




HOTEL ASSOCIATION OF NEW YORK CITY, INC.

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TO: General Managers – Member Hotels
From: Joseph E. Spinnato 
Re: Holiday Decorations
Date: November 16, 2015

We are distributing the attached memorandum once again for your information on the issue of holiday decorations.

If you have any questions, please feel free to contact my office.

Best regards.

JES/lef
Attachment

FIRE DEPARTMENT REGULATIONS ON HOLIDAY DECORATIONS

SECTION FC 804 DECORATIVE VEGETATION

804.1 Natural trees and cut natural trees. Natural trees and cut natural trees shall be stored, sold, displayed and maintained in accordance with FC 804.1.1 through 804.1.6.

804.1.1 Indoor display of cut natural trees. Cut natural trees may be displayed in a building, except in Group A, B, E, I, M, R-1 and R-2 occupancies and any building or structure used for a public gathering. Notwithstanding the foregoing occupancy restrictions, cut natural trees may be displayed in houses of worship and dwelling units in Group R-2 apartment house occupancies.

804.1.2 Indoor storage of cut natural trees. It shall be unlawful to store cut natural trees in any building, except in connection with a display allowed under FC804.1.1.

804.1.3 Indoor storage and display of natural trees. Natural trees, except conifers, may be stored and displayed in a building, provided they are maintained in a healthy condition and are not allowed to become dry. It shall be unlawful to store or display natural trees that are conifers in any building.

804.1.4 Support devices. Cut natural trees for display in any building shall have the trunk bottoms cut off at least ½ inch (12.7 mm) above the original cut and shall be placed in a support device. The support device shall be of a type that is stable, holds the tree in an upright position and meets all of the following criteria:

1. The device shall hold the tree securely and be of adequate size to avoid tipping over of the tree.
2. The device shall be capable of containing a minimum 2-day supply of water.
3. The water level, when full, shall cover the tree stem at least 2 inches (51 mm). The water level shall be maintained above the fresh cut and checked at least once daily.

804.1.5 Dryness. Natural trees and cut natural trees shall be removed from the building whenever the needles or leaves fall off readily when a tree branch is shaken or if the needles are brittle and break when bent between the thumb and index finger. Trees shall be checked daily for dryness.

804.1.6 Retail sale of cut natural trees. Merchants of cut natural trees, including Christmas trees, shall, at the time of retail sale of each such tree, attach to the tree a printed tag containing appropriate instructions for its safe and lawful display and disposal.

804.2 Reserved.

804.3 Open flames. Candles and other open flames shall not be used or maintained on or near decorative vegetation. Natural cut trees shall be kept a distance at least equal to the height of the

tree from heat sources, including fireplaces, portable heaters and vents, and open-flame or heat-producing devices.

804.3.1 Electrical fixtures and wiring. Electrical wiring and lighting used on natural cut trees and decorative vegetation shall be listed. It shall be unlawful to use electrical wiring and lighting on metal artificial trees.

804.4 Artificial vegetation. Artificial decorative vegetation, including artificial trees, shall be flame resistant. Alternatively, the artificial decorative vegetation shall have a maximum heat release rate of 100 kW when tested in accordance with NFPA 289, using a 20 kW ignition source. Such flame resistance or maximum heat release rate shall be certified by a testing laboratory, or by the manufacturer in an approved manner. Documentation of such certification shall be submitted to the department upon request and as required by the rules.

804.5 Natural decorative greens. Natural decorative greens shall be stored and displayed in a building in accordance with FC 804.5.1 through 804.5.4.

804.5.1 Storage. It shall be unlawful to store natural decorative greens in any building, except merchandise for sale or displayed for sale which does not contain conifers.

804.5.2 Display. Natural decorative greens may be displayed in buildings on a temporary basis. The display of natural decorative greens in Group A, E, I, and M occupancies, in common areas of Group R-1, R-2 and B occupancies, and any building or structure used for a public gathering, except display of works of art in museums and houses of worship, shall comply with the restrictions set forth in FC804.5.3.

804.5.3 Restrictions on display. It shall be unlawful to display in any building natural decorative greens that:

1. Contain pitch, such as hemlock, balsam, pine or Spanish moss.
2. Are displayed at a location less than 3 feet (914 mm) from stuffed furniture, rugs, or other combustible material or contain combustible decorations.
3. Are on a combustible framework or displayed in conjunction with combustible material unless such material is flame resistant.

804.5.4 Dryness. Any natural decorative green shall be removed from a building at the first sign of deterioration or dryness. Natural decorative greens shall be checked at least daily for dryness.

SECTION FC 805 DECORATIONS AND SCENERY

805.1 Decorations. Except as otherwise specifically provided for in this chapter, in Group A, E, I, M occupancies, and Group R-1 college and university dormitories, common areas in Group B,

R-1 and R-2 occupancies, and any building or structure used as a place of public gathering, decorations shall be flame resistant.

Exceptions:

1. Acoustical or other decorative materials consisting of foam plastics with a maximum heat release rate of 100 kW when tested in accordance with UL 1975.
2. Artwork in a museum or art gallery.
3. Artwork on the walls of building hallway corridors in Group B office and Group R-2 occupancies, provided that the wall area covered by such artwork does not exceed 20 percent of any wall in any occupancy not protected throughout by a sprinkler system or 50 percent of any wall in any occupancy protected throughout by a sprinkler system, and the artwork is affixed in a manner that prevents it from moving freely.
4. Artwork and educational materials in classrooms in Group E and I-4 occupancies, and on the walls of corridors in such occupancies, provided that the corridor wall area covered by such artwork and materials does not exceed 20 percent of any wall, and the artwork and materials are affixed in a manner that prevents them from moving freely.
5. Curtains, draperies, hangings and other decorative materials suspended from walls of sleeping units and dwelling units in Occupancy Group R-1 dormitories protected throughout by a sprinkler system, where the total amount of such materials does not exceed 25 percent of the aggregate area of walls.
6. Decorations displayed for sale.
7. Guest rooms in hotels and motels.
8. Decorations in houses of worship, including wood used for screening or ornamental purposes.
9. Decorations in private offices in commercial buildings.

805.1.1 Fabric partitions. In Group B and M occupancies, fabric partitions suspended from the ceiling and not supported by the floor shall be inherently noncombustible or shall be treated to meet the flame propagation performance criteria in accordance with FC 805.1.3 and NFPA 701.

805.1.2 Trim and decorative materials. The type and quantity of interior trim allowed shall be as set forth in Chapter 8 of the Building Code. The quantity of flame resistant materials used in decorations when combined with combustible trim shall not exceed 10 percent of the specific wall or ceiling area to which it is attached.

805.1.3 Acceptance criteria and reports. Where required to be flame resistant, decorations shall meet the flame propagation performance criteria of NFPA 701. Certification of compliance shall

be prepared by a certificate of fitness holder and made available to department representatives in accordance with the rules.

805.1.4 Motion picture screens. Motion picture screens and supporting construction shall comply with the requirements of FC306.3.

805.2 Scenery. All scenery in Group A occupancies shall be made of materials that are inherently noncombustible, have a Class A flame-spread rating, or rendered flame resistant by the application of a fire-retardant coating, except that the commissioner may authorize the use of scenery not complying with any of the above requirements where provision is made to ensure an equivalent level of fire safety. Foam plastic materials used for scenery shall comply with the maximum heat release rate set forth in Exception 1 to FC805.1.

§ 805-01 Flame-Resistant Decorations

- (a) Scope. This section sets forth the standards, requirements and procedures for the testing and certification of flame-resistant *decorations*.
- (b) General Provisions
 - (1) Applicability. The requirements of this section apply to *decorations* in any *Group A, E, I, M occupancy*, any common area in a *Group R-1, R-2 and B occupancy*, and any building or indoor space used as a public gathering place, other than guest rooms in hotels and motels, private offices in commercial buildings, and houses of worship.
 - (2) Prohibition. It shall be unlawful to install or maintain in any *premises* subject to this section any *decoration* that is not of a *flame-resistant material*.
 - (3) Supervision. The treating of a *decoration* with a chemical compound to impart flame resistance shall be conducted by or under the *personal supervision* of a *certificate of fitness* holder.
 - (4) Affidavit of flame resistance. It shall be unlawful to install or maintain any *decoration* in any *premises* subject to this section unless an affidavit of flame resistance for such *decoration* has been filed with the *Department* in compliance with the requirements of this section.
- (c) Testing of Flame-Resistant Materials. *Decorations* that are treated with a flame-retardant chemical to render them flame-resistant may be subject to a field flame test by *Department* representative at any time as set forth in this section.
 - (1) The material should be tested using a sample that is dry and, unless impracticable, approximately one and one-half (1½) inches wide by four (4) inches long.
 - (2) The flame test shall be performed in a draft-free, safe location, outdoors where practicable, and within ten (10) feet of a portable fire extinguisher with at least a 2-A rating.
 - (3) The sample shall be suspended (preferably with tongs) with the long axis vertical. The flame from a common wood match shall be applied to the center of the bottom edge of the sample for 12 seconds.
 - (4) The sample shall be deemed to be satisfactorily flame-resistant only when:
 - (A) the flaming does not spread rapidly over the sample;

- (B) the sample does not continue to burn for more than two (2) seconds after the match has been withdrawn; and
- (C) the flaming material does not break or drip from the sample and continue to burn.

(d) Affidavit of Flame-Retardant Treatment

- (1) The *owner* of any *premises* in which there is any *decoration* that is required to be subjected to a *flame-retardant treatment* shall, in accordance with the requirements of this section, file with the *Department* an affidavit of *flame-retardant treatment* for each such *decoration*.
- (2) A *decoration* that is not inherently flame-resistant shall be subjected to a *flame-retardant treatment*:
 - (A) before being installed in the *premises*;
 - (B) after each washing, dry cleaning, ironing or sewing of the *decoration*, or other processing of the *decoration* that might impair the effectiveness of its flame resistance, unless otherwise provided in the *certificate of approval* for such *flame-retardant treatment*;
 - (C) at the end of the time period following each *flame-retardant treatment* that the manufacturer of the flame-retardant chemical warrants that the *flame-retardant treatment* will be effective, but in no case more than three (3) years from the date of the last affidavit of *flame-retardant treatment* filed with the *Department*; and
 - (D) any time the *flame-resistant material* fails to pass a field flame test conducted in accordance with the requirements of R805-01(c).
- (3) The *owner* of the *premises* shall obtain from the person who performed the *flame-retardant treatment* an affidavit of such *flame-retardant treatment* that meets the requirements of R805-01(d)(4). Such *owner* shall file such affidavit with the *Department* in accordance with the requirements of R805-01(d)(5), and shall maintain on the *premises* for inspection by any *Department* representative a copy of such affidavit and a record of each washing or dry cleaning of the *decoration*, or other processing of the *decoration* that might impair the effectiveness of its flame resistance.
- (4) An affidavit executed by the person who performed or personally supervised the *flame-retardant treatment* and the testing of the *flame-resistant material* shall contain the following information:

- (A) the name of the affiant, and the number and expiration date of his or her *certificate of fitness for flame-retardant treatment*;
 - (B) the date of the treatment and/or testing;
 - (C) the name of the manufacturer of the flame-retardant chemical, its trade name and its Certificate of Approval number;
 - (D) a detailed description of the materials treated and a statement indicating that the *flame-retardant treatment* used has been approved under the *certificate of approval* for the materials treated;
 - (E) the period of time that the manufacturer of the flame-retardant chemical warrants that the material's flame resistance will be effective; and
 - (F) the affiant's certification that the material, and the *flame-retardant treatment* comply with R805-01(b), and that the affiant personally subjected a sample of the treated material to a flame test in accordance with the requirements of R805-01(c), or personally supervised such test, and the material passed such test.
- (5) An affidavit of *flame-retardant treatment* shall be filed with the *Bureau of Fire Prevention* not later than ten (10) days after the installation or reinstallation of the *decoration* in the *premises* following the *flame-retardant treatment* and/or testing of the *decoration* in accordance with R805-01(d)(2).
- (6) The *Department* may reject any affidavit of *flame-retardant treatment* that the *Department* determines is not in compliance with the requirements of this section, and shall give written notice of such determination to the *owner* of the public space containing the *decoration* and to the *certificate of fitness* holder who executed such affidavit. The *decoration* shall be removed from the affected occupancy and shall not be reinstalled until it has been subjected to a *flame-retardant treatment* in compliance with the requirements of this section and a satisfactory affidavit of *flame-retardant treatment* filed with the *Department*.
- (e) Affidavit of Inherently Flame-Resistant Material
- (1) The *owner* of any *premises* in which there is any *decoration* made of inherently *flame-resistant material* shall file an affidavit from a *certificate of fitness* holder for each such *decoration* attesting to such properties. The *owner* of such *premises* shall file with the *Department* in compliance with the requirements of this section, and shall maintain a copy of such affidavit on the *premises* for inspection by any *Department* representative.
 - (2) The affidavit of inherently *flame-resistant material* shall contain the following information:

- (A) the name of the person who personally inspected and/or tested the *decoration*, and the number and expiration date of his or her *certificate of fitness for flame-retardant treatment*;
 - (B) the name of the manufacturer of the material; and
 - (C) an exact description of the material, and a description of the properties of the material that render it inherently flame-resistant.
- (3) An affidavit of inherently *flame-resistant material* shall be filed with the *Bureau of Fire Prevention* not later than ten (10) days after the installation or reinstallation of the *decoration* in the *premises*.
- (4) The *Department* may reject any affidavit of inherently *flame-resistant material* that the *Department* determines is not in compliance with the requirements of this section, and shall give written notice of such determination to the *owner* of the *premises* containing the *decoration* and to the *certificate of fitness* holder who executed such affidavit. The *decoration* shall be removed and shall not be reinstalled until a satisfactory affidavit of inherently *flame-resistant material* has been filed with the *Department*, or the *decoration* has been subjected to a *flame-retardant treatment* in accordance with the requirements of this section and a satisfactory affidavit of *flame-retardant treatment* has been filed with the *Department*.
- (f) Temporary Decorations. Notwithstanding any other provision of this section to the contrary, when a *decoration* is installed or maintained in a *premises* on a temporary basis not to exceed 30 days, such as at a trade show or similar public gathering, the *Department*, in its discretion and upon a showing by the *application* that it would be an undue hardship to comply with the requirements of this section, may accept, in lieu of an affidavit of *flame-retardant treatment* or inherently *flame-resistant material*, a testing report from a nationally recognized laboratory or certification from other qualified *flame-retardant treatment* professionals acceptable to the *Department* indicating that the material has passed Test 1 or Test 2, as set forth in NFPA 701. Nothing contained in this subdivision shall be construed to necessitate that representative samples or other merchandise displayed at trade shows or similar public gatherings comply with the requirements of this section.
- (g) Enforcement. In addition to such other penalties that may be applicable for failure to comply with the requirements of FC Chapter 8 or this section, the *Department* may:
- (1) order an *owner* of any *premises* containing a *decoration* for which no affidavit has been filed with the *Department* or that fails a flame test to remove such *decoration* forthwith, and not to reinstall or maintain the *decoration* in any affected occupancy unless and until the *decoration* has been subjected to a *flame-*

retardant treatment and tested and an affidavit has been filed in accordance with this section.

- (2) take appropriate action against the *certificate of fitness* holder for misconduct for improperly completing an affidavit of *flame-retardant treatment* or inherently *flame-resistant material*.

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