYCRR section 1203.3, then prior to October 1, 2021.

(5) Periodic condition assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed the lesser of:

(i) three (3) years, or

(ii) at such shorter period as may be fixed by the authority having jurisdiction in its code enforcement program.

(6) Additional condition assessments.

(i) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under paragraph (5) of this subdivision, the authority having jurisdiction shall require the owner or operator of such parking garage to cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(ii) If the authority having jurisdiction becomes aware of any new or increased deterioration which, in the judgment of the authority having jurisdiction, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under paragraph (5) of this subdivision, the authority having jurisdiction shall require the owner or operator of such parking garage to cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the authority having jurisdiction to be appropriate.

(7) Condition assessment reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the authority having jurisdiction within such time period as fixed by the authority having jurisdiction. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

(i) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;

(ii) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;

(iii) an evaluation and description of the unsafe conditions;

(iv) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;

(v) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;

(vi) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;

(vii) the responsible professional engineer's recommendation regarding preventative maintenance;

(viii) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and

(ix) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition

assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in his or her professional judgment.

(8) The authority having jurisdiction shall review each condition assessment report. The authority having jurisdiction shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the authority having jurisdiction shall, by Order to Remedy or such other means of enforcement as the authority having jurisdiction may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to subparagraphs (ii) and (iii) of paragraph (7). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. Neither this paragraph nor the provisions of the code enforcement program of the authority having jurisdiction that implement this paragraph shall limit or impair the right of the authority having jurisdiction to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

(9) The authority having jurisdiction shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the authority having

jurisdiction with a written statement attesting to the fact that he or she has been so engaged, the authority having jurisdiction shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The authority having jurisdiction shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

(10) Neither this subdivision nor the provisions of the code enforcement program of the authority having jurisdiction that implement this subdivision shall limit or impair the right or the obligation of the authority having jurisdiction:

(i) to perform such construction inspections as are required by the stricter of subdivision (b) of this section or the code enforcement program of the authority having jurisdiction;

(ii) to perform such periodic fire safety and property maintenance inspections as are required by the stricter of subdivision (h) of this section or the code enforcement program of the authority having jurisdiction; and/or

(iii) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the authority having jurisdiction by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

(11) The use of the term “responsible professional engineer” in this subdivision shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.

Newly renumbered (k) of section 1203.3 of Title 19 NYCRR is amended to read as follows:

~~[(j)]~~(k) Recordkeeping.

A system of records of the features and activities specified in subdivisions (a) through ~~[(i)]~~ (j) of this section and of fees charges and collected, if any, shall be established and maintained.

Section 1204.12 of Title 19 NYCRR is amended by adding a new subdivision (e) to read as follows:

(e) In addition to the periodic fire safety inspections of buildings within its custody required by subdivision (a), each State agency shall commence a program of having condition assessments conducted of parking garages within its custody in accordance with section 1203.3(j) of Part 1203 of this Title.