

LOCAL LAW NO. 15 OF THE YEAR 2012

A LOCAL LAW OF THE VILLAGE OF MASTIC BEACH

Repealing and Adopting Chapter 220 of the Village Code (“Fire Prevention”)
which shall read as follows:

“Chapter 220 – Fire Prevention:

ARTICLE I – General Provisions:

Section 220-1-1. Intent and Applicability.

A. Intent

It is the intent of this chapter to prescribe regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

B. Applicability of provisions

1. The provisions of this article shall apply to all buildings, structures, vehicle and marine vessels within the scope of this code and to premises which shall be constructed or erected and to conditions which arise in the Village of Mastic Beach after the effective date hereof.
2. The provisions of this article shall also apply to existing buildings, structures, vehicles and marine vessels within the scope of this code and to premises or conditions in the Village of Mastic Beach when, in the opinion of the Fire Marshal, they constitute a distinct fire hazard to life and property of others.
3. The provisions of this chapter shall apply equally to new and existing conditions, except that existing conditions not in strict compliance with the terms of this chapter shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or property in the opinion of the Fire Marshal.
4. Nothing contained in this chapter shall be construed as applying to the transportation of any article or thing shipped under the jurisdiction of and in compliance with the regulations prescribed by the Interstate Commerce Commission, nor as applying to the military forces of the United States.

5. Whenever a provision of this chapter imposes or prescribes any greater requirement or higher standard on premises, buildings or structures or on the use thereof than is imposed or prescribed by any other law, ordinance, rule or regulation, the provision of this chapter shall govern.

Section 220-1-2. Establishment of an Fire Marshals Office, Peace Office and Fire Advisory Board.

A. The Fire Marshals Office is hereby established which shall be operated under the supervision of the Fire Marshal. The head of the Division shall be known as the “ Chief Fire Marshal.” The Chief Fire Marshal shall devote his full time to the duties of the Fire Marshals Office. There shall be appointed as many Fire Marshals as may be necessary to assist the Chief Fire Marshal in his duties.

B. Peace officer

The Position of Chief Fire Marshal and Fire Marshal shall be Peace Officers under the appropriate Section of the New York State Criminal Procedure Law. The Chief Fire Marshal and Fire Marshals are required to complete all required training and re-certifications as prescribed by the applicable sections of the New York State Criminal Procedure Law and New York State Municipal Police Training Council.

C. Establishment of a Fire Advisory Board

A Fire Advisory Board is hereby established which shall consist of five members, all of whom shall be residents of their respective fire districts serving the Incorporated Village of Mastic Beach.

1. All members of the Fire Advisory Board shall be appointed by the Village Board for terms of three years. However, of said five members, two shall represent the Mastic Fire Department and two shall represent the Mastic Beach Fire Department and one shall represent the Village of Mastic Beach. The appointment of the two members representing their respective fire districts shall be upon the recommendation of the respective districts which they represent.
2. The Fire Advisory Board shall elect from its own members, a Chairman and a Vice Chairman and shall meet at least once every two months. Meetings shall be at the call of the Chairman or upon the request of three members of the Board. Three members shall constitute a quorum for the transaction of business.
3. The Fire Advisory Board shall study and review the operation of this chapter and all administration thereof by the Chief Fire Marshal and the two Fire Departments for the purpose of formulating and recommending improvements and changes in this chapter.

4. The Fire Advisory Board shall act as an advisory body to the Village Board and to the Chief Fire Marshal in connection with the carrying out of the provisions and purposes of this chapter.

Section 220-1-3. Right of entry.

The Chief Fire Marshal and Fire Marshals of the Fire Marshals Office may, at all reasonable house, enter any building or premises with the consent of the owner or occupant, or with a search warrant for the purpose of making any inspection or investigation which, under the provisions of this chapter, he or they deem necessary to be made.

Section 220-1-4. Duties of the Fire Marshals Office.

- A. It shall be the duty of the Chief Fire Marshal to inspect or cause to be inspected by the Fire Marshal's Office all buildings and premises, except the interiors of one-family dwellings, as often as may be necessary for the purpose of ascertaining and causing to be corrected any condition liable to cause fire or endanger life from fire or any violations of the provisions or intent of this chapter and of any other local law affecting the fire hazard.
- B. The Chief Fire Marshal and the Fire Marshals Office shall cooperate with the Board of Fire Commissioners and other fire district officers in making inspections within a fire district and inspect any buildings and premises within a fire district or protected area at the request of the Board of Fire Commissioners or of the Chief of the Fire Department which protects the area in which the buildings or premises are situated.
- C. Nothing contained in this chapter shall be construed as in any way limiting or restricting the power of any Board of Fire Commissioners or of any Fire District officer to make inspections or investigations pursuant to law.
- D. It shall be the duty of the Chief Fire Marshal to inspect or cause to be inspected by the Fire Marshal's Office all exterior areas adjacent to or adjoining any structure or building, except one-family dwellings, for the purpose of designating said areas or portions thereof as fire zones. Any areas so designated shall be plainly defined and marked as such in a manner prescribed by the Chief Fire Marshal.
- E. It shall be the duty of the Fire Marshals Office to investigate the origin, cause and circumstances of the following when said condition or occurrence is within the Incorporated Village of Mastic Beach:
 1. Every fire involving injury or loss of life.
 2. Every suspicious fire.

3. Every fire which the Chief Fire Marshal determines worthy due to its size, speed or unusual conditions.
 4. Every hazardous condition or occurrence which might present a clear and present danger to the health, safety and welfare of the general public.
 5. Every fire or related condition or occurrence within the Incorporated Village of Mastic Beach when requested by the Mastic and Mastic Beach Fire Departments, Fire Districts or other duly authorized agency.
- F. It shall be the duty of the Chief Fire Marshal and the Fire Marshals Office, upon request, to assist the local Fire Department, the local Fire District or any other duly authorized agency in the mitigation of any hazardous condition or occurrence which might present a clear and present danger to the health, safety and welfare of the general public when such event shall occur in the Village provided, however, that any member of the Fire Marshals Office may take appropriate action to protect the health, safety and welfare of any person, or to minimize damage to property in the event of an emergency. For purposes of this section, an emergency is defined as an unforeseen occurrence or condition that calls for immediate action.
- G. The person or entity responsible for the spill, discharge or other release of any material that creates any hazardous condition or occurrence as described above shall reimburse the Village and all other responding agencies for all expenses incurred by the Village and responding agencies for the mitigation and investigation of the hazardous condition or occurrence. This section shall not apply to accidental spills or releases of home heating oil, swimming pool treatments or similar materials within or on the premises of single-family dwellings, unless such spill or release was due to a negligent or intentional act.
- H. It shall be the duty of the Fire Marshals Office to enforce the applicable provisions of the New York State Codes in addition to any other laws, rules, codes or regulations duly adopted by the Code of the Village of Mastic Beach.

Section 220-1-4. Orders to eliminate dangerous or hazardous conditions.

Whenever the Fire Marshal shall find in any building, vehicle or vessel or upon any premises dangerous or hazardous conditions or materials as follows, he shall order such dangerous conditions or materials to be removed or remedied in such a manner as may be specified by the Fire Marshal;

- A. Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials.

- B. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials.
- C. Dangerous accumulations of rubbish, wastepaper, boxes, shavings or other highly flammable materials, or waste material in air-conditioning or ventilating systems or of grease in kitchen or other exhaust ducts.
- D. Obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire.
- E. Any building or other structure which, for want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition or from any other cause, creates a hazardous condition.
- F. Any violation of this chapter of the Code of the Village of Mastic Beach.

Section 220-1-5. Service of orders.

- A. The service of orders for the correction of violations herein or any other provisions of this chapter shall be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of same to such person or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on said premises. Whenever it may be necessary to serve such an order by affixing a copy thereof in a conspicuous place upon said premises, another copy thereof shall be mailed by certified mail, with return receipt requested within 24 hours of posting, to the person to whom it is directed at his last known address or place of residence.
- B. If buildings or other premises are owned by one person and occupied by another under a lease or otherwise, the orders issued in connection with the enforcing of this chapter shall apply to the occupant thereof, except where the rules or orders require the making of additions to or change in the premises themselves, such as would immediately become real estate and be the property of the owner of the premises; in such cases the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.

Section 220-1-6. Permits.

- A. A permit shall constitute permission in writing to manufacture, maintain, store, handle or keep explosives, chemicals, flammable liquids and gases or other hazardous materials or to use, install or conduct processes or carry on operations involving or creating conditions which are or may be hazardous to life or property

or to install equipment used in connection with such activities. Such permit shall not take the place of any other license required by law and shall not be transferable nor assignable. Each permit shall be limited to the purposes and materials set forth in the face thereof, and any change in use or occupancy of premises shall require a new permit.

- B. Before any permit other than a household or commercial burning permit may be issued, the Fire Marshals Office, with the consent of the owner or occupant, or with a search warrant, shall inspect and approve the receptacles, equipment, vehicles, buildings, premises or storage place to be used. In cases where the approval of any other governmental agency is required, no permit shall be issued until satisfactory evidence of such approval has been submitted by the applicant.
- C. All applications for a permit required by this chapter, other than an application for the household or commercial burning permit, shall be made to the Chief Fire Marshal in such form and detail as he shall prescribe. Applications for permits shall be accompanied by such plans as required by the Chief Fire Marshal. An application for a household or commercial burning permit may be made to the Chief of the Fire Department in whose district the burning is to be conducted. A permit shall not be issued for a period longer than one year unless specifically stated by some other section of this code. A permit shall not be effective until such time as the applicant has corrected all violations which were observed at the time of inspection. The permit fee shall cover a period of one year from the date of initial inspection, unless specifically stated by some other section of this code.
- D. Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the Fire Marshals Office and any officer of the Fire or Police Department.
- E. One permit only shall be required by establishments dealing in or using two or more flammable, combustible or explosive materials to be kept in the establishment at any one time, but each of the materials shall be listed in the permit.
- F. A copy of each permit, together with the application and plans upon which it is based, shall be delivered by the Chief Fire Marshal forthwith to the Chief of the Fire Department which protects the area in which the premises are situated.
- G. The Chief Fire Marshal may revoke any permit or approval issued, and the Chief of the Fire Department may revoke a household or commercial burning permit issued by him, if any violation of this chapter is found upon inspection or in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.
- H. No building or structure, except one-family dwellings, shall be erected or altered until the plans therefor have been approved, in writing, by the Chief Fire

Marshal. Such written approval shall not be given where said construction or alteration would be in violation of any of the provisions of this chapter.

Section 220-1-7. Fees.

The fees shall be as contained in the Village Code of the Village of Mastic Beach or as may from time to time be set by resolution of the Board of Trustees.

Section 220-1-8. Exemption from liability.

This chapter shall not be construed to subject the Village of Mastic Beach, any Fire District or Fire Department therein or any officers or employees thereof to any civil or other liability for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect or the permit issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

Section 220-1-9. Modifications.

The Chief Fire Marshal shall have the power to modify any of the provisions of this chapter upon application, in writing, by the owner or lessee or his duly authorized agent when there are practical difficulties in the way of carrying out the strict letter of the chapter, provided that the spirit of the chapter shall be observed, public safety secured and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Chief Fire Marshal thereon shall be entered upon the records of the Fire Marshals Office, and a copy shall be furnished to the applicant.

Section 220-1-10. Appeals.

Whenever the Chief Fire Marshal shall disapprove an application or refuse to grant a permit applied for or revoke a permit, or when it is claimed that the provisions of this chapter do not apply or that the true intent and meaning of this chapter has been misconstrued or wrongly interpreted, the applicant may appeal, in writing, from the decision of the Chief Fire Marshal to the Village Board within 10 days from the date of the decision appealed. The Village Board, after receipt of such notice of appeal, may, in its discretion, stay the effect of any order pending its decision. The decision of the Village Board shall be entered upon the records of the Fire Marshal's Office, and a copy shall be furnished to the applicant.

Section 220-1-10. Penalties for offenses.

- A. Any violation of the New York State Uniform Fire Prevention and Building Code shall be considered a violation of this chapter.
- B. Any person who shall violate any of the provisions of this chapter, including the failure, refusal or neglect to comply with an order issued by the Fire Marshal, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable for a first offense by a fine not less than \$1,000 and not to exceed \$2,500 or a

term of imprisonment not to exceed one year, or both; for a second offense by a fine not less than \$2,500 and not to exceed \$4,000 or a term of imprisonment not to exceed one year, or both; and for a third or subsequent offense within a three-year period, by a fine of not less than \$5,000 and not to exceed \$10,000 or a term of imprisonment not to exceed one year, or both.

- C. Each week, or part thereof, such violation continues following notification by the Village shall constitute a separate offense punishable in like manner.
- D. The owner or owners of any building or premises or part thereof, or any person in possession thereof where any violation of this chapter has been committed or shall exist, and any architect, builder, contractor, agent, person or corporation who knowingly commits, takes part or assists in any such violation, or who maintains any building, structure or premises in which any such violation exists, shall each be guilty of a separate offense and upon conviction thereof shall be fined and/or imprisoned as herein provided.
- E. In addition to the above penalty, any appropriate action or proceeding may be instituted or taken to prevent any unlawful construction, erection, alteration, repair, maintenance or use or to restrain, correct or abate any violation or to prevent the occupancy of any such building, structure or premises or to prevent any illegal act, conduct, business or use in or about such building, structure or premises.

Section 220-1-11. Severability.

If any article, section, subsection, subdivision, paragraph, sentence, phrase, clause, word or portion of this chapter is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this chapter.

Section 220-1-12. Occupancy of buildings.

No building or structure or part thereof erected or altered in accordance with this Code shall be occupied for use until an inspection of the same has been conducted by the Division of Fire Prevention and an appropriate certificate of compliance issued.

Section 224-1-13. Registration of businesses.

- A. All persons, corporations or other entities owning commercial businesses, zoned or assessed properties in the Village of Mastic Beach and their landlords shall file a certificate of business registration with the Chief Fire Marshal on a form prescribed by the Chief Fire Marshal and in accordance with regulations as he shall prescribe.

- B. A new certificate of registration shall be filed with the Chief Fire Marshal whenever any of the following situations occur:
 - 1. There is a change in the ownership of the business being conducted.
 - 2. There is manufactured, maintained, handled or kept chemicals, explosives, flammable liquids, gases or other hazardous substances or materials which were not included in any previously issued certificate of registration.
 - 3. There is any alteration in the type of business or the activities for which a certificate of registration had been previously issued.
- C. In the event of any of the situations mentioned in Subsection B of this Section, it shall be the obligation of the owners of such businesses and their landlords to file a new certificate of registration.

Section 220-1.14. Business registration fees.

- A. No registration certificate will be issued until the fee prescribed in this Code or Section shall have been paid. No amendment to a certificate of registration shall be permitted, and any such certificate shall expire one year from date of issuance or upon date of a new certificate that has indicated compliance with all applicable laws. The minimum fee shall be set forth in the fee schedule of the Village of Mastic Beach.
- B. Fees for places of assembly shall be based on occupancy load as per this Code.
- C. Annual inspections by the Village Fire Marshal shall be included in above mentioned fees under Subsections A and B of this section.

ARTICLE II - Adoption of standards

Section 220-2-1.

- A. This article is a supplement to Chapter 220 of the Code of the Village of Mastic Beach so as to further provide the Village of Mastic Beach with rules and regulations to improve public safety by promoting the control of fire hazards; regulating the installation, use and maintenance of equipment; regulating the use of structures, premises and open areas; providing for the abatement of fire hazards; and setting forth standards for compliance with and achievement of these objectives.
- B. It is the intent of this article to identify, adopt and use the standards and codes relating to the prevention of fires published by the National Fire Protection

Association with the exception of NFPA Code 1, Fire Prevention, and NFPA Code 5000, Building Construction.

Section 220-2-2. Adoption of standards by reference; copies on file.

- A. This chapter adopts the New York State Fire, New York State Building, New York State Residential, New York State Existing Building, New York State Mechanical, New York State Fuel Gas, New York State Energy Conservation and the New York State Property Maintenance Codes and all codes and standards referenced by said codes that are currently in effect. The same are hereby adopted and incorporated as if fully set out at length herein.
- B. It is the intent of this article to identify, adopt and use the standards and codes relating to the prevention of fires published by the National Fire Protection Association with the exception of NFPA Code 1, Fire Prevention, and NFPA Code 5000, Building Construction.
- C. At least one adopted edition, either a computer software program or a print version of the adopted edition of the codes and standards of the National Fire Protection Association shall be maintained in the Fire Marshals Office and the provisions thereof shall be controlling within the Village of Mastic Beach. The adopted edition of the Codes and Standards of the National Fire Protection Association shall be available for viewing by the public for reasonable periods of time, during regular business hours of the Village of Mastic Beach. Copies of portions of the Codes and Standards of the National Fire Protection Association shall be available from the Fire Marshal's Office at the prevailing cost per page for photocopies.

Section 220-2-3. Applicability

- A. The provisions of this article shall apply to all buildings, structures, vehicles and marine vessels within the scope of this code and to premises which shall be constructed or erected and to conditions which arise in the Incorporated Village of Mastic Beach after the effective date hereof.
- B. The provisions of this article shall also apply to existing buildings, structures, vehicles and marine vessels within the scope of this code and to premises or conditions in the Incorporated Village of Mastic Beach when, in the opinion of the Chief Fire Marshal, they constitute a distinct fire hazard to life or the property of others.

Section 220-2-4. Conflicts with other laws

This article is intended to be used in conjunction with existing laws, and nothing in this article shall be construed as rendering other applicable laws invalid. Where no law exists or where existing laws are silent in any area where this article sets forth specific provisions, the

provisions of this article shall apply. In any situation where a conflict exists between a provision of this article and any existing law, the more restrictive requirement shall prevail, unless otherwise specified.

ARTICLE III - Fire Protection Equipment:

Section 220-3-1. Chief Fire Marshal to specify equipment to be provided.

The Chief Fire Marshal shall survey or cause to be surveyed each establishment, except the interior of single-family dwellings, and shall specify what fire-detecting devices or extinguishing appliances shall be provided therein. In special hazardous processes or storage, appliances of more than one type or special systems may be required.

Section 220-3-2. Protection.

- A. Every new building or structure exceeding 10,000 square feet in gross area within exterior walls, fire walls notwithstanding, shall be protected throughout by an approved automatic fire sprinkler system.
- B. Every existing building exceeding 10,000 square feet in gross area within exterior walls, fire walls notwithstanding, in which greater than 50% of the floor area is modified, shall be protected throughout by an approved automatic fire sprinkler system.
- C. Every existing building with a gross area of less than 10,000 feet which is added to so that when the addition is completed, the building will have a floor area exceeding 10,000 square feet in gross area within exterior walls, fire walls notwithstanding, shall be protected throughout by an approved automatic fire sprinkler system.
- D. The requirements of Subsection 1, 2 and 3 above may be in addition to other fire-detecting, fire-extinguishing or fire-control systems that shall be required.

Section 220-3-4. Sprinkler systems in nursing homes.

Every nursing home, convalescent home, old-age home, adult home or other home or structure used for the inpatient care of or occupied by sick, invalid, infirm, disabled or convalescent persons shall be equipped with an approved automatic fire sprinkler system. This requirement shall be in addition to any other required fire-detection or -extinguishing systems.

Section 220-3-5. Permit required.

A permit shall be obtained from the Chief Fire Marshal prior to the installation or alteration of any fire alarm system, sprinkler or water based fire protection system, fire service

main, fire hydrants, or any other special fire-extinguishing or fire-detection system or for any hood and duct system intended for the removal of smoke and grease laden vapors from commercial cooking equipment.

Section 220-3-6. Approval of systems and equipment.

No device, equipment or system installed pursuant to this Chapter shall be deemed acceptable or approved until an inspection of the same has been conducted by the Fire Marshals Office and an appropriate certificate of compliance has been issued for the same.

Section 220-3-7. Maintenance of equipment.

Sprinkler systems, standpipe systems, fire alarm systems, fire service mains, fire hydrants and other fire-protection or -extinguishing systems or appliances which have been installed in compliance with any permit or order or because of any law or local law shall be maintained in operative condition at all times, and it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required, except that this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary to make tests, repairs, alterations or additions.

Section 220-3-8. Inspection and testing of systems

- A. Every water-based fire protection system, fire service main, and fire hydrant shall be inspected, tested and maintained in accordance with the appropriate standards of the NFPA.
- B. At least once each year, a report of testing required in Subsection A of this section shall be submitted to the Fire Marshals Office on a form approved by the Chief Fire Marshal.
- C. Prior to testing, notification is to be made to the Fire Marshals Office.

Section 220-3-9. Notification.

- A. Prior to repairing, modifying, testing or inspecting any water-based fire protection system, fire alarm system, fixed suppression system or any auxiliary system, equipment or device connected thereto, the person conducting such work shall notify all entities that might receive automatic notification of the activation of the system, equipment or device.
- B. Upon completion of the repairing, modifying, testing or inspection of any water-based fire protection system, equipment or device, or any auxiliary system, equipment or device connected thereto, the person conducting the work shall notify all entities that the work is complete, as well as the operational status of the system, equipment or device.

- C. Notification to the required entities is to be done while at the jobsite. The entities to be notified shall include, but not be limited to, the Village of Mastic Beach Fire Marshals Office, the appropriate Fire Department, the central station monitoring agency and the occupants of the building.

Section 220-3-10. System notification.

Any central station monitoring a fire alarm system in a commercial building within the Village of Mastic Beach must report all trouble signals, failures to test and alarm signals to the Fire Marshals Office via method prescribed by the Chief Fire Marshal.

Section 220-3-11. System reset.

All fire alarm systems shall be resettable without any special knowledge or the use of an access code.

Section 220-3-12. Smoke Detectors.

Buildings or structures or any portion thereof occupied or used by persons for whom sleeping accommodations are provided therein shall be protected by an approved automatic smoke detection and alarm device located in and adjacent to all sleeping quarters or where otherwise specified by the Chief Fire Marshal.

Section 220-3-13. Unauthorized resetting of systems.

It shall be illegal for anyone other than a member of the responsible fire department or the Chief Fire Marshal or Fire Marshal to reset an activated fire alarm, sprinkler system or an interconnected auxiliary interconnected system, except during testing as in accordance with this Chapter.

Section 220-3-14. Excessive false alarms.

A response by the fire department to three (3) or more activated fire alarms resulting from a failure to inspect, repair or maintain the fire alarm system or interconnected sprinkler, automatic extinguishing system or other interconnected auxiliary system, shall be considered excessive.

Section 220-3-15. Fire alarm systems to be installed.

All commercial buildings not subject to other provisions of this code, shall be equipped with automatic fire alarm systems.

Section 220-3-16. Central station monitoring.

All fire alarm systems protecting commercial properties and multiple dwellings shall be monitored by a UL Listed central station monitoring company.

Section 220-3-17. Opening of fire hydrants.

- A. No persons shall open, interfere with or draw water from any fire hydrant in the district without a permit therefor from the Suffolk County Water Authority, except that hydrants may be opened by or on the order of any member of a Fire Department or Fire Commissioner or the Chief Fire Marshal or Fire Marshal with the purpose of testing or attaching thereto fire hose and equipment where a contract for that purpose has been entered into with a fire district.
- B. No tools or implements shall be used to open hydrants except such as are furnished by a fire district or by a Fire Department operating within the Village or fire district.

Section 220-3-18. Parking near fire hydrants.

No vehicle of any kind except fire apparatus shall at any time, except as otherwise provided in Section 86, Subdivision 7, of the Vehicle and Traffic Law, be stopped or left standing within 15 feet of a fire hydrant, fire well or cistern on any private or municipal highway or any designated fire zone and any such road or area.

Section 220-3-19. Parking near fires.

No vehicle of any kind, except fire apparatus, shall at any time be parked or stopped within 100 feet distant in all directions from any building which is on fire. Any vehicle which shall be parked in violation of this section may be summarily removed by the Fire Department or Chief Fire Marshal or Fire Marshal.

Section 220-3-20. Driving over fire hose.

No vehicle of any kind not part of the municipal fire apparatus shall at any time be driven over fire hose or other fire equipment unless directed to do so by a member of a Fire Department operating at the scene.

Section 220-3-21. Following of fire apparatus.

No person, except a driver of fire apparatus, shall follow in a vehicle of any kind within 500 feet of any fire apparatus or emergency vehicle that is responding to an alarm.

Section 220-3-22. False alarms.

No person or persons shall willfully or designedly make or raise a false cry of fire or cause a false alarm to be sounded.

Section 220-3-23. Fire Zones.

It shall be the duty of the Chief Fire Marshal to inspect or cause to be inspected all exterior areas adjacent to or adjoining any structure or building, except one-family dwellings, for the purpose of designating said areas or portions thereof as fire zones. Any areas so designated shall be plainly defined and marked as such in accordance with the current edition of the New York State Manual for Uniform Traffic Control Devices.

ARTICLE IV - General Precautions against Fire:

Section 220-4-1. Permit required.

- A. No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on or in any public street, alley or road. No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any privately owned property or in any other public ground without written permission from the Board of Fire Commissioners in whose area the burning is to be conducted or from its duly authorized representative. During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity. This shall be in no way construed as being applicable to backyard barbecues. The requirements of this section shall be in addition to any other permits required by a higher governmental agency.
- B. Location restricted. No person to whom a permit is issued shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private land unless the location is not less than 50 feet from any structure and adequate provision is made to prevent fire from spreading to within 50 feet of any structure or the fire is contained in an approved waste burner located safely not less than 15 feet from any structure. This shall in no way be construed as applicable to backyard barbecues.
- C. Chief may prohibit. The Chief of the Fire Department, or his designee, which protects the area may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fire hazardous.
- D. The Chief Fire Marshal may prohibit all bonfires and rubbish fires regardless of any permissions in all or any part of the Village of Mastic Beach when atmospheric conditions or local circumstances make such fires hazardous. Notice of such prohibition and its subsequent termination shall be made to both Fire Districts and Fire Departments as soon as practicable.
- E. All permits and permissions required within the scope of this section shall at all times be present at the location of such burning and shall be readily available for inspection by members of the Fire Department, Fire District, Police Department or Fire Marshals Office.

Section 220-4-2. Use of torches for removing paint.

The use of a torch or other flame-producing device for removing paint, varnish or any other interior or exterior finish from any building or structure is prohibited.

Section 220-4-3. Handling readily combustible materials.

No person making, using, storing or having in charge or under his control any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible waste materials shall fail or neglect at the close of each day to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal-lined, covered receptacles or bins. The Chief Fire Marshal shall require suitable baling presses to be installed in all stores, apartment buildings, factories and similar places where accumulations of paper and waste materials are not removed at least every second day.

Section 220-4-4. Receptacles for readily combustible materials.

All receptacles or bins hereinabove referred to in Section 220-4-3 shall be kept closed at all times and shall be located not less than 15 feet from any building or structure unless otherwise specified by the Chief Fire Marshal. Any such receptacles or bins equipped with wheels shall be enclosed within a noncombustible sill or wall no less than four inches in height.

Section 220-4-5. Storage of readily combustible materials.

- A. Permit required. No person shall store in any building or upon any premises in excess of 2,500 cubic feet in gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, baled cotton, rubber or cork or other similarly combustible materials without a permit.
- B. Storage requirements. Storage in buildings shall be orderly, shall not be within two feet of the ceiling and shall not be so located as to endanger exit from the building. Storage in the open shall not be more than 20 feet in height, shall be so located, with respect to adjacent buildings, as not to constitute a hazard and shall be compact and orderly.

Section 220-4-6. Open flames, lights or kindling of fire restricted.

- A. No person shall take an open flame or light into any building, barn, vessel, boat or any other place where highly flammable, combustible or explosive material is kept unless such light or flame shall be well-secured in a glass globe, wire mesh cage or similar approved device.
- B. No heating or lighting apparatus or equipment capable of igniting flammable

materials of the types stored or handled shall be used in the storage areas of any warehouse storing rags, excelsior, hair or other highly flammable or combustible material; nor in the work area of any shop or factory used for the manufacture, repair or renovating of mattresses or bedding; nor in the work area of any establishment used for the upholstering of furniture.

Section 220-4-7. Chimneys and heating appliances.

- A. All chimneys, smokestacks or similar devices for conveying smoke or hot gases to the outer air and the stoves, furnaces, restaurant-type cooking equipment, incinerators, fire boxes or boilers to which they are connected shall be constructed and maintained in such manner as not to create a hazardous condition. A permit shall be obtained from the Chief Fire Marshal for the installation of any of the above-mentioned equipment which is connected to any chimney, smokestack or similar device. This section shall be applicable to all construction, excluding single-family dwellings.
- B. No person or persons shall construct a chimney in or attach any chimney to any dwelling unless such chimney is either a masonry chimney designed for the use of all types of fuels and is built up from the ground or a factory-fabricated chimney approved as a result of tests and listed by a nationally recognized laboratory for use with all types of fuels and is installed in accordance with the conditions of approval and listing. The minimum free area of the chimney shall be equivalent to a seven-inch round flue.

Section 220-4-8. Factory fabricated chimneys.

- A. Every factory-built chimney shall be equipped with a suitable means for cleaning access at the base and a suitable termination at the top.
- B. Factory-built housings which are field assembled shall be equipped with steel tension straps secured to the roof framing by nails and to the housing by bolts.
- C. Factory-built housings which are factory-assembled must be secured to the roof framing with screws or bolts.
- D. For use on commercial buildings, DWS (double-wall steel) vents may be used for gas-heat appliances only. DWS vents shall be installed in accordance with their listing and/or the manufacturer's instructions.
- E. The installation of factory-fabricated chimneys shall be in accordance with the appropriate standards of the NFPA and the manufacturer's instructions.

Section 220-4-9. Access to concealed spaces.

- A. All concealed or closed-off spaces above ceilings or other similar areas shall be

provided with suitable access from either the interior or exterior of the structure whenever said spaces contain any fire-detecting equipment or devices, fire-suppression equipment or devices or smoke/fire-control equipment or devices. This section does not apply to spaces that contain only wiring or piping for such equipment or devices.

- B. Access opening required by this section shall have a minimum clear opening of not less than 24 inches by 48 inches.
- C. One access opening shall be provided for each 3,000 square feet of concealed or closed-off space.
- D. Access opening shall be arranged so that the maximum travel distance from any opening to the farthest area of such concealed or closed-off space does not exceed 75 feet.
- E. Every access opening shall have the same fire resistance rating as the wall/ceiling/floor assembly in which it is located.

Section 220-4-10. Guard Dogs.

- A. Any person causing guard dogs to be harbored or kept on a premises shall cause notice of the presence of said guard dogs to be posted conspicuously on the premises. The notice shall consist of reflective decals or placards in such form as shall be approved by the Chief Fire Marshal. Decals or placards shall be placed in locations specified by the Fire Marshal's Office and shall not be considered signs under other chapters of the Code of Village of Mastic Beach.
- B. The Chief Fire Marshal and the local Fire Department having jurisdiction over a premises of the fact that guard dogs are present on the premises and shall give to said Chief Fire Marshal and local Fire Department the name and phone number of a person to be contacted in the event of an emergency during such times as no employees are present at the premises. When services of guard dogs are no longer required, the Chief Fire Marshal and the Fire Department affording protection shall be notified in writing, and the placard shall be removed.

Section 220-4-11. Dumping of flammable and combustible liquids.

No person shall dump, spill or in any other fashion place or cause to be dumped, spilled or placed any flammable or combustible liquids on the ground or into sewers, drainage ditches or storm drains.

Section 220-4-12. Razor wire prohibited.

The use of razor wire, barbed wire, concertina wire or any other similar wire or device designed to injure persons coming in contact with the same shall be prohibited in or on any

building or structure or portion thereof.

ARTICLE V - Automobile Wrecking Yards, Junkyards and
Waste Material Handling Plants:

Section 220-5-1. General requirements.

Automobile wrecking yards, junkyards and waste material handling plants shall conform to all other applicable requirements of this chapter as well as the following provisions.

Section 220-5-2. Permit required.

A permit shall be obtained from the Chief Fire Marshal to conduct or maintain any automobile wrecking yard, junkyard or waste material handling plant.

Section 220-5-3. Location.

No automobile wrecking yard, junkyard or waste material handling plant shall be located as to seriously expose adjoining or adjacent properties to dangers of fire and/or explosion.

Section 220-5-4. Burning operations.

Burning of wrecked or discarded automobiles or any parts thereof or junk or any waste materials shall be prohibited.

Section 220-5-5. Construction and protection equipment.

- A. Handling and storage of large quantities of wastepaper, rags or other combustible materials shall not be in a building of wood frame or ordinary construction unless the building is sprinklered. Vertical openings shall be enclosed in an approved manner.
- B. Picking rooms shall be separated from storage rooms by construction having a fire-resistance rating of not less than one hour, with each door opening provided with an approved fire door. Picking rooms shall be provided with exhaust systems of sufficient capacity to adequately remove dust and lint.

ARTICLE VI - Automobile Tire Rebuilding Plants:

Section 220-6-1. General requirements.

Automobile tire rebuilding plants shall conform to all other applicable requirements of this chapter as well as to the following provisions.

Section 220- 6-2. Permit required.

A permit shall be obtained from the Chief Fire Marshal to conduct or maintain any tire recapping or rebuilding plant.

Section 220-6-3. Construction and protection equipment.

- A. Tire rebuilding plants shall have all floor openings such as stairs and elevators enclosed in an approved manner.
- B. Tire rebuilding plants in buildings of wood-frame construction shall be separated from other portions of the building by construction having a fire resistance rating of not less than two hours.

Section 220-6-4. Residence occupancy prohibited.

No part of any building in which is located a tire rebuilding plant shall be used for residence occupancy.

Section 220-6-5. Dust collecting systems.

Buffing machines shall be located in a room separated from the remainder of the plant by construction having a fire-resistance rating of not less than one hour, with each door opening protected by an approved self-closing door. Each machine shall be connected to an ample dust-collecting system discharging to a suitable container which shall be cleaned at frequent intervals.

Section 220-6-6. Ventilation.

Each room where rubber cement is used or mixed or flammable solvents are applied shall be equipped with effective mechanical or natural ventilation.

ARTICLE VII - Bowling Establishments:

Section 220-7-1. General requirements.

Each room where rubber cement is used or mixed or flammable solvents are applied shall be equipped with effective mechanical or natural ventilation.

Section 220-7-2. Pin refinishing.

Bowling pins shall not be refinished utilizing any flammable liquids or materials.

Section 220-7-3. Lane resurfacing.

Bowling lanes shall not be resurfaced utilizing any flammable liquids or materials.

Resurfacing operations shall not be carried on while the establishment is open for business. The Division of Fire Prevention shall be notified not less than 24 hours prior to commencing resurfacing. Proper ventilation shall be provided.

ARTICLE VIII - Storage and Handling of Combustible Fibers:

Section 220-8-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

COMBUSTIBLE FIBERS; Includes readily ignitable and free-burning fibers, such as cotton, sisal, henequen, ixtle, jute, hemp, tow, cocoa fiber, oakum, baled waste, baled wastepaper, kapok, hay, straw, Spanish moss, excelsior and other like materials.

Section 220-8-2. Storage; permit required.

- A. Storage and handling of combustible fibers shall be in accordance with the appropriate standards of the NFPA.
- B. A permit shall be required for the storage and handling of combustible fibers in quantities in excess of 100 cubic feet.
- C. Storage of agricultural products on farms; unlimited quantities of hay, straw and other agricultural products may be stored in or near farm buildings located outside closely built areas. No permit shall be required for such storage.

ARTICLE IX - Dry-Cleaning Plants:

Section 220-9-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DRY CLEANING; The process of removing dirt, grease, paints and other stains from wearing apparel, textiles, fabrics, rugs, etc., by the use of non-aqueous liquid solvents, flammable or nonflammable, and it shall include the process of dyeing clothes or other fabrics or textiles in a solution of dye colors and non-aqueous liquid solvents.

RATED; As applied to solvents, classified as to fire hazard in accordance with nationally recognized good practice.

Section 220-9-2. Permit required.

No person shall engage in the business of dry cleaning without a permit.

Section 220-9-3. Solvents.

Dry-cleaning systems shall only utilize solvents rated as nonflammable, or as nonflammable at ordinary temperatures and only moderately flammable at higher temperatures, rated not over five, including carbon tetrachloride and perchlorethylene.

Section 220-9-4. Operation and maintenance.

Dry-cleaning systems shall be constructed, operated and maintained in accordance with the appropriate standards of the NFPA.

ARTICLE X - Maintenance of Exit Ways:

Access to, marking, operation, illumination and maintenance of all components of all exits, aisles, enclosures and stairways shall at all times be in accordance with the appropriate standards of the NFPA.

Article XI - Explosives, Ammunition and Blasting Agents:

Section 220-11-1. Scope.

This article shall apply to the manufacture, possession, storage, sale, transportation and use of explosives and blasting agents, except that nothing in this article shall be construed as applying to:

- A. The Armed Forces of the United States or the state militia.
- B. Explosives in forms prescribed by the Official United States Pharmacopeia.
- C. The sale or use of fireworks.
- D. The possession, transportation and use of small arms ammunition or special industrial explosive devices.
- E. The possession, storage, transportation and use of not more than 15 pounds of smokeless powder and 1,000 small arms primers for hand loading of small arms ammunition for personal use.
- F. The manufacture, possession, storage and use of not more than 15 pounds of explosives or blasting agents in educational, governmental or industrial laboratories for instructional or research purposes when under direct supervision of experienced, competent persons.
- G. The transportation and use of explosives or blasting agents by the United States Bureau of Mines, the Federal Bureau of Investigation, the United States Secret Service or Police and Fire Departments acting in their official capacity

Section 220-11-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CARRIER; A person who engages in the transportation of articles or materials by air, water, rail or highway.

TERMINAL; Those facilities used by carriers for the receipt, transfer, temporary storage or delivery of articles or materials.

Section 220-11-3. Permit required.

Permits shall be obtained to:

- A. Manufacture, possess, store, sell or otherwise dispose of explosives or blasting agents.
- B. Transport explosives or blasting agents.
- C. Use explosives or blasting agents.
- D. Operate a terminal for handling explosives or blasting agents.
- E. Deliver to or receive explosives or blasting agents from a carrier at a terminal between the hours of sunset and sunrise.

Section 220-11-4. General requirements.

- A. The manufacture of explosives or blasting agents shall be prohibited unless such manufacture is authorized by the Chief Fire Marshal. This shall not apply to hand loading of small arms ammunition for personal use when not for resale.
- B. The storage of explosives and blasting agents is prohibited within the limits established by law as the limits of the district in which such storage is to be prohibited, except for temporary storage for use in connection with approved blasting operations; provided, however, that this prohibition shall not apply to wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive-actuated power tools in quantities involving less than 500 pounds of explosive material.
- C. The Chief Fire Marshal may limit the quantity of explosives or blasting agents to be permitted at any location.
- D. No person shall sell or display explosives or blasting agents on highways, sidewalks, public property or in places of public assembly.

- E. The Chief Fire Marshal may designate the location and specify the maximum quantity of explosives or blasting agents which may be loaded, unloaded, reloaded or temporarily retained at each terminal where such operations are permitted.
- F. Carriers shall immediately notify the Chief Fire Marshal when explosives or blasting agents are received at terminals.

Section 220-11-5. Storage.

The manufacture, storage, transportation and use of all materials in this article shall be in accordance with the appropriate standards of the NFPA.

ARTICLE XII - Application of Flammable Finishes:

Section 220-12-1. Scope.

This article shall apply to locations or areas where the following activities are regularly done:

- A. The application of flammable or combustible paint, varnish, lacquer, stain or other flammable or combustible liquid applied as a spray by whatever means in continuous or intermittent processes.
- B. Dip tank operations in which articles or materials are passed through contents of tanks, vats or containers of flammable or combustible liquids, including coating, finishing, treating and similar processes.

Section 220-12-2. Permit required.

A permit shall be required for the application of flammable or combustible finishes within the scope of this article.

Section 220-12-3. Location of Spray Finish or dipping operations.

Spray finishing operations shall not be conducted in buildings used for assembly, education, institutional or residential occupancies except in a room designed for said purpose, protected with an approved extinguishing system and of masonry construction.

Section 220-12-4. General requirements.

The application of flammable and combustible finishes within the scope of this article shall be conducted in accordance with the appropriate standards of the NFPA.

ARTICLE XIII - Automobile under- and over-coating:

Section 220-13-1. Scope.

- A. Automobile under-coating and over-coating spray operations conducted in areas having adequate natural or mechanical ventilation may be exempt from the provisions of Subsection B of this section, on approval by the Chief Fire Marshal, when using undercoating or over-coating materials which are not more hazardous than kerosene or undercoating materials using only solvents having a flash point in excess of 100° F.
- B. Undercoating spray operations not conforming to Subsection A of this section shall be subject to all applicable provisions of Article XII.

ARTICLE XIV - Combustible and Flammable Liquids:

This article shall apply to liquids with a flash point below 200° F. and to liquids with flash points above 200° F. which, when heated, assume the characteristics of liquids with flash points below 200° F.

Section 220-14-1. Permit required.

A permit shall be obtained for any of the following:

- A. Storage, handling or use of Class I or Class II flammable liquids in excess of one gallon in a dwelling or other place of human habitation or in excess of six gallons in any other building or other occupancy or in excess of 10 gallons outside of any building, except that no permit shall be required for the following:
 - 1. For the storage or use of flammable liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant.
 - 2. For the storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.
- B. Storage, handling or use of Class III flammable liquids in excess of 25 gallons in a building or in excess of 60 gallons outside of a building, except for fuel oil used in connection with oil-burning equipment.
- C. For the installation of any tank or container, above or below ground, for the storage of more than 60 gallons of combustible or flammable liquid. This shall not apply to fuel oil tanks of 1,000 gallons' capacity or less which supply heating units only.

Section 220-14-2. General requirements.

The storage, handling, use and dispensing of flammable and combustible liquids within the scope of this Article XIV shall be in accordance with the appropriate standards of the NFPA.

Section 220-14-3. Automatic dispensing units.

The installation or use of coin-operated dispensing devices for Class I flammable liquids is prohibited.

Section 220-14-4. Dispensing into containers.

No delivery of any Class I or II flammable liquids shall be made into portable containers of five gallons' capacity or less unless the container is of sound metal construction, has a tight closure with screwed or spring cover and is fitted with a spout or so designed that the contents can be poured without spilling or said container is listed for such use.

Section 220-14-5. Transfer into tanks and containers.

Flammable and combustible liquids shall not be transferred from one tank or container to another tank or container, either above or below ground, fixed, buried, portable or mobile, unless all openings are securely plugged, capped, equipped with approved devices to prevent the discharge of the flammable or combustible liquid or connected for the actual transfer of said liquid and/or vapors.

Section 220-14-6. Fire protection.

- A. Every self-service gasoline dispensing area shall be equipped with an approved automatic fixed extinguishing system.
- B. Every new or altered service station gasoline dispensing area shall be equipped with an approved fixed extinguishing system.

Section 220-14-7. Parking and garaging.

- A. No tank vehicle containing flammable, combustible, corrosive, poisonous, toxic or hazardous liquids, gases or residues of the same shall be left unattended on any street, highway, avenue or alley, provided that this shall not prevent a driver from the necessary absence from the truck in connection with the delivery of his load, except that during actual discharge of the commodity, some responsible person shall be present at the vehicle, nor shall it prevent stops for meals during the day or night if the street is well lighted at point of parking.
- B. Tank vehicles as described above shall not be parked out-of-doors at any one point for longer than one hour, except off the streets and at least 25 feet from any building.

- C. Tank vehicles as described above shall not be parked or garaged in any building other than those specifically approved for such use by the Chief Fire Marshal.

ARTICLE XV - Repair Garages:

Section 220-15-1. General requirements.

Repair garages shall conform to all other applicable requirements of this chapter, as well as the following provisions.

Section 220-15-2. Permit required.

No person shall use any building, shed or enclosure as a place of business for the purpose of servicing or repairing any motor vehicle therein without a permit.

Section 220-15-3. Construction, operation and maintenance.

The construction, operation and maintenance of all vehicle repair garages shall be in accordance with the appropriate standards of the NFPA.

ARTICLE XVI - Hazardous Chemicals and Materials:

Section 220-16-1. Scope.

This article shall apply to materials not otherwise covered in this chapter which are highly flammable or which may react to cause fires or explosions or which, by their presence, create or augment a fire or explosion hazard or which, because of their toxicity, flammability or liability to explosion, render fire fighting abnormally dangerous or difficult, and also to flammable liquids which are chemically unstable and which may spontaneously form explosive compounds or undergo spontaneous reactions of explosive violence or with sufficient evolution of heat to be a fire hazard. Hazardous chemicals shall include such materials as flammable solids, corrosive liquids, radioactive materials, oxidizing materials, potentially explosive chemicals, highly toxic materials and poisonous gases, as defined in § XXXX. In addition, this article shall include all materials listed in both Parts 112 and 261 of Title 40 of the Code of Federal Regulations.

Section 220-16-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CORROSIVE LIQUIDS; Includes those acids, alkaline caustic liquids and other corrosive liquids which, when in contact with living tissue, will cause severe damage of such tissue by chemical action or, in case of leakage, will materially damage or destroy other

containers or other hazardous commodities by chemical action and cause the release of their contents or are liable to cause fire when in contact with organic matter or with certain chemicals. Corrosive liquids are those that have a pH less than four or greater than 10.

FLAMMABLE SOLID; Includes a solid substance, other than one classified as an explosive, which is liable to cause fires through friction, through absorption of moisture, through spontaneous chemical change or as a result of retained heat from manufacturing or processing.

HIGHLY TOXIC MATERIAL; A material so toxic to man as to afford an unusual hazard to life and health during fire-fighting operations or during an unintended release of said material into the environment. Examples are parathion, TEPP (tetraethyl phosphate), HETP (hexaethyl tetraphosphate) and similar insecticides and pesticides.

OXIDIZING MATERIAL; Includes substances such as chlorates, permanganates, peroxides or nitrates that yield oxygen readily to stimulate combustion.

POISONOUS GAS; Includes any noxious gas of such nature that a small amount of the gas, when mixed with air, is dangerous to life. Examples are chlorpicrin, cyanogen, hydrogen cyanide, nitrogen peroxide and phosgene.

POTENTIALLY EXPLOSIVE CHEMICAL; Includes any chemical substance, other than one classified as an explosive or blasting agent, which has a tendency to be unstable and which can be exploded by heat or shock or a combination thereof.

RADIOACTIVE MATERIAL; Includes any material or combination of materials that spontaneously emits ionizing radiation.

SEALED SOURCE; A quantity of radiation so enclosed as to prevent the escape of any radioactive material but at the same time permitting radiation to come out for use.

Section 220-16-3. Permit required.

- A. A permit shall be required for the storage or handling of more than 55 gallons of corrosive liquids; or more than 100 pounds of oxidizing materials; or more than 10 pounds of organic peroxides; or more than 500 pounds of nitromethane; or 1,000 pounds or more of ammonium nitrate, ammonium nitrate fertilizers and fertilizer mixtures covered in § 220-16-7; or any amount of highly toxic material or poisonous gas.
- B. A permit shall be required for the storage or handling at any installation of more than one microcurie of radium not contained in a sealed source or more than one millicurie of radium or other radioactive material in a sealed source or sources or any amount of radioactive material for which a specific license from the United States Atomic Energy Commission is required in accordance with nationally recognized good practice.

- C. Every permittee shall display on the premises storing, handling, manufacturing or using commodities within the scope of this article approved warning signs/symbols at all entrances to such premises, as directed by the Chief Fire Marshal.

Section 220-16-4. General requirements.

- A. The manufacture, storage, handling and use of hazardous chemicals shall be safeguarded with such protective facilities as public safety requires.
- B. The Chief Fire Marshal may require the separation or isolation of any chemical that, in combination with other substances, may bring about a fire or explosion or may liberate a flammable or poisonous gas. The Chief Fire Marshal may require separation from other storage, occupancies or buildings when the quantity stored constitutes a material hazard.
- C. The manufacture, storage, handling and use of hazardous chemicals and materials shall be in accordance with the appropriate standards of the NFPA, except that more restrictive requirements, as specified in this article, shall take precedence over any NFPA requirements.
- D. The Chief Fire Marshal may require the submission of additional documentation relating to the physical and chemical properties of hazardous chemicals and materials.
- E. The management or owner of any building or facility wherein hazardous chemicals or materials are stored or handled shall submit an inventory of such chemicals or materials at least annually or whenever the quantity of the same shall change substantially.
- F. Only chemicals or materials listed in the inventory required in Subsection E above shall be stored or handled unless the Chief Fire Marshal has first given written permission for the storage or handling of additional chemicals or materials.

Section 220-16-5. Oxidizing materials.

Packaged oxidizing materials shall be stored in dry locations and separated from stored organic materials. Bulk, oxidizing materials shall not be stored on or against wooden surfaces.

Section 220-16-6. Radioactive materials.

- A. Durable, clearly visible signs warning of radiation dangers shall be placed at all entrances to areas or rooms where radioactive materials are used or stored. In addition, each container in which radioactive materials are used, stored or transported shall bear a durable, clearly visible, appropriate warning sign. Such

signs shall bear the three-bladed radiation symbol in magenta or purple on a yellow background in accordance with nationally recognized good practice.

- B. When not in use, radioactive materials shall be kept in adequately shielded fire-resistant containers of such design that the gamma radiation will not exceed 200 milliroentgens per hour or equivalent at any point of readily accessible surface.

Section 220-16-7. Potentially explosive materials.

- A. Explosives and blasting agents shall not be stored in the same building or in close proximity to potentially explosive chemicals.

- B. Organic peroxides.

- 1. A detached, well-isolated, ventilated and unheated storage building constructed with walls having a fire-resistance rating of not less than two hours, a noncombustible floor and lightweight insulated roof shall be provided for the storage of 50 pounds or more of organic peroxides.
- 2. If not adequately protected by a fast-acting deluge-type automatic sprinkler system, the storage building shall be located the following minimum distances from flammable liquid storage, combustible materials in the open and from any other building or highway:

Weight of Organic Peroxide (pounds)	Distance (feet)
50 to 100	75
100 to 500	100
500 to 1,000	125
1,000 to 3,000	200
3,000 to 5,000	300

- 3. The organic peroxides shall be stored in the original shipping containers. Care shall be taken to avoid rough handling or contamination of these chemicals. Readily legible warning signs and placards shall be prominently placed in the storage and processing areas.

- C. Nitromethane.

- 1. A suitable isolated outdoor storage area shall be provided for nitromethane. Hazardous processing shall not be permitted in the vicinity of this storage area.
- 2. Nitromethane shall be stored in drums in which it is received or in an underground tank with suitable corrosion protection and a minimum of two feet of earth over the tank or in barricaded tanks above ground.

3. If the drum storage is not adequately protected by a fast-acting deluge-type automatic sprinkler system, the storage of 2,000 pounds or more shall be located the following minimum distances from inhabited buildings:

Approximate Weight (pounds)	Number of Drums	Distance (feet)
Beginning at 2,000	4	100
Over 2,000 to 10,000	20	200
O v e r 10,000 t o 20,000	40	300
O v e r 20,000 t o 40,000	80	400
O v e r 40,000 t o 80,000	160	500

- D. Care shall be taken to avoid rough handling or contamination of this chemical. Readily legible warning signs and placards shall be prominently placed in the storage and processing areas.
- E. Ammonium nitrate.
 1. Each storage pile of bags or other authorized packages and containers of such materials shall not exceed 12 feet in height, 12 feet in width and 30 feet in length.
 2. Pile units shall be separated by a clear space of not less than 36 inches in width from the base to the top of the piles, serving as cross aisles. At least one service or main aisle in the storage area shall be not less than four feet in width. A clearance of not less than 30 inches shall be maintained from building walls and partitions and of not less than 36 inches from ceilings or roof structural members, with a minimum of 18 inches below sprinklers.
- F. Ammonium nitrate storage areas shall be separated by a space of 30 feet or by a tight noncombustible partition from storages of organic chemicals, corrosive liquids, compressed gases, flammable and combustible materials or other contaminating substances such as sulphur, coal, flour and metallic powders such as zinc, copper and magnesium where storage of such materials is permitted with ammonium nitrate.
- G. Quantities of ammonium nitrate or ammonium nitrate fertilizer, having no organic coating, in the form of crystals, flakes, grains or prills, including fertilizer grade, dynamite grade, nitrous oxide grade and technical grade ammonium nitrate and ammonium nitrate phosphate (containing 60% or more ammonium nitrate by weight) of more than 50 tons' total weight shall be stored in a well-ventilated building of fire-resistive or noncombustible construction or in buildings of other

types of construction equipped with an approved automatic sprinkler system. In populated areas, quantities of 2,500 tons or more shall be stored in well-ventilated buildings of fire restrictive or noncombustible construction equipped with an approved automatic sprinkler system, and no combustible materials or ammonium nitrate sensitizing contaminants shall be stored in this building.

- H. Storage of ammonium nitrate, coated or mixed with organic anticaking materials, except compounded blasting agents, shall not be permitted in populated and congested areas. Outside such areas, quantities of 500 tons or less may be stored in well-ventilated buildings of fire-resistive or noncombustible construction equipped with an approved automatic sprinkler system.

Section 220-16-8. Highly toxic materials.

- A. Highly toxic materials shall be segregated from other chemicals and combustible and flammable substances by storage in a room or compartment separated from other areas by walls and floor and ceiling assemblies having a fire-resistance rating of not less than two hours. The storage room shall be provided with adequate natural or mechanical ventilation to the outside atmosphere. The floor of said room shall be impermeable to the materials being stored within.
- B. Legible warning signs and placards stating the nature and location of the highly toxic material shall be posted at all entrances to areas where such materials are stored or used.

Section 220-16-9. Poisonous gases.

- A. Storage of poisonous gases shall be in rooms of at least one hour's fire resistant construction and having natural or mechanical ventilation adequate to remove leaking gas. Such ventilation shall not discharge to a point where the gases may endanger any person.
- B. Legible warning signs stating the nature of hazard shall be placed at all entrances to locations where poisonous gases are stored or used.

Section 220-16-10. Corrosive liquids.

Satisfactory provisions shall be made for containing and neutralizing or safely flushing away leakage of corrosive liquids which may occur during storage or handling.

ARTICLE XVII - Liquefied Petroleum Gases:

Section 220-17-1. General provisions.

- A. Application of article. The provisions of this article shall apply to all uses of liquefied petroleum gas and installation of all apparatus, piping and equipment pertinent to systems for such uses.

- B. Deviations. Deviations from the appropriate standards of the NFPA or the provisions of this article as otherwise prescribed, when it shall have been conclusively proven to the Chief Fire Marshal that such deviations meet the performance requirements of this article, shall constitute compliance with this article.

Section 220-17-2. Definitions.

As used in this article, the following items shall have the meanings indicated:

APPLIANCES; Includes all gas-burning appliances for use with liquefied petroleum gas.

LIQUIFIED PETROLEUM GAS EQUIPMENT; Includes all apparatus, appliances, piping and equipment pertinent to the use of liquefied petroleum gas.

LIQUIFIED PETROLEUM GAS SYSTEM; An assembly consisting of one or more containers with a means for conveying liquefied petroleum gas from the container(s) to dispensing or consuming devices, either continuously or intermittently, and which incorporates components intended to achieve control of quantity, flow, pressure or state, either liquid or vapor.

QUALIFIED PERSONNEL; Qualified persons holding a certificate of fitness issued by the Chief Fire Marshal of the Village of Mastic Beach.

Section 220-17-3. Filing of plans and reports.

A. Plans.

1. Plans for all new fixed liquefied petroleum gas installations in excess of 100 gallons' water capacity must be submitted to the Chief Fire Marshal's office for approval prior to installation. The plan shall be a plot plan showing locations of buildings and property lines and all pertinent dimensions and including the proposed location of containers, vaporizers and equipment, with the capacities in gallons of water capacity and descriptions thereof, submitted in duplicate. Acceptance of plans for installation does not relieve the applicant from meeting requirements of any other law or local law of any other authority having jurisdiction.
2. The installation of containers or tanks in excess of 100 gallons' water capacity shall require the issuance of written permission by the Chief Fire Marshal.
3. All underground liquefied petroleum gas tanks and piping are to remain uncovered until the installation is approved by the Chief Fire Marshal.

4. No liquefied petroleum gas system which requires written permission of the Chief Fire Marshal shall be utilized until an inspection of the same has been made by the Division of Fire Prevention and an appropriate certificate of compliance has been issued, except when the total aggregate capacity is 200 gallons' water capacity or less.
 5. Any change of liquefied petroleum gas equipment from one company to another shall require the submission of plans for approval by the Chief Fire Marshal prior to such change of companies.
- B. Temporary heat location reports. Every installation of liquefied petroleum gas used for temporary heat must be reported to the Chief Fire Marshal prior to installation.

Section 220-17-4. Installation and maintenance of equipment.

- A. All equipment shall be installed and maintained in conformity with the rules and regulations of the Chief Fire Marshal of the Incorporated Village of Mastic Beach and the appropriate standards of the NFPA. It shall be unlawful to install, service, handle or offer for sale, in any form, liquefied petroleum gas and related equipment that does not conform to the rules and regulations of the Chief Fire Marshal of the Incorporated Village of Mastic Beach and the appropriate standards of the NFPA.
1. No person, firm or corporation, except the owner or those authorized by the owner to do so, shall sell, fill, refill, deliver or permit to be delivered or use in any manner any liquefied petroleum gas container for any gas or compound or for any other purpose whatsoever. Only containers designed for liquefied petroleum gas may be filled with liquefied petroleum gas. Filling of liquefied petroleum gas containers with any other gas or compound is prohibited.
 2. Cylinders used for liquefied petroleum gas shall be painted white, silver or other light-reflecting color as approved by the Chief Fire Marshal. It shall be unlawful for any supplier to refill any container that has been painted any other color.
 3. The gas supplier shall have the right to refuse to fill any container that does not fully conform to all provisions of the Incorporated Village of Mastic Beach Local Law or one that has been involved in a fire or is burned or scorched.
 4. Replacement of parts on containers, regulators or related equipment shall be made by qualified personnel only.

- B. Peening of weld leaks is prohibited. Tanks, cylinders or other storage vessels which previously contained gases other than liquefied petroleum gas, such as but not limited to freon, acetylene or hydrogen, shall not be re-valved and used for liquefied petroleum gases.

Section 220-17-5. Portable cylinders and containers.

- A. Portable vapor withdrawal cylinders with water capacities greater than 2 1/2

pounds which are or will be owned by the user or intended user are not to be filled or refilled unless the cylinder has been properly tested or re-qualified in accordance with United States Department of Transportation regulations and has attached thereto a warning label approved by the Chief Fire Marshal. Cylinder(s) shall not be released to the owner or his representative by the seller or refiller until it has been determined that the cylinder has not been filled beyond acceptable limits (42% of its water weight capacity), is free of leaks and is safe for use or continued use.

1. Containers, except those use in liquid withdrawal service up to and including 40 pounds' propane capacity, shall be checked for leaks immediately after filling. The test will be done by a qualified person who has a certificate of fitness by checking each connection with a soap-water solution or by total submersion in a water-filled container. Should a leak exist, the container shall be emptied immediately and marked with paint or indelible marker or other suitable means to positively identify a container that leaks. A leaking container shall not be transported from the filling site while it contains any product, either liquefied or vapor.
2. All portable Department of Transportation containers shall have the date of manufacture permanently stamped on the collar; if permanently attached, on the cylinder; and, in the case of containers more than 12 years old, shall have the date of the most recent inspection, month/year, marked on the collar or cylinder.
3. Every person, firm or corporation offering filled liquefied petroleum gas cylinders for sale or resale shall have a certified scale on the premises to ensure that each portable cylinder containing liquefied petroleum gas has not been filled beyond its safe capacity. Each such cylinder shall be weighed before delivery to the purchaser to ensure that the cylinder is not filled beyond acceptable limits.

- B. Container storage forbidden.

1. No container of liquefied petroleum gas, either in use or in storage, will be

permitted inside or on the roof or balcony of any occupied building or in or on any construction attached to an occupied building, except as permitted in Subsections F and G below.

2. Industrial lift trucks will comply with the provisions of the appropriate standards of the NFPA.
 3. Storage of containers must be outside the building, at least 25 feet from any building. Storage is to be in either a noncombustible top and bottom vented structure or surrounded by a substantial metal fence enclosure, such enclosure to be adequately secured against access by unauthorized persons.
- C. Department of Transportation specification cylinders with a maximum water capacity of 2 1/2 pounds, used with completely self-contained hand torches and similar applications, may be stored or displayed in a building frequented by the public. The quantity of liquefied petroleum gas shall not exceed 200 pounds.
- D. Temporary or emergency use of liquefied petroleum gas equipment in occupied or unoccupied buildings shall be approved by the Chief Fire Marshal prior to use. Any tank used inside any building shall be equipped with an excess flow valve to shut off the flow of gas if a hose or connector is severed.

Section 220-17-6. Location of cylinders.

The Chief Fire Marshal shall establish standard rules and regulations as to the location of all containers installed for the purpose of transferring liquefied petroleum gas from one container to another. These rules and regulations shall prevent the establishment or proliferation of said facilities in congested areas or adjacent to important buildings or those with a moderate or high life hazard.

Section 220-17-7. Permit required.

- A. Permit required. Locations where propane is sold, stored for rental or resale and/or transferred from one vessel to another must secure a permit to operate from the Chief Fire Marshal of the Incorporated Village of Mastic Beach
- B. Application for permit. Applications for permits shall be made to the Chief Fire Marshal on forms provided and shall include the applicant's answers in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as may be required by the Chief Fire Marshal and fees as may be required by the Incorporated Village of Mastic Beach.
- C. Review and issuance. The Chief Fire Marshal shall review all applications

submitted, determine compliance with applicable provision of the code and issue permits as required. If an application for a permit is rejected by the Chief Fire Marshal, he shall advise the applicant of the reasons for such rejection.

- D. Display of permits. A copy of the permit shall be posted or otherwise readily accessible at each place of operation or carried by the permit holder, as specified by the Chief Fire Marshal.
- E. Permits shall be given full force and effect for a period of one year.

Section 220-17-8. Transportation.

- A. No person, firm or corporation, whose main or corporate offices are located within the Incorporated Village of Mastic Beach, shall use or cause to be used any motor vehicle, tank truck, tank semi-trailer or tank truck trailer for the transportation of liquefied petroleum gas unless a permit to operate any such vehicle has first been secured from the Chief Fire Marshal of the Incorporated Village of Mastic Beach. No permit shall be required under this section for any motor vehicle that is used for the transportation of liquefied petroleum gas, in containers not larger than 10 gallons' water capacity each (approximately 34 pounds' propane capacity), with aggregate water capacity of 25 gallons (approximately 87 pounds' propane capacity) or when used in permanently installed containers on the vehicle as motor fuel.
- B. The permit shall be given full force and effect for a period of three years. An approved marking shall be displayed on the vehicle for which said permit is issued.
- C. The transportation of liquefied petroleum gas cylinders, either empty or full, is prohibited in the trunk of any passenger vehicle.
- D. Every person, firm or corporation holding a permit pursuant to Subsection A of this section shall maintain an emergency response plan, so that a qualified service person will be at the location of any reported liquefied petroleum gas leak not more than one hour after notification has been made to the permit holder. This plan shall include not more than two telephone numbers for such notification that will be available every day and at all times to the permittee's customers, the Division of Fire Prevention, the Fire and Police Departments and the general public. This plan shall be submitted to and approved by the Division of Fire Prevention. Failure to maintain said plan, or failure to have a qualified service person at the reported location of a leak within one hour of notification, shall be cause for revocation of the permit required by Subsection A of this section.

Section 220-17-9. Certificate of fitness.

- A. Certificates of fitness required. Except as set forth in Subsection M below, any person filling containers at locations where liquefied petroleum gas is sold and/or transferred from one vessel into another shall hold a valid certificate of fitness issued by the Chief Fire Marshal. Such certificate is subject to revocation by the Chief Fire Marshal at any time where the certificate holder displays evidence of noncompliance with the provisions of this article.
- B. Application. All applications for a certificate of fitness shall be filed with the Chief Fire Marshal on forms provided by the Chief Fire Marshal and accompanied by the applicable fees.
- C. Proof of qualifications. Every person applying for a certificate of fitness shall furnish satisfactory proof to the Chief Fire Marshal that he is familiar with materials, formulas, tools, techniques, standards, laws, local laws, recognized good practices, safety precautions and manufacturer's recommendations pertaining to the particular system, materials, devices or operations he will be involved with and for which the certificate of fitness is issued. He shall further prove that he is physically competent to perform any and all actions necessary or incidental to the operation for which the certificate of fitness is issued.
- D. Investigation and examination. The Chief Fire Marshal shall investigate every new application for a certificate of fitness. The investigation shall include a written examination regarding the use, makeup and handling of liquefied petroleum gas, and such examination shall include a practical test. When the Chief Fire Marshal determines that the applicant conforms to all the requirements of this article, he shall issue the certificate of fitness.
- E. The certificate of fitness shall be given full force and effect for a period of three years.
- F. Refusal of certificate of fitness. When the Chief Fire Marshal determines that a candidate has failed an examination for a certificate of fitness, he shall refuse to issue the certificate of fitness. Any applicant may not apply again for the certificate of fitness within a ten-day period following the examination.
- G. Transferability. A certificate of fitness shall not be transferable.
- H. Renewal of certificate of fitness. Applications for renewal of a certificate of fitness shall be filed in the same manner as an application for an original certificate. Each such application shall be accompanied by applicable fees. The granting of a renewal of a certificate of fitness shall be accomplished in the same manner as for an original certification of fitness, except that any person continuously engaged in any activity for which a certificate of fitness is required will not, upon renewal, be required to take a written examination.

- I. Certificates of fitness issued. A certificate of fitness will be required of any person performing the following activities:
 1. Filling containers permanently located and installed outdoors and equipped with appurtenances for filling by a cargo vehicle at consumer sites.
 2. Selling liquefied petroleum gas or transferring liquefied petroleum gas from one vessel into another.

- J. Change of address. Each person holding a certificate of fitness shall notify the Chief Fire Marshal, in writing, of any change in his business, residential or other notification address within 10 days after such change. Failure on the part of a person to give such notification shall constitute grounds for revocation of said certificate of fitness.
 1. Contents of certificate of fitness. A certificate of fitness issued by the Chief Fire Marshal shall be in the form of an identification card. Said card shall contain the following information to be valid:
 2. The purpose for which the certificate of fitness has been issued.
 3. The date of certificate of fitness issuance and the date of expiration.
 4. Other information as may be necessary to properly identify the person to whom the certificate of fitness is issued.
 5. The signature of the person to whom the certificate of fitness is issued.
 6. The name and signature of the Chief Fire Marshal who issued the certificate of fitness or the Chief Fire Marshal's name and the countersignature of his designated representative.
 7. Printed thereon, in bold type, the following: "THIS CERTIFICATE DOES NOT EXCLUSIVELY RECOMMEND THE BEARER."

K. Requirement to display certificate of fitness. Any person to whom a certificate of fitness has been granted in conformance with this article shall, upon request, produce and show proper identification and his certificate of fitness to anyone for whom he seeks to render his services or to the Chief Fire Marshal. M. A certificate of fitness, as otherwise required by this section, shall not be required for any person selling, filling or delivering liquefied petroleum gas who is the holder of a valid commercial driver's license with a hazardous material endorsement.

Section 220-17-10. Reporting of incidents.

Any incident involving liquefied petroleum gas, including but not limited to leaks, fires,

explosions or any other accidental discharge into the atmosphere in excess of 8.5 cubic feet (one pound propane) must be reported to the Chief Fire Marshal by the responsible party or his representative. The initial report may be made by telephone and followed by a written report. Under no circumstances shall a report be filed later than 24 hours after the incident.

Section 220-17-11. Storage, handling, installation, use and transfer.

The storage, handling, installation, use and transfer of liquefied petroleum gas shall be in accordance with the appropriate standards of the NFPA, except that more restrictive requirements as specified in this article shall take precedence over any NFPA requirements.

ARTICLE XVIII - Lumberyards and woodworking plants:

Section 220-18-1. Permit required.

No person shall store in excess of 100,000 board feet of lumber without a permit.

Section 220-18-2. Open yard storage.

- A. Lumber shall be piled with due regard to stability of piles and in no case higher than 20 feet.
- B. Driveways between and around lumber piles shall be at least 15 feet wide and maintained free from accumulation of rubbish, equipment or other articles or materials. Driveways shall be so spaced that a maximum grid system unit of 50 feet by 150 feet is produced. Permanent lumber storage, operating under a permit, shall be surrounded with a suitable fence at least six feet high, unless storage is within a building.

Section 220-18-3. Operational fire hazards.

- A. The burning of shavings, sawdust and refuse material shall be permitted only under boilers, in furnaces or in incinerators or refuse burners safely constructed and located. Stacks shall be provided with approved spark arresters having openings not greater than 3/4 inch or other effective means provided which will eliminate the danger from sparks, such as an expansion chamber, baffle walls or other effective arrangement. At boiler or other points where sawdust or shavings are used as fuel, a storage bin of noncombustible construction with raised sill shall be provided.
- B. Smoking shall be prohibited except in specified safe locations in buildings. Large "No Smoking" signs shall be painted on exterior building walls and on signs erected at driveway edges. "No Smoking" signs shall be posted throughout all buildings except in specific locations designated as safe for smoking purposes.

Section 220-18-4. Woodworking plants.

- A. Sawmills, planing mills and all other woodworking plants shall require a permit from the Chief Fire Marshal.
- B. All wood working plants and lumber yards shall be constructed, operated and maintained in accordance with the appropriate standards of the NFPA.

ARTICLE XIX - Oil-burning Equipment:

Section 220-19-1. Scope.

This article applies to oil-burning equipment except internal combustion engines, oil lamps and portable devices such as blow torches, melting pots and weed burners.

Section 220-19-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

FUEL OIL; Kerosene or any hydrocarbon oil conforming to Specifications for Fuel Oils of the American Society of Testing Materials, having a flash point not less than 100° F.

OIL BURNING EQUIPMENT; An oil burner of any type, together with its tank, piping, wiring, controls and related devices, and shall include all conversion oil burners, oil-fired units and heating and cooking appliances, but excluding those exempted by

Section 220-19-3. Permit required.

A permit shall be required for the installation of any oil burner that utilizes a fuel oil tank in excess of 25 gallons in a building or in excess of 60 gallons outside of a building, except for installations solely for space heating or water heating.

Section 220-19-4. Installation, operation and maintenance.

The installation, operation and maintenance of oil-burning equipment shall be in accordance with the appropriate standards of the NFPA.

ARTICLE XX - Places of Assembly:

Section 220-20-1. Permit required.

- A. No place of assembly as defined in Subsection B of this section shall be maintained, operated or used as such without a permit, except that no permit shall be required for any place of assembly used solely as a place of religious worship.
- B. Definitions. As used in this article, the following terms shall have the meanings indicated:

PLACE OF ASSEMBLY; Any room, space, building or portion thereof used for gathering together persons for such purposes as deliberation, worship, entertainment, eating, drinking, amusement, awaiting transportation or similar purposes when such room, space, building or portion thereof has a capacity of 50 persons or more or has a net area available for use by the occupants for assembly purposes of 500 square feet or more.

Section 220-20-2. Plans of exit ways and aisles.

A plan showing the location of exit ways and of aisles leading thereto shall be submitted for approval to the Chief Fire Marshal, and an approved copy shall be kept on display in the premises.

Section 220-20-3. Maximum allowable occupancy.

- A. A maximum allowable occupancy for every place of assembly or portion thereof shall be determined by the Chief Fire Marshal. A suitable placard or sign, as approved by the Chief Fire Marshal, shall be prominently displayed in each place of assembly or portion thereof, indicating the maximum allowable occupancy. Said placard or sign shall be readily visible to the occupants.
- B. The owner, operator, managing agent, manager or person in charge of any place of assembly shall ensure that the maximum allowable occupancy for any place of assembly or portion thereof is never exceeded.

Section 220-20-4. Construction, maintenance and operation.

The construction, repair, maintenance and operation of every place of assembly shall be in accordance with the appropriate standards of the NFPA.

Section 220-20-5. Fire protection equipment.

All fire-detecting and extinguishing equipment and systems and smoke and fire control doors, vents, devices and systems in every place of assembly shall be maintained in full, proper, operative condition at all times when said place of assembly or portion thereof is occupied.

ARTICLE XXI - Welding and Cutting:

Section 220-21-1. Scope.

Welding or cutting shall include gas, electric-arc or flammable liquid welding or cutting or any combination thereof.

Section 220-21-2. Permit required.

- A. A permit shall be required of each company, corporation, copartnership or

owner-operator performing welding or cutting operations, except as provided in Subsection B of this section. This permit shall not be required for each welding or cutting job location.

- B. A permit shall not be required of any company, corporation, copartnership or owner-operator when that entity has any valid permit from the Division of Fire Prevention and such welding or cutting is incidental to the purposes for which said permit is issued.
- C. Application for a permit required by this article shall be made by the company, corporation, copartnership or owner-operator performing the welding or cutting operation or by his duly authorized agent.

Section 220-21-3. Operations.

All welding and cutting operations shall be conducted in accordance with the appropriate standards of the NFPA.

ARTICLE XXII - Electrical Systems:

Section 220-22-1. Scope.

This article shall apply to the installation and alteration of wiring for electric light, heat or power and signal systems operating on 50 volts or more but shall not apply to the electrical installations in ships, railway cars, automotive equipment or the installations or equipment employed by a railway, electrical or communication utility in the exercise of its function as a utility and located outdoors or in buildings used exclusively for that purpose nor to any work involved in the manufacture, assembly, test or repair of electrical machinery, apparatus, materials and equipment by any person engaged in electrical manufacturing as his principal business.

Section 220-22-2. General requirements.

- A. All electrical installations shall be in accordance with the National Electrical Fire Code, except that aluminum wiring shall not be permitted on the load side of the service disconnect in dwellings, buildings or structures for which residential occupancy is a permitted use.
- B. It shall be unlawful for any person to install or cause to be installed or to alter or repair electrical wiring for light, heat or power until an application for inspection has been filed with the New York Board of Fire Underwriters or another approved electrical inspection service. It shall be unlawful for any person to connect or cause to be connected electrical wiring for light, heat or power to any source of electrical energy prior to the issuance of a temporary certificate or a certificate of compliance by the New York Board of Fire Underwriters or another approved electrical inspection service.

Section 220-22-3. Electrical inspector.

The Chief Inspector and each of the duly appointed inspectors of the New York Board of Fire Underwriters or another approved electrical inspection service are hereby authorized to make inspections and reinspections of electrical wiring installation, devices, appliances and equipment in and on properties within the Incorporated Village of Mastic Beach where they deem it necessary for the protection of life and property and to approve or disapprove the same.

- A. The electrical inspectors shall make such inspections and reinspections as may be requested, in writing, by the Chief Fire Marshal and Chief Building Inspector and, in the event of an emergency, shall make such inspections as may be requested orally by an officer of the Incorporated Village of Mastic Beach.
- B. It shall be the duty of the electrical inspectors to furnish written reports to the Chief Fire Marshal and Chief Building Inspector and the owners and/or lessees of property where defective electrical installations and equipment are found on inspection and to authorize the issuance of a certificate of compliance when electrical installations and equipment are in conformity with this article.
- C. The Chief Building Inspector may authorize organizations other than the New York Board of Fire Underwriters to make inspections and reinspections of electrical wiring installation, devices, appliances and equipment, provided that said inspection organizations annually submit proof of insurance in such form and amounts as is deemed satisfactory by the Village Board, naming the Incorporated Village of Mastic Beach as a named insured.

Section 220-22-4. Exemption from liability.

This article shall not subject the New York Board of Fire Underwriters or any approved electrical inspection service or any inspector thereof to any civil or other liability for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect or the certificates issued as herein provided.

ARTICLE XXIII - Fireworks:

Section 220-23-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

FIREWORKS; Includes any combustible or explosive combination or any substance or composition or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, dago bombs, sparklers or other devices of like construction and any devices containing any explosive or flammable compound or any tablets or

other devices containing any explosive substance, except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of 0.25 of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for the use of such caps, the sale and use of which shall be permitted at all times

Section 220-23-2. Sale and discharge.

- A. Except as hereinafter provided, it shall be unlawful for any person to store, offer concerning sale, expose for sale, sell at retail or use or explode any fireworks, provided that the Chief Fire Marshal shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by the municipality, fair associations, amusement parks and other fraternal or service organizations. Every such display shall be handled by a competent operator approved by the Fire Marshal of the municipality and shall be of such a character and so located, discharged or fired as, in the opinion of the Chief Fire Marshal, after proper inspection, shall not be hazardous to property or endanger any person.
- B. Application for a permit shall be made in writing at least 45 days in advance of the date of display. After such a privilege shall have been granted, the sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.
- C. No permit authorizing the display of fireworks shall be granted unless the applicant thereto furnishes evidence of commercial general liability insurance with a general aggregate limit of not less than \$4,000,000, an occurrence limit of not less than \$2,000,000.
- D. No permit authorizing the display of fireworks shall be granted unless the Incorporated Village of Mastic Beach is named insured under the required commercial general liability insurance, and such policy shall be noncancelable without 10 days' prior written notice to the Incorporated Village of Mastic Beach.
- E. The display of fireworks shall be in accordance with the appropriate standards of the NFPA as well as the specifications set forth in the New York State Penal Law. If any conflict exists in the requirements, the more restrictive requirement shall take precedence.

Section 220-23-3. Manufacture, assembly, storage and handling.

- A. A permit shall be required for the manufacture, storage, assembly and handling of any fireworks or pyrotechnic products. The manufacture, assembly, storage and handling of fireworks or pyrotechnic products shall be in accordance with the appropriate standards of the NFPA.

Article XXIV - Marinas and Boatyards:

Section 220-24-1. General provisions.

Marinas and boatyards shall be constructed, maintained and operated in accordance with the appropriate standards of the NFPA.

Section 220-24-2. Open fires.

No open fires or lighted charcoal grills shall be permitted on any dock or pier or on board any boat or vessel in proximity thereto.

ARTICLE XXV - Multiple-Unit Dwellings and Multiple-Residence Facilities.

Section 220-25-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

MULTIPLE-RESIDENCE FACILITY; Any building, structure or portion thereof in which more than four persons, unrelated to the owner, occupy space, rooms or suites. This shall include but not be limited to hotels, motels, apartment houses, rooming houses, boardinghouses, garden apartments, nursing homes, convalescent homes, adult homes and residential board and care facilities. This shall not apply to accessory apartments nor to condominiums nor cooperatives wherein the living units are individually owned nor to hospitals.

MULTIPLE-UNIT DWELLING; Any building or structure which contains four or more individual dwelling units or spaces with a common roof or otherwise physically connected, and shall include structures commonly known as "townhouses," "garden apartments," "motels," "hotels," "apartment houses" and "condominiums."

Section 220-25-2. Fire and smoke detection systems.

Every multiple-unit dwelling and every multiple-residence facility shall be equipped with an approved fire and smoke detection system. All detection, notification and other equipment and devices shall be located and installed in accordance with the standardized procedures as approved by the Chief Fire Marshal or his designee.

Section 220-25-3. Units under construction.

During the course of construction of any multiple-unit dwelling or multiple-residence facility, upon installation of water mains on the construction site, fire hydrants shall be immediately connected and maintained in an operative condition. Access to all hydrants by fire-fighting apparatus shall be provided.

Section 220-25-4. Permit required.

A. A permit for the construction of any multiple-unit dwelling shall be required as

specified in this Chapter.

- B. No person, group, business, corporation or other entity shall own or operate any multiple-residence facility unless an annual permit has been issued by the Division of Fire Prevention. All new and existing multipleresidence facilities must obtain a permit to operate annually, commencing on June 1, 1986, and said permit must be renewed annually.
- C. All multiple-residence facilities shall be in compliance with the appropriate standards of the NFPA.

ARTICLE XXVI - Fire Protection Systems:

Section 220-26-1. Purpose.

The purpose of this article is to provide regulations and standards applicable to the installation and maintenance of fire alarm systems, fire sprinkler systems, and other fire protective systems that require Fire Department response so as to ensure competent standards of workmanship and thereby lessen the possibility of false alarms resulting from malfunctions of unrecognized installations and lack of maintenance.

Section 220-26-2. Definitions.

For the purpose of this article, the following terms, phrases and words shall have the meanings given herein:

CENTRAL ALARM STATION; Any entity which receives signals from fire alarm systems and relays information pertaining to such fire alarm systems to the appropriate Fire Department headquarters.

CONTACT LIST; A list of names and telephone numbers for five representatives, one of who shall be capable of reporting to the premise within 60 minutes of being contacted. This list shall be provided by the applicant.

EMERGENCY; An unforeseen occurrence or condition that calls for immediate action.

FALSE FIRE ALARM; An alarm of fire, other than a malicious false alarm, which causes the response of the Fire Department when there is no discernible fire, abnormal heat, smoke or other occurrence that constitutes an emergency.

FIRE ALARM DEVICE; Any device, including manually operated ones, which, when activated by fire, smoke or other emergency requiring Fire Department response, transmits a signal to local Fire Department headquarters or to a central alarm station and/or produces any audible or visible signal to which the local Fire Department is expected to respond. Excluded from this definition and from the provisions of this article are devices designed to alert the

occupants of a building of an emergency condition therein and which do not produce any audible or visible signal which is perceptible outside of such building.

FIRE ALARM SYSTEM; Any arrangement of fire alarm devices, connected together and to a control panel or panels, designed so that the activation of any one device will cause an appropriate signal to operate.

FIRE ALARM TECHNICIAN; Any person, licensed by the State of New York, who maintains, installs, repairs, tests, inspects or otherwise performs work on fire alarm systems.

FIRE PROTECTION SYSTEM; Any fire alarm or any fire sprinkler system, fire mains, and fire hydrants. One or more single-station or interconnected smoke detectors, without central station monitoring or an exterior notification device, shall not be considered a fire protection system. In the case of one premises with more than one fire alarm control panel, each fire alarm control panel shall be considered a separate fire protection system. In the case of multiple sprinkler risers, each group of risers protecting the same tenancy shall be considered one fire protection system. The fire service main and fire hydrants connected thereto shall be considered one fire protection system.

FIRE SPRINKLER SYSTEM; Any arrangement of sprinkler heads, valves, piping and accessories connected together, installed within a building or structure and intended to discharge water in the event of a fire or abnormal heat condition within the building or structure.

MALICIOUS FALSE ALARM; The willful and knowing initiation or transmission of a signal, message or other notification of an event of fire, smoke or other emergency when no such danger exists.

REPORT OF TESTING; A report indicating that a licensed contractor has inspected a fire protection system in accordance with the applicable standard(s) of the NFPA. The report shall contain at least the name and location of the premise, any deficiencies noted and/or corrected, the name and original signature of the inspector, his/her certification that the inspection has been properly conducted and all statements related thereto are true and correct and additional information as may be deemed necessary by the Chief Fire Marshal.

Section 220-26-3. Registration.

- A. Every fire protection system shall be registered with the Division of Fire Prevention by the owner of the system. With each application the applicant must submit the fees required by Chapter XX of this Code.
- B. The effective period of a registration shall be three years, unless the registration is revoked for cause.
- C. All applications for registration of a fire protection system shall be made to the

Chief Fire Marshal in such form and detail as he shall prescribe. Applications for registrations shall be accompanied by a valid report of testing of the fire protection system and a contact list.

- D. It shall be the responsibility of the registrant to maintain and insure the accuracy of the contact list and to notify the Division of Fire Prevention of any changes within one business day.
- E. Registrations shall not be assignable from one system owner to another.
- F. Registrations shall not be transferable from one system to another.
- G. Failure of the contact list to provide a representative at the premise within 60 minutes of the first call shall result in the revocation of the fire protection system registration.
- H. In the event of a revocation of a registration under this article the applicant must submit a new application in accordance with the terms and condition of this Article XXVII.

Section 220-26-4. Licensing and standards.

- A. It shall be unlawful for any person, business, firm, corporation or other commercial entity to maintain, install, repair, test, inspect or otherwise perform work on any fire alarm system without first obtaining a fire alarm installer's license from the State of New York.
- B. All fire protection systems and associated equipment shall be installed, repaired, tested, inspected and maintained in accordance with the appropriate standards of the National Fire Protection Association.

Section 220-26-5. Repair notification.

Prior to commencing with work, inspection or testing of any fire protection system, notification to the all entities that would receive an automatic alarm notification is to be in compliance with Article III of this Chapter.

Section 220-26-6. Installation and maintenance.

- A. Every fire alarm system shall be thoroughly inspected and tested not less than once each six months. Inspection shall be only by a fire alarm technician. A report of testing shall be made on a form specified by the Chief Fire Marshal and shall be submitted to the Division of Fire Prevention.
- B. The owner shall be responsible for the maintenance and service of his or its fire

alarm device equipment and shall be responsible for all malfunctions of his or its equipment.

- C. Devices which automatically transmit fire alarm signals to a Fire Department or the dispatching facilities for a Fire Department shall be prohibited unless specific written permission is issued by the Fire Commissioners of said Fire Department or by the dispatching facility. This shall not apply to signals transmitted to commercial central alarm stations.
- D. Taped message dialers. The use of taped message dialers to any Fire Department, Police Department, dispatching facility for any Fire Department or central station is hereby prohibited.

ARTICLE XXVII - Multiple Storage Warehouses:

Section 220-27-1. Definitions.

MULTIPLE STORAGE WAREHOUSE; A multiple storage warehouse shall be defined as a building divided into two or more individual spaces, which may be rented to one or more tenants, for the storage of materials and equipment of the tenant. This shall include, but not be limited to, buildings known as "mini storage," "public storage" and the like. This shall not apply to the storage spaces of shopping centers, apartment houses and similar buildings, when such spaces are used to store materials and equipment incidental to the tenant's primary occupancy.

Section 220-27-2. Protection.

Every multiple storage warehouse constructed or renovated after the effective date of this section shall be protected throughout by an approved automatic fire extinguishing system.

Section 220-27-3. Storage of hazardous chemicals and materials prohibited.

The storage of any quantity of any hazardous chemicals or materials as specified in Article XVI of Chapter 220 of the Code of the Village of Mastic Beach shall be strictly prohibited in every multiple storage warehouse, new and existing. The tenant of every such space in every multiple storage warehouse shall be informed, in writing, by the owner of the premises that such storage is strictly prohibited.

ARTICLE XXVIII - Emergency Access Systems:

Section 220-28-1 Purpose

The purpose of this article is to provide emergency access to gated properties , buildings, fire suppression equipment, fire alarm equipment, building systems and information specified by the Chief Fire Marshal, for use by the Fire Department at the time of an emergency

or a reported emergency.

Section 220-28-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

INFORMATION STORAGE CABINET; A cabinet-style vault approved by the Chief Fire Marshal installed in an accessible location for the purpose of containing information and documents related to the: storage of hazardous materials, site plans, building plans, emergency notification information or any other information required by the Chief Fire Marshal, deemed to be pertinent to the operations of the responding Fire Department.

KEY LOCK BOX; A container of a type approved by the Chief Fire Marshal installed in an accessible location for the purpose of containing keys to gain necessary access to areas of premises.

Section 220-28-3. Survey by Fire Marshal; specification of required equipment.

The Chief Fire Marshal shall survey or cause to be surveyed each establishment, except the interior of one- and two-family dwellings and shall specify what key lock box or information storage cabinet shall be provided. In special occupancies more than one key lock box, information storage cabinet or combination thereof may be required.

Section 220-28-4. Maintenance.

Key lock boxes, information storage cabinets or combinations thereof which have been installed in compliance with this code or the New York State Fire Code shall be maintained in operative condition at all times, and it shall be unlawful for any owner or occupant to reduce the effectiveness of any emergency access system.

Section 220-28-5. Access devices.

- A. The owner or occupant(s) of any building with a key lock box or information storage cabinet will provide the Mastic Beach Fire Marshals Office with all keys, cards and codes to access all areas of the subject building.
- B. If at any time, a lock or access control device on or within the subject building is changed, rekeyed, reprogrammed or altered, the building owner or occupant(s) are to immediately provide updated keys, cards and codes for placement in the key lock box or information storage cabinet.

Section 220-28-6. Fire Department lock cylinder.

All key lock boxes and information storage cabinets shall be equipped with single-lock cylinders. In no case shall any person or entity, other than a Village of Mastic Beach Fire

Marshal or a member of a Fire Department protecting the subject premises, be issued, possess or use any key intended to operate the lock cylinder on any key lock box or information storage cabinet.

Section 220-28-7. Applicability.

This article shall apply to all commercial buildings, multiple dwellings and any other occupancy as determined by the Chief Fire Marshal

ARTICLE XXIX - Required Access for Fire Apparatus.

Section 220-29-1. Scope.

All commercial or residential electronically operated access gates within the Incorporated Village of Mastic Beach shall be required to have installed on such gate a siren operated sensor.

Section 220-29-2. New electronically controlled gate Installations.

All newly installed electronically controlled gates shall have a siren operated sensor installed prior to the issuance of an occupancy permit.

Section 220-29-3. Existing electronically controlled gate installations.

All owners of existing electronically controlled gates shall have six months from the effective date of this code to have the siren operated sensor installed on such gate.

Section 220-29-4. Responsibility.

The owner of the gate shall be responsible for the ordering and installation of the siren operated sensor.

Section 220-29-5. Maintenance.

The siren operated sensor shall be maintained by the owner and remain operational for the life of the access point.

Section 220-29-6. Placarding.

A weatherproof reflective sign indicating the presence of the siren operated gate sensor shall be affixed to the gate in a conspicuous location, unobstructed and be visible at all times.

Section 220-29-7. Acceptance test.

Upon completion of the installation of the siren operated system, the owner shall notify

the Village of Mastic Beach Fire Marshals Office within 5 days to schedule a test of the system and submit a list of any manual keypad codes.

A. Penalties for Offenses

1. Any person, group of persons, partnership, association or corporation, individually or collectively, who shall violate or aid in, take part in or assist in the violation of this chapter shall be subject to a maximum fine of \$250 for each offense and each and every day that a violation of this Section shall occur shall be a separate offense, and a minimum fine of \$250 or imprisonment for a term of not more than 15 days, or both. The tenant, licensee or other occupant of a premises and the owner, manager and or landlord of the premises shall be both liable for any offense of this Chapter.
2. The Village of Mastic Beach shall be entitled to commence a civil proceeding and pursue all civil remedies to which the Village is entitled under the law and the election of a civil remedy by the Village prior to or after the commencement of an enforcement proceeding and or the filing of violations under this Chapter shall not be a waiver by the Village of Mastic Beach of its right to file violations or pursue non-civil or criminal charges or remedies under this Chapter.

Effective Date:

This Local Law shall take effect immediately.