



# Building Standards and Codes

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## TECHNICAL BULLETIN

Rev. 1

**Code Effective Date:** May 12, 2020<sup>1</sup>  
**Source Document:** 19 NYCRR Part 1225—Fire Prevention<sup>2</sup>  
**Topic:** New and Existing Mobile Food Preparation Vehicles

This document provides clarification of the requirements for new and existing *mobile food preparation vehicles* (MFPVs). MFPVs are in use across the state and present some unique hazards to the public, to employees, and to firefighters. The scope of the 2020 Fire Code of New York State (2020 FCNYS) is to establish “*regulations affecting or relating to structures, processes, premises, and safeguards* [from hazards].” (See Section 101.2)

Section 319 of the 2020 FCNYS establishes provisions for MFPVs. For the purposes of the Uniform Code, MFPVs are defined in the 2020 FCNYS as:

*Vehicles that contain cooking equipment that produce smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.*

According to the definition, a vehicle that does not contain cooking equipment that produces smoke or grease-laden vapors is not subject to the requirements of Section 319.

Section 102.2 of the 2020 FCNYS indicates that:

*The construction and design provisions of this code shall apply to:*

1. *Structures, facilities and conditions arising after the adoption of this code.*
2. *Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.*
3. *Existing structures, facilities and conditions where identified in this code.*

The following are generally deemed *construction and design* provisions:

- Section 319.3 requires “*a kitchen exhaust hood in accordance with Section 607.*”
- Section 319.4.1 requires “*automatic fire extinguishing systems in accordance with Section 904.12*” for the protection of cooking equipment.
- Section 319.5 contains the provisions for the appliance connection to fuel supply piping.
- Section 319.7 contains the provisions for cooking oil storage tanks, where provided.

Section 102.3 of the 2020 FCNYS indicates that:

*The administrative, operational and maintenance provisions of this code shall apply to:*

1. *Conditions and operations arising after the adoption of this code.*
2. *Existing conditions and operations.*

<sup>1</sup> The “Code Effective Date” for this Technical Bulletin is May 12, 2020, which is the effective date of the 2020 update of the New York State Uniform Fire Prevention and Building Code (the Uniform Code).

<sup>2</sup> The Uniform Code is contained in Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York (19 NYCRR) Parts 1220 through 1227 and the publications incorporated by reference into those Parts, including, but not limited to the 2020 NYS specific code books which are based on the 2018 International Code Council books.

The following are generally deemed *operational* and/or *maintenance* provisions:

- Section 319.2 requires operating permits in compliance with Section 105.6.
- Section 319.4.2 requires a portable fire extinguisher “*in accordance with Section 906.4.*”
- Section 319.6 contains the provisions for cooking oil storage containers.
- Section 319.8 contains the provisions for LP-gas systems, “*where LP-gas systems provide fuel for cooking appliances.*”
- Section 319.9 contains the provisions for CNG systems, where CNG fuel is used for cooking appliances.
- Section 319.10 contains the provisions for the “*maintenance of systems on mobile food preparation vehicles.*”

In accordance with Section 102.2 of the 2020 FCNYS as noted above, MFPVs legally existing prior to May 12, 2020 are not required to comply with the *construction and design* provisions of the 2020 FCNYS, including those provisions found in Section 319. In accordance with Section 102.3 of the 2020 FCNYS, **all** MFPVs shall comply with the *operational and/or maintenance* provisions of the 2020 FCNYS, including those provisions found in Section 319. It is the responsibility of the owner of a MFPV to prove to the satisfaction of the local authority having jurisdiction (AHJ) that a MFPV was legally in existence in order to be exempt from the *construction and design* provisions of the 2020 FCNYS. Proof of legal existence that could be accepted by the local AHJ includes but is not limited to: records of NYS Health Department and/or County Health Department approvals, use permits issued by AHJs, or other documentation proving the MFPV operated with cooking equipment that produced smoke or grease-laden vapors for the purpose of preparing and serving food to the public prior to May 12, 2020.

The information contained in this bulletin is not intended as a comprehensive listing of all Uniform Code requirements applicable to MFPVs. Additional provisions of the Uniform Code, as well as provisions of other local, State, and federal agencies may apply.

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