



NEW YORK STATE DEPARTMENT OF STATE

Division of Code Enforcement and Administration

Phone : (518) 474-4073

www.dos.state.ny.us

Fax : (518) 486-4487

E-mail: info@dos.state.ny.us

TECHNICAL BULLETIN

Code Effective Date: **January 1, 2008**

Source Documents: **Article 18 of the Executive Law, Part 372**
19NYCRR 1225 - Fire Code of New York State (FCNYS)

Topic: **How is a Sukkah regulated by the *Uniform Fire Prevention and Building Code*?**

A Sukkah is a temporary structure that has a ritual use during the Festival of Sukkot, a Jewish holiday that is celebrated for seven days in the month of September or October. (The holiday of Shemini Atzeret immediately follows Sukkot so that the holiday period is eight days. Jewish holidays follow the lunar year so that they come out on different dates.) During the Festival of Sukkot, some worshippers eat, sleep and study within a Sukkah. The construction of a Sukkah involves at least two and one-half walls and a top that is constructed from a restricted list of organic materials. The organic materials on the top cannot be fastened or tied down to the walls in any fashion, must provide more shade than sunlight to the space within the walls (but not opaque), and must allow the rainwater to fall within the Sukkah.

A Sukkah can be constructed as a freestanding structure or can use one wall of a building as one of the Sukkah walls.

For a Sukkah that is built as a freestanding structure or is not on or part of a building, the *Uniform Fire Prevention and Building Code* does **not** apply to its construction. As defined in Article 18 of the Executive Law, Part 372, a 'building' as "a combination of any materials, whether portable or fixed, having a roof, to form a structure affording shelter for persons, animals or property". Since the traditional construction principles require a Sukkah to allow rainwater to enter, a Sukkah does not provide shelter and, therefore does not meet the definition of a building.

For a Sukkah that is built as part of a building, such as a removable portion of the building's roof or operable skylights, the *Uniform Fire Prevention and Building Code* **does** apply.

The fire safety requirements of the *Uniform Fire Prevention and Building Code* **do** apply to any Sukkah. This would include the operation and use provisions of the *Fire Code of New York State*. Some of the more common operational fire safety requirements are:

- Control of rubbish, waste, and vegetation in and around the Sukkah (FCNYS 304)
- Bonfires within 50 feet of the Sukkah (FCNYS 307)
- Candles should be in sturdy holders and the flame should be clear of decorative or combustible materials

- The use of LP-gas in containers exceeding 1 pound or any flammable liquids within the Sukkah is prohibited (FCNYS 308)
- Only space heaters listed for outdoor use should be utilized (FCNYS 603)
- Extension cords, power strips, and splitters shall be listed for outdoor use(FCNYS 605)
- Appropriate temporary wiring is utilized (FCNYS 605, BCNYS Chapter 27)
- Lighting shall be listed for outdoor use (FCNYS 605)

Since these structures are generally occupied, it would be appropriate (though not required) to utilize safeguards consistent with temporary structures. The most appropriate safeguards would be the requirements for temporary membrane structures. Those safeguards would include:

- The placement of portable fire extinguishers to be readily accessible and within 75 feet of all portions of the Sukkah
- Prohibiting smoking, flammable liquids, and propane in and around the Sukkah
- Control of hay, straw, or other combustible materials within the Sukkah
- Appropriate exiting for the occupants
- Limiting the type of equipment used to cook food within the Sukkah. LP-gas containers in containers less than 1 pound and solid flammable cooking fuel, such as the type sold in small cans and utilized for catering purposes is permitted. Refrain from using wood-burning, charcoal, or flammable liquid fuels within the Sukkah.
- If there are more than 50 people within the Sukkah, appropriate exit openings, signs, emergency lighting, and fire safety plans would be appropriate.

Ronald E. Piester, AIA, Director
Division of Code Enforcement and Administration

September 11, 2008