



September 6, 2013

New York State Department of State
Division of Code Enforcement & Administration
Suite 1160, 99 Washington Avenue
Albany, New York 11231
Attn: Michael Auerbach

Re: Incorporated Village of Mastic Beach – Petition for Incorporation
of Higher Standards – Chapter 220, Fire Code, Chapter 260,
Housing Standards, Section 350-4, 7 and 11, Property Maintenance

Dear Mr. Auerbach:

The Village of Mastic Beach's petition for More Restrictive Local Standards is set to be heard by the Code Council on September 11, 2013. Please be advised that the Village is diligently compiling the information requested by the Council with regard to our petition. Unfortunately, we will not be able to gather all of the requested information in time for the September 11, 2013 meeting.

Please allow this letter to serve as a formal request to adjourn our hearing until the next Council meeting on December 11, 2013. The Village will continue to not enforce any of the MRLS's until after the December 11, 2013 meeting.

Thank you in advance for your consideration and assistance.

Very truly yours,

William Biondi, Mayor of the Village of Mastic Beach

cc: Brian T. Egan, Esq., Village Attorney

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February 25, 2013

New York State Department of State
Division of Code Enforcement & Administration
Suite 1160, 99 Washington Avenue
Albany, New York 11231
Attn: Catherine Karp

Re: Incorporated Village of Mastic Beach – Petition for Incorporation
of Higher Standards – Chapter 220, Fire Code, Chapter 260,
Housing Standards, Section 350-4, 7 and 11, Property Maintenance

Dear Ms. Karp:

Pursuant to my conversations with Ray Andrews, please find herewith copies of the
Petitions of the Incorporated Village of Mastic Beach. If there is anything further that is needed
in connection with these Petitions, please do not hesitate to contact the undersigned.

Best Regards,



Vincent A. Candurra

PETITION FOR APPROVAL
PURSUANT TO EXECUTIVE LAW § 379

Incorporated Village of Mastic Beach

Local Law No. 3 of 2013
Village Code, Chapter 220
"Fire Prevention"

To: New York Department of State
Division of Codes

Please accept herewith the petition of the Incorporated Village of Mastic Beach for approval of its Fire Prevention Code, Chapter 220 of the Village Code, as approved by Local Law No. 3 of 2013. This local law was certified by the Village Clerk on February 12, 2013.

It is noted at the outset that the Fire Prevention code provided and to be approved was taken from the Fire Prevention Code of the Town of Brookhaven, which has been approved by your offices under the following local laws of that municipality:

Local Law No. 8 of 1988, as amended by Local Law No. 22 of 1990;
Local Law No. 23 of 1990;
Local Law No. 24 of 1990;
Local Law No. 2 of 1991;
Local Law No. 5 of 1992; and
Local Law No. 15 of 1995.

In regard to the proposed code, it is noted that the Town of Brookhaven has been enforcing this code with the geographic confines of Mastic Beach for decades. This code maintains the more restrictive provisions of the Town of Brookhaven code, the very code that has been applied to the structures within the now-Village of Mastic Beach. In the absence of these provisions, the Village will not be able to continue to require the higher level of fire safety that had been previously provided.

In regard to the questions posed under the Division's "Guide for the Incorporation of More Restrictive Local Standards":

1. It is submitted that the proposed Fire Prevention code will continue to provide the increased fire-safety provisions contained in the formerly approved Town of Brookhaven Town Code. Conversely, disapproval will significantly adversely affect the level of protection from fire hazards within the Village.
2. Not generally applicable – except as such provisions affect building construction and maintenance, and as to those issues, prior approval as part of the Town of Brookhaven code indicates that such standards will be met.

3. It is submitted that the proposed Fire Prevention code will afford both residential and non-residential buildings the increased fire prevention protection afforded under the approved Town of Brookhaven code.
4. There is no data available to indicate that an increased cost of doing business within the State would be caused, nor would approval of the Fire Prevention code result in jurisdictional overlap or artificial increases in construction costs out of proportion to the demonstrated fire-safety increase shown in the formerly approved Town of Brookhaven code.
5. The conditions necessitating the approval of the proposed Fire Prevention code are not self-imposed, rather they are imposed or made necessary and desirable in order to continue a higher level of fire safety than the basic fire prevention code, and in a manner consistent with that which has been previously applied to this geographical area by the previously approved Town of Brookhaven code.
6. The Village has numerous special conditions for which the Fire Code will address, as indicated in the accompanying narrative of the Village's Fire Marshall.
7. The municipality takes no position on the state-wide adoption of the proposed code.

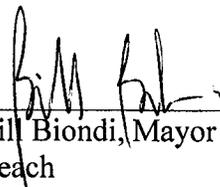
Impacts of the Local Standards:

There is no impact of the proposed local standards anticipated in addition to those already incumbent upon any resident or owner of real property within the Village. As the Village will simply be regulating the same provisions that heretofore were required, no impact is anticipated.

Accordingly, the Incorporated Village of Mastic Beach asks that your office approve the enacted Local Law No. 3 of 2013 as submitted.

For the Board of Trustees of the
Incorporated Village of Mastic Beach

Dated: February 25, 2013



Bill Biondi, Mayor of the Village of Mastic
Beach

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~

of **The Incorporated Village of Mastic Beach**

~~Town~~

Village

Local Law No. 3 of the year 2013.

A LOCAL LAW OF THE VILLAGE OF MASTIC BEACH

The Amended Chapter 220 of the Village Code 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 Officer and Fire Advisory Board.

B. 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.

- B. 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;

- F. Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials.
- G. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials.
- H. 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.
- I. 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.
- J. 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.

- C. 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.
- D. 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.

- H. 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.
- I. 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.
- J. 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.
- K. 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.
- L. 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.
- M. 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.

- N. 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.

- D. 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.
- E. 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.
- F. 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.

- D. 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.
- E. Fees for places of assembly shall be based on occupancy load as per this Code.
- F. 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.

Section 220-2-2. Copies on file.

- A. At least one adopted edition, either a computer software program of 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 220-3-3. 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 220-3-4. 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 220-3-5. 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 220-3-6. 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 220-3-7. 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 220-3-8. 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 220-3-9. System reset.

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

Section 220-3-10. 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 220-3-11. 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 220-3-12. 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 220-3-13. 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 220-3-14. 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 220-3-15. Opening of fire hydrants.

C. 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.

- D. 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 220-3-16. 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 220-3-17. 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 220-3-18. 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 220-3-19. 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 220-3-20. 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 220-3-21. 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.

- B. 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. 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.

- C. 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.

- D. 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. Receptacles for readily combustible materials.

All receptacles or bins hereinabove referred to in Section 220-43 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 220-4-3. Storage of readily combustible materials.

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

- C. 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.
- D. 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 220-4-5. 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.

Section 220-4-6. 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 220-4-7. 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 220-4-8. 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.

C. 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.

D. 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 - 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 VII- Repair Garages:

Section 220-7-1. 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.

ARTICLE VIII - Hazardous Chemicals and Materials:

Section 220-8-1. 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 220-8-2. 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 220-8-3. General requirements.

- F. The manufacture, storage, handling and use of hazardous chemicals shall be safeguarded with such protective facilities as public safety requires.
- G. 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.

- H. 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.
- I. The Chief Fire Marshal may require the submission of additional documentation relating to the physical and chemical properties of hazardous chemicals and materials.
- J. 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.

ARTICLE IX - Liquefied Petroleum Gases:

Section 220-9-1. 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.

Section 220-9-2. 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 220-9-3. 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 220-9-4. Installation and maintenance of equipment.

- B. 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 220-9-5. Portable cylinders and containers.

- B. 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 220-9-6. 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 220-9-7. Permit required.

- E. 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
- F. 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.
- G. 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.
- H. 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 220-9-8. Transportation.

- B. 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 220-9-9. Certificate of fitness.

- E. 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.
- F. 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.
- G. 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.
- H. 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.
- L. 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."

M. 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 220-9-10. 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 220-9-11. 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 X - Lumberyards and woodworking plants:

Section 220-10-1. Permit required.

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

Section 220-10-2. Woodworking plants.

- A. Sawmills, planing mills and all other woodworking plants shall require a permit from the Chief Fire Marshal.

ARTICLE XI - Welding and Cutting:

Section 220-11-1. Scope.

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

Section 220-11-2. 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.

ARTICLE XII - Electrical Systems:

Section 220-12-1. Electrical inspector.

The Chief Inspector and each of the duly appointed inspectors of an approved electrical inspection service, a copy of which is on file at the Village Administrator's office, 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 additional organizations 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 220-12-2. Exemption from liability.

This article shall not subject 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 XIII - Fireworks:

Section 220-13-1. 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 220-13-2. 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.

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

Section 220-14-1. 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 220-14-2. Permit required.

- D. A permit for the construction of any multiple-unit dwelling shall be required as specified in this Chapter.
- E. 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 multiple-residence facilities must obtain a permit to operate annually, commencing on June 1, 1986, and said permit must be renewed annually.

ARTICLE XV - Fire Protection Systems:

Section 220-15-1. 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 220-15-2. 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 220-15-3. Registration.

- D. 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.
- E. The effective period of a registration shall be three years, unless the registration is revoked for cause.
- F. 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 220-15-4. Licensing and standards.

- C. 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.

Section 220-15-5. 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 220-15-6. 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.

ARTICLE XVI - Multiple Storage Warehouses:

Section 220-16-1. 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 220-16-2. Protection.

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

Section 220-16-3. 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 XVII - Emergency Access Systems:

Section 220-17-1 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 220-17-2. 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 220-17-3. 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 220-17-4. 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 220-17-5. 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 220-17-6. 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 220-17-7. Applicability.

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

ARTICLE XVIII - Required Access for Fire Apparatus.

Section 220-18-1. 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 220-18-2. 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 220-18-3. 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 220-18-4. Responsibility.

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

Section 220-18-5. Maintenance.

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

Section 220-18-6. 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 220-18-7. 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.

B. 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.

PETITION FOR APPROVAL
PURSUANT TO EXECUTIVE LAW § 379

Incorporated Village of Mastic Beach

Local Law No. 4 of 2013
Village Code, Chapter 260
Housing Standards

To: New York Department of State
Division of Codes

Please accept herewith the petition of the Incorporated Village of Mastic Beach for approval of its Housing Standards code, Chapter 260 of the Village Code, as approved by Local Law No. 4 of 2013. This local law was certified by the Village Clerk on February 12, 2013.

In regard to the questions posed under the Division's "Guide for the Incorporation of More Restrictive Local Standards":

1. Not generally applicable, except as the proposed Housing Standards will be assistive of the purposes and functions of the Village's Fire Prevention code.
2. It is submitted that the proposed Housing Standards will not only provide a basic level of protection for all people of the State frequenting the Village with regard to construction and maintenance of structures due to the enhanced restrictions within the code.
3. It is submitted that the proposed Housing Standards will afford both residential and non-residential buildings both a basic and an increased level of protection.
4. There is no data available to indicate that an increased cost of doing business within the State would be caused, nor would approval of the Housing Standards result in jurisdictional overlap or business uncertainties, nor would it create artificial increases in construction costs.
5. The conditions necessitating the approval of the proposed Housing Standards are not self-imposed, rather they are due to demonstrated incidence observed by Village personnel as is proved in the accompanying narrative of the Village's Building Inspector. The increased standards are made necessary and desirable in order to continue a higher level of safety than is found in the basic housing standards.
6. The Village has numerous special conditions for which the Housing Standards will address, as indicated in the accompanying narrative of the Village's Building Inspector.

7. The municipality takes no position on the state-wide adoption of the proposed code.

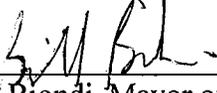
Impacts of the Local Standards:

There is no impact of the proposed local standards anticipated in addition to those already incumbent upon any resident or owner of real property within the Village.

Accordingly, the Incorporated Village of Mastic Beach asks that your office approve the enacted Local Law No. 4 of 2013 as submitted.

For the Board of Trustees of the
Incorporated Village of Mastic Beach

Dated: February 25, 2013



Bill Biondi, Mayor of the Village of Mastic
Beach

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~
of **The Incorporated Village of Mastic Beach**
~~Town~~
Village

Local Law No. 4 of the year 2013.

A LOCAL LAW OF THE VILLAGE OF MASTIC BEACH

The Amended Chapter 260 of the Village Code which shall read as follows:

“Chapter 260– HOUSING STANDARDS
ARTICLE I - General Provisions.

Section 260-1-1. Applicability of provisions.

The Board of Trustees finds that the health, safety and welfare of the residents of the Village of Mastic Beach is advanced through the passage and strict enforcement of housing laws and standards. It is the intent of this chapter to guarantee acceptable living conditions for all Village residents, to protect the character and stability of residential areas and to preserve the value of land and buildings throughout the Village. The failure to monitor and maintain the housing stock of the Village can result in unsafe, blighted, unhealthy and unsanitary conditions, overcrowding and a stress on municipal services. The provisions of this chapter apply to all residential premises, whether or not held for rental, and to the common areas and facilities of such premises.

Section 260-1-2. Conflict with other provisions.

In the event of a conflict between any provision of this chapter and any provision of a

zoning, building, electrical, plumbing, fire, safety, health, water supply or sewage disposal law, ordinance or regulation, the provision which is more restrictive and which establishes a higher standard shall prevail.

Section 260-1-3. Restrictions upon transfers.

No owner of any premises subject to the provisions of this chapter, upon whom any notice of a violation has been served pursuant to the provisions hereof or as to whom there shall be pending any proceeding or action at law arising from the violation or alleged violation of the provisions of this chapter, shall sell, transfer, grant, mortgage, lease or otherwise dispose of the premises concerned until compliance has been had with such notice and until any and all proceedings in any court with respect to the same shall have been finally determined, unless such owners shall furnish to the purchaser, grantee, transferee, mortgagee or lessee, prior to such sale, grant, transfer, mortgage or lease, a true copy of any such notice and a notice indicating the pendency of any such proceeding and at the same time give at least 10 days' notice to the Building Inspector of the Village of Mastic Beach of the proposed sale, grant, transfer, mortgage or lease, together with the names and addresses of all parties thereto.

Section 260-1-4. Definitions.

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

APPROVED; Approved by the code enforcement official.

BASEMENT; That portion of a building which is partly or completely below grade.

BATHROOM; A room containing plumbing fixtures including a bathtub or shower.

BEDROOM; Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE ENFORCEMENT OFFICIAL; The officer or other designated authority charged with the administration of this code, or a duly authorized representative.

CONDEMN; To adjudge unfit for occupancy.

DWELLING UNIT; A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT; That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EXTERIOR PROPERTY; The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION; The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE; The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD; A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE; Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HOUSEKEEPING UNIT; A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER; A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION; The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLES; A motor vehicle which cannot be driven upon the public streets for reasons including, but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED; Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the

production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET; To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

OCCUPANCY; The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT; Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA; That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR; Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER; Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if order to take possession of real property by a court.

PERSON; An individual, corporation, partnership or any other group acting as a unit.

PREMISES; A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY; Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE; A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT; Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH; Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials; this term shall also include discarded, abandoned or stored refrigerators.

SLEEPING UNIT; A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRUCTURE; That which is built or constructed or a portion thereof.

SWIMMING POOL; Any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designed to contain, or is capable of containing water more than 24 inches (610 mm) deep at any point. This includes in-ground, above-ground and on-ground pools; indoor pools; hot tubs; spas; and fixed-in-place wading pools.

TENANT; A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM; A room containing a water closet or urinal but not a bathtub or shower.

VENTILATION; The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE; Executed in a skillful manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD; An open space on the same lot with a structure.

ARTICLE II - Habitable Space.

Section 260-2-1. Habitable space.

No space shall be considered to be habitable space unless the minimum ceiling height is seven feet over 50% of the floor area. For the purpose of computing the floor area, no such area shall be taken into account over which the ceiling height is less than five feet, regardless of when the space was legally in existence. This section specifically removes the exception found in the Property Maintenance Code of New York State Section 404.3(5).

ARTICLE III- General Requirements.

Section 260-3-1. General.

A. Scope. The provisions of this Article shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

B. Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Article.

Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

C. Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighted problem or adversely affect the public health or safety.

Section 260-3-2. Exterior Property Areas.

A. Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

B. Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon, except for Approved retention areas and reservoirs.

C. Sidewalks and drainage. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

1. Off street parking lots. Whenever a person, firm or corporation performs the following work in an off street parking lot, within a six month period of time, the design of designated accessible parking shall be in accordance with the requirements of the Building Code of New York State Section 1106 and the design features found in this section.

a. Repave or repaint more than one half of the total number of parking spaces in an off street parking lot, which contains designated accessible parking spaces.

b. Creates designated accessible parking spaces in an off street parking lot.

c. Repave or repaint more than half of the total number of designated accessible parking spaces in an off street parking lot.

2. Designated accessible parking spaces shall incorporate the following design features:

a. Spaces. The parking space shall be 96 inches (2438 mm) wide minimum and shall have an adjacent access aisle of 96 inches (2438 mm) wide minimum. Two parking spaces shall be permitted to share a common access aisle. Access aisle shall extend the full length of the parking space they serve and shall have a surface slope not steeper than 1:48.

b. Signage. Each accessible parking space shall be provided with signage displaying the international symbol of accessibility. Each access aisle shall be provided with signage reading, "No Parking Anytime." Signs shall be permanently installed at a clear height of

between 60 inches (1525 mm) and 84 inches (2185 mm) above grade and shall not interfere with an accessible route from an access aisle.

D. Lawns, shrubs and trees. All lawns, common areas and recreation areas shall be maintained in a clean and neat condition and grass shall be cut periodically to restrict growth in excess of eight inches in total height.

E. Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

F. Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

G. Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

H. Motor vehicles. Except as otherwise provided for in statute or other regulations, two or more inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

1. Exception. A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

Section 260-3-3. Swimming pools, Spas and Hot Tubs.

A. Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

B. Enclosures. The provisions of this section shall control the design of barriers for residential swimming pools, spas and hot tubs. For public swimming pools, spas and hot tubs refer to Chapter 31 of the Building Code of New York State. Design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.

1. Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

C. Outdoor swimming pool. An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
2. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.
3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal member is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
6. Maximum mesh size for chain link fences shall be a 2.25-inch (32 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 inches (44 mm).
7. Where the barrier is composed of diagonal members, such as lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches (44 mm).
8. Access gates shall comply with the requirements of section 260-3-3(C), Items 1 – 7, and shall be securely locked with a key, combination or other child-proof lock sufficient to prevent access to the swimming pool through such gate when the swimming pool is not in use or supervised. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:

a. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and

b. The gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

9. Where a wall of a dwelling serves as part of the barrier one of the following conditions shall be met:

a. The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346; or

b. All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed in accordance with UL 2017. The audible alarm shall activate within 7 seconds and sound continuously for a minimum of 30 seconds immediately after the door and/or its screen, if present, are opened and be capable of being heard through-out the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as touch pad or switch, to temporarily deactivate the alarm for a single opening. Deactivation shall last for not more than 15 seconds. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or

c. Other means of protection, such as self-closing doors with self-latching devices shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by section (b) or (c) above.

10. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:

a. The ladder or steps shall be capable of being secured, locked or removed to prevent access, or

b. The ladder or steps shall be surrounded by a barrier which meets the requirements of section 260-3-3(C), Items 1 – 9. When the ladder or steps are secured, locked or removed, any openings created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

D. Indoor swimming pool. All walls surrounding an indoor swimming pool shall comply with section 260-3-3(C), Item 9.

E. Prohibited Locations. Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

F. Spas or hot tubs with a safety cover which complies with ASTM F 1346, shall be exempt from the provisions of this section.

1. Applicability. A swimming pool or spa installed, constructed or substantially modified after December 14, 2006, shall be equipped with an approved pool alarm.

a. Exceptions: 1) A hot tub or spa equipped with a safety cover which complies with ASTM F 1346; and 2) A swimming pool (other than a hot tub or spa) equipped with an automatic power safety cover which complies with ASTM F 1346.

Pool alarms shall comply with ASTM F 2208 and shall be installed, used and maintained in accordance with the manufacturer's instructions and this section.

2. Multiple alarms. A pool alarm must be capable of detecting entry into the water at any point on the surface of the swimming pool. If necessary to provide detection capability at every point on the surface of the swimming pool, more than one pool alarm shall be provided.

3. Alarm activation. Pool alarms shall activate upon detecting entry into the water and shall sound poolside and inside the dwelling.

4. Prohibited alarms. The use of personal immersion alarms shall not be construed as compliance with this section.

G. Temporary barriers. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a temporary barrier during installation or construction and shall remain in place until a permanent barrier in compliance with 260-3-3(C) is provided.

Exceptions: 1) Above-ground or on-ground pools where the pool structure is the barrier in compliance with 260-3-3(C); and 2) Spas or hot tubs with a safety cover which complies with ASTM F 1346, provided that such safety cover is in place during the period of installation or construction of such hot tub or spa. The temporary removal of a safety cover as required to facilitate the installation or construction of a hot tub or spa during periods when at least one person engaged in the installation or construction is present is permitted.

1. Height. The top of the temporary barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool.

2. Replacement by a permanent barrier. A temporary barrier shall be replaced by a complying permanent barrier within either of the following periods: 1) 90 days of the date of issuance of the building permit for the installation or construction of the swimming pool; or 2) 90 days of the date of commencement of the installation or construction of the swimming pool.

a. Replacement extension. Subject to the approval of the code enforcement official, the time period for completion of the permanent barrier may be extended for good cause, including, but not limited to, adverse weather conditions delaying construction.

H. Entrapment protection for swimming pools and spas. Swimming pools and spas shall maintain body entrapment protections for suction outlets in accordance with the Building Code of New York State or the Residential Code of New York State, as applicable.

Section 260-3-4. Exterior Structure.

A. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

B. Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. In addition to requirements of this code, 40 CFR 745 (titled "Lead-based Paint Poisoning Prevention in Certain Residential Structures"), a regulation issued and enforced by the Federal Environmental Protection Agency, applies to certain activities in buildings that may contain lead-based paint, including renovations performed for compensation in "target housing" and "child-occupied facilities," "abatement" of lead-based paint hazards and other "lead-based paint activities" (as those terms are defined in 40 CFR Part 745). All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

C. Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

D. Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

E. Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

F. Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

G. Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

H. Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

I. Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

J. Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

K. Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

L. Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

1. Glazing. All glazing materials shall be maintained free from cracks and holes.

2. Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

M. Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 703.3 of the Fire Code of New York State.

N. Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

O. Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

Section 260-3-5. Interior Structure

A. General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure

containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

B. Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

C. Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. In addition to requirements of this code, 40 CFR 745 (titled "Lead-based Paint Poisoning Prevention in Certain Residential Structures"), a regulation issued and enforced by the Federal Environmental Protection Agency, applies to certain activities in buildings that may contain lead-based paint, including renovations performed for compensation in "target housing" and "child-occupied facilities," "abatement" of lead-based paint hazards and other "lead-based paint activities" (as those terms are defined in 40 CFR Part 745). Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

D. Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

E. Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

F. Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

Section 260-3-6. Handrails and Guardrails

A. General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair, and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

1. Exception: Guards shall not be required where exempted by the Building Code of New York State.

Section 260-3-7. Rubbish and Garbage

A. Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

1. Dry vegetation, combustible waste and refuse. Combustible waste, refuse and large quantities of dry vegetation which by reason of their proximity to buildings or structures would constitute a fire hazard or contribute to the spread of fire shall be removed.

B. Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

1. Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

2. Refrigerators. Refrigerators and similar equipment shall not be discarded, abandoned or stored on premises accessible to children without first removing the doors.

C. Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

1. Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

2. Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

Section 260-3-8. Extermination

A. Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

B. Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

C. Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

D. Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

E. Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

1. Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

ARTICLE IV - Rental Properties.

Section 260-4-1. Permit Required.

Every owner of rental property located within the Village of Mastic Beach shall file:

- A. A statement of designation, signed and verified in the office of the Village Clerk, setting forth the name and address, by street and number within the Village of Mastic Beach, of an agent upon whom process may be served in any action or proceeding which may be commenced or instituted against said owner; or
- B. A designation, signed and verified, of the Village Clerk, as the agent upon whom process against the owner may be served, and the post office address, within or without the Village of Mastic Beach, to which the Village Clerk may mail a copy of any process against such owner served upon the Village Clerk.

Section 260-4-2. Service of Process.

Whenever process is served upon the Village Clerk, she shall promptly mail, by certified mail, addressed to the agent named in said designation at the address therein set forth, a true copy of said process and, upon mailing thereof, process shall be deemed complete.

Section 260-4-3. Unlawful to Offer Property for Rent without Permit.

It shall be unlawful and a violation of this chapter for any person to:

- A. List, solicit, advertise or offer, exhibit or show to any person a rental dwelling unit located within the Village of Mastic Beach, for the purpose of bringing about the rental thereof, where no agent has been designated as required under this

chapter.

- B. Accept a deposit of rent or security, or a commission, in connection with the rental of a rental dwelling unit located within the Village of Mastic Beach where no agent has been designated as required under this chapter.
- C. In the event that a person convicted of a violation of this section shall have been a real estate broker or sales person licensed by the State of New York, at the time such violation was committed, the Village Clerk or the Clerk of the Village Justice Court shall transmit a record of such conviction to the Division of Licensing Services of the Department of State and make complaint thereto against such licensee on behalf of the Village, pursuant to the provisions of Article 12-A of the Real Property Law.
- D. All rental properties containing eight or more rental units shall provide for a designated on-site manager who shall be available to address and resolve any issues with the property 24 hours a day. The owner of the property must file the manager's address, telephone

ARTICLE V - Compliance; Enforcement; Penalties.

Section 260-5-1. Responsibility for compliance.

Owners, operators, managers and occupants shall be jointly and severally liable for compliance with the provisions of Chapter 260 as set forth herein, regardless of any agreement as to which party shall assume such responsibility.

Section 260-5-2. Enforcement; penalties for offenses.

A. Enforcement.

1. This chapter shall be enforced by the Building Inspector, his

assistants or by any person designated specifically for such purpose by the Building Inspector or the Board of Trustees of the Village or by any duly constituted police authority.

2. Any person responsible for enforcing the provisions of this chapter shall have the right of access to and entry upon and into private property or any building covered by this chapter or reasonably believed to be covered by this chapter, but such entry shall not be made into a private building over the objection of any occupant thereof or, in his absence, without such officer first having secured and executed a proper search warrant.

However, there shall be no obligation upon the part of such officer to obtain a search warrant and, if access to the premises is denied to such officer, such denial shall constitute prima facie evidence that a violation exists in any legal proceeding in any court thereafter.

3. In any criminal proceeding, however, the burden of proof shall remain upon the people as in any other criminal proceeding, but in determining whether or not such burden has been met, the trier of the facts may consider the denial of access to be prima facie evidence of the existence of the violation. Notwithstanding anything aforesaid to the contrary, nothing in this Code shall be deemed to provide for or permit the search of the interior of any owner-occupied premises, no part of which is held for let or for rental purposes; and the denial of access to any such premises shall not constitute prima facie evidence of the existence of a violation as set forth in this section. However, if a portion of such premises is held for let or for

rental purposes, an inspection and/or search of the owner-occupied portion shall be permitted in order to determine whether or not conditions in such portion exist which have or may have a detrimental or hazardous effect upon the rental portion.

B. Action by the Village to Obtain Compliance.

1. When it shall be determined by the Building Inspector or his assistant or the designee of the Building Inspector or Board of Trustees that a property is not being properly maintained in violation of this Chapter or is otherwise in violation of this Chapter, the Building Inspector, his assistant, or any other person so designated by the Building Inspector or Board of Trustees shall promptly serve a Notice on the owner, manager, operator or occupant of the property, on the agent designated by the owner, and any other person responsible for the property. The owner of the property for purposes of this section shall be the owner indicated on the last filed assessment roll of the Village of Mastic Beach.
2. The Notice shall be served by certified mail and regular mail and a copy of the notice shall be posted on the front door or the door used for entry, of the premises. The Notice shall identify the property address and the owner, shall state the condition in violation of this Chapter, the action that is required to cure, remove or correct the condition that is in violation of this Chapter, and that if the condition is not cured, removed or corrected within seven (7) days of the date of the Notice, that the Village may take

the action required to cure, remove or correct the violation or condition and the owner, manager, operator, or occupant shall be responsible for the cost and expenses of the Village in such action including but not limited to administrative, engineering and professional fees.

3. In the event that the violation or condition in violation of this Chapter is not cured, removed or corrected within seven (7) days of the service and posting of the Notice, the Village may enter the property to cure, remove or correct the violation or condition.
4. All costs of the Village associated with the action taken to cure, remove or correct the violation or condition shall be the responsibility of the owner, manager, operator and/or occupant of the premises, and shall be billed accordingly.
5. In the event that the Village is not paid for the expenses within thirty days of the date of the billing of those amounts, the amounts shall be added as an assessment to the next Village tax bill for that property and collected in the same manner as a real estate tax on the property.
6. The Village may also commence a civil proceeding to obtain the monies from the owner, and the election of the Village to commence a civil proceeding shall not be exclusive and shall not waive or preclude the right of the Village to pursue any other available remedy or to assess the property for the Village costs and expenses.

7. The Village Board of Trustees, in its discretion, may elect to commence a civil action to apply to the Supreme Court of the State of New York for an order directing that any violation or condition in violation of this Chapter be remedied, repaired, secured or demolished and removed, for a judgment in favor of the Village and against the owner, manager, operator or occupant of the property for the costs including but not limited to all professional, administrative and legal fees incurred in the cure, removal, or correction of the violation or condition in violation of this Chapter, and or incurred by the Village in the application for and enforcement of the Court order.

8. The election by the Village to act to cure, remove or correct the violation or condition or to seek a court order is not exclusive and shall not constitute a waiver of any other right or remedy available to the Village including but not limited to the right to prosecute the violation of this Chapter.

C. Penalties for offenses.

1. General provisions.
 - a. For every violation of section 260-3, the responsible party:
 - (i) Upon conviction of a first offense, shall be guilty of a violation as defined in the Penal Law and be punishable by a fine of not more than \$1,000 or imprisonment for not more than 15 days, or both;

(ii) Upon conviction of a second offense within a five-year period, shall be guilty of a violation as defined in the Penal Law and be punishable by a fine of not more than \$2,500 or imprisonment for not more than 15 days, or both; and

(iii) Upon conviction of a third offense within a five-year period, shall be guilty of an unclassified misdemeanor as defined in the Penal Law and shall be punishable by a fine of not less than \$5,000 or imprisonment for not more than six months, or both. Each day's continuing infraction shall constitute a separate offense.

b. For every violation of any other provision of Chapter 260, the responsible party shall be guilty of a violation as defined in the Penal Law and be punishable by a fine of not more than \$250 except that a violation of Section 260-4-3 shall be subject to the penalties contained in Chapter 380 of the Mastic Beach Village Code with a fine of \$5,000.

c. Each day that a violation should exist shall constitute a separate violation and offense.

2. Any occupant who shall be in violation of those provisions of this chapter, compliance with which he is responsible for under the provisions thereof, shall be subject to eviction and damages for a breach of lease pursuant to the provisions of the Real Property Actions and Proceedings Law of the State of New York.

3. Where an owner of any premises is responsible for a violation of those provisions of this chapter which fall within his primary responsibilities for compliance under the provisions of this chapter, and which responsibilities are not referred to in this Chapter as being those of the occupant, the premises shall be subject to a rent abatement, which may be fixed by any court having jurisdiction, for the period during which any such violation shall exist, and said owner shall be responsible to the occupant in damages, including but not limited to any expense to which the occupant may have been put to cure any such violation.

Effective Date:

This Local Law shall take effect immediately.

PETITION FOR APPROVAL
PURSUANT TO EXECUTIVE LAW § 379

Incorporated Village of Mastic Beach

Local Law No. 5 of 2013
Village Code, Sections 350-4; 350-7 & 350-11 of Chapter 350
"Property Maintenance – Landscaping/Failure to Maintain/Penalties"

To: New York Department of State
Division of Codes

Please accept herewith the petition of the Incorporated Village of Mastic Beach for approval of its Property Maintenance code, Chapter 350, Sections 350-4, 350-7 & 350-11 of the Village Code, as approved by Local Law No. 5 of 2013. This law was certified by the Village Clerk on February 12, 2013

Section 350-4 relates to local requirements in regard to "landscaping" and set the requirements for bushes, shrubs and hedges to be trimmed, both in vertical height and as a matter of linear set-back from public rights-of-way and intersections. Such action is authorized by section 4-412(1) of the Village Law, and section 10 of the Municipal Home Rule Law.

Section 350-7 relates to local requirements regarding the ability of the Building Inspector and Code Enforcement personnel to serve legal process on an owner or occupant of a building that is not being maintained in accordance with the Property Maintenance code. It establishes notice provisions and certain mailing provision for postings of property, and allows a "grace period" of 10 days within which to remedy the violation prior to the Village Board taking action to remedy the violation in question, and establishes the procedure for such Village Board action. Such action is authorized by section 4-412(1) of the Village Law, and section 10 of the Municipal Home Rule Law.

Section 350-11 relates to local requirements indentifying "persons" or entities that may be found liable of a violation of Chapter 350, and establishes a penalty for a violation thereof, and daily penalties for continued violations. Such action is authorized by section 4-412(1) of the Village Law, and section 10 of the Municipal Home Rule Law.

In regard to the questions posed under the Division's "Guide for the Incorporation of More Restrictive Local Standards":

1. Not generally applicable.
2. Not Generally applicable.
3. It is submitted that the proposed amendments to the property maintenance code will affect both residential and non-residential buildings equally.

4. There is no data available to indicate that an increased cost of doing business within the State would be caused, nor would approval of the amendments to the Property Maintenance code result in jurisdictional overlap or artificial increases in construction costs.
5. The conditions necessitating the approval of the proposed amendments to the Property Maintenance code are not self-imposed and are for the purpose of fostering the health, safety and welfare of the residents of the Village.
6. The Village has numerous narrow sheets, for which the landscaping amendments will increase the sight lines along such streets. Please also see the narrative of the Village Building Inspector attached hereto describing the Village's special conditions.
7. The municipality takes no position on the state-wide adoption of the proposed code.

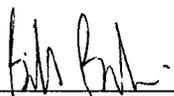
Impacts of the Local Standards:

There is no impact of the proposed local standards anticipated.

Accordingly, the Incorporated Village of Mastic Beach asks that your office approve the enacted Local Law No. 5 of 2013 as submitted.

For the Board of Trustees of the
Incorporated Village of Mastic Beach

Dated: February 25, 2013



Bill Biondi, Mayor of the Village of Mastic
Beach

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

of **The Incorporated Village of Mastic Beach**

Town

Village

Local Law No. 5 of the year 2013.

A LOCAL LAW OF THE VILLAGE OF MASTIC BEACH

The Amended Section 350-4, 350-7 and 350-11 of Chapter 350 of the Village Code which shall read as follows:

§350-4

Landscaping. All landscaping shall be maintained so that lawns, hedges, bushes and trees shall be kept trimmed and free from becoming overgrown and unsightly. The grass of lawns shall be mowed so that the height of the grass shall not exceed eight inches (8"). All hedges, shrubbery, trees and bushes shall be trimmed so that they do not extend into the public right of way and shall not be otherwise permitted to obstruct traffic or the visibility of streets or rights-of-way. All hedges, shrubbery and other vegetation shall be maintained to a maximum height of three feet (3') within eight feet (8') of any intersecting points of the sides of the roads forming an intersection. Lawns, hedges, bushes or trees that die or otherwise are destroyed shall be removed or replaced.

§350-7

Failure to maintain.

A. When it shall be determined by the Building Inspector or Code Enforcement Officer that a property is not being maintained in accordance with this Chapter, the Building Inspector or Code Enforcement Officer shall promptly serve a notice of violation on the owner of the property, the occupant of the property, and any other person responsible for the maintenance of the property. For purposes of this section the owner of the property shall be the owner indicated on the last filed assessment roll of the Village of Mastic Beach.

B. The notice shall be served by registered mail and regular mail and a copy of the notice shall be posted on the front door of the premises.

C. The Notice shall identify the property address and the owner, and shall state the conditions that are in violation of this Chapter, the required remedy, and the time within which to complete the remedy, which shall be not less than ten (10) days from the date of mailing and posting the notice.

D. In the event that the condition is not remedied within the time specified on the Notice, the Board of Trustees may adopt a resolution directing that the condition may be remedied by the Village and that any costs associated with that action, including a twenty-five percent (25%) administrative fee, and any engineering, legal, or other professional expenses incurred, be charged to and shall become the responsibility of the owner of the property, and that in the event that the owner does not pay the expenses within thirty(30) days of the date of the billing of those amounts, that the amounts shall be added to and as an assessment to the next Village tax bill for that Property. The Village may also commence a civil proceeding to obtain the monies from the owner, and the election of the Village to commence a civil proceeding shall not be exclusive and shall not waive or preclude the Village from pursuing any other available remedy.

§350-11

Penalties for offenses. Any person, corporation, limited liability company, partnership or other entity that violates this Chapter, or who fails to comply with any of the requirements of this Chapter shall be liable for a fine or penalty of two hundred and fifty dollars (\$250.00) and each and every day that a violation remains outstanding shall be a separate violation. The director or officer of a corporation, the member of a limited liability company, the general or limited partner of a partnership or a person of similar management capacity in any other type of entity shall be personally responsible for violations of this Chapter by their respective entity.

Effective Date:

This Local Law shall take effect immediately.

Mayor
Bill Biondi

Deputy Mayor
Gary Stiriz

Village Clerk
Virgilia Gross

*Incorporated Village of Mastic
Beach*

P.O. Box 521, 427 Neighborhood Road, Mastic Beach, NY 11951
631-281-2326 631-772-2432 Fax

Trustees

*Carol
Bissonette
Gail Cappiello
Bob Morrow*

January 8, 2013

New York State Department of State
Division of Code Enforcement & Administration
Suite 1160, 99 Washington Avenue
Albany, New York 11231

I am the Fire Marshal for the Village of Mastic Beach. In my professional opinion, the following more restrictive local standards are required for the reasons stated below.

Section 220-3-2 is more restrictive than the New York State Fire code in that it requires every new commercial building over 10,000 square feet to have an approved automatic fire sprinkler system. In the Village of Mastic Beach, almost all commercial buildings are on small lots, in close proximity to each other, which greatly increases the chance that a fire will spread between buildings. Also, nearly 65% of the commercial properties are vacant. The result is that, without sprinkler systems, many fires will have the time and ability to spread to adjoining lots. Requiring the sprinkler systems in commercial buildings will help prevent this from occurring reduce property damage and allow for a faster notification to the fire department.

Further, the Village's section 220-3-12 requires smoke detection systems in all buildings where sleeping accommodations are provided. Fire alarm systems activate when the fire is in its incipient stage, long before it would grow enough to set off a sprinkler head-especially in buildings with high or uneven ceilings. By requiring fire alarms, including in those buildings with sprinkler systems, the Village is insuring that the occupants of said buildings are quickly alerted to a fire condition and can evacuate safely before the fire grows to a point where the sprinkler system activates. Basically, rapid notification equals faster evacuation.

Lastly, with regard to sections 220-3-15 and 220-5-5(A), which requires fire alarm systems in all commercial buildings and those containing combustible materials, the more restrictive standards are needed. This is especially true in buildings with no sprinkler systems, as there would be no way for an occupant to know that there is a fire in the building until it grows large enough for people to discover it. If there is a basement fire in a wood frame commercial building, the occupants may not know about it until the fire burns through the floor and it either collapses, trapping them, or blocks their escape route. If there is a fire or even a puff back, in another part of a building than the area where the occupants are, the resulting smoke from that fire could overcome them. A fire alarm system would alert all of the occupants of a fire immediately and more importantly, before it grows to a point where the occupants are overcome by smoke or their egress is blocked, preventing them from escaping.

This will also help with the reduction of fire damage, which is less important than human life, but nevertheless important. If the fire alarm goes off in a building (occupied or unoccupied) the fire department is going to be notified and respond immediately. This gets them to the scene while the fire is still small. In a building with no fire alarm system, especially an unoccupied building, of which the Village has many, the fire department would not be notified until someone sees smoke and or fire coming out of the building. By that time, the fire has grown in size, causing extensive damage, compromised the structure, and puts the firefighters and occupants at a higher risk of injury or death. A larger fire also poses a risk to the surrounding structures, especially considering the lot size of most commercial buildings in the Village. Please keep in mind that a smoke detector will activate for smoke from a cigarette or burned food. So if a fire starts in a garbage pail, the smoke detector will go off while only the contents of that pail are burning. The sprinklers will go off (depending on what type of sprinkler heads are in the building) after the fire has consumed the entire pail and extended to the surrounding contents. With no detection, the fire will spread until it is discovered. If it is a vacant building or after normal business hours, or the people are sleeping, this would normally be when flames are rolling out the windows and people driving by see it. By then, there is a good chance that the people in the building have died of smoke inhalation or from the fire itself and the damage to the structure is exponentially worse than it was when just the garbage pail was burning. Most studies have shown that the time of first open flame to full room involvement is approximately four (4) minutes. Time is of the essence and this is why fire alarms and sprinklers are so important considering the special conditions of the Village of Mastic Beach. They will save lives.

It is my professional opinion at this time that more restrictive codes be approved to provide for the health and safety of all who reside in, work in and visit the Village of Mastic Beach.

Respectfully,



Andrew J. Brofman
Chief Fire Marshal
Village of Mastic Beach

Incorporated Village of Mastic Beach

P.O. Box 521, 427 Neighborhood Road, Mastic Beach, NY 11951
631-281-2326 631-772-2432 Fax

January 8, 2013

New York State Department of State
Division of Code Enforcement & Administration
Suite 1160, 99 Washington Avenue
Albany, New York 11231

The Village of Mastic Beach is made up of small lots and old summer cottages converted into full-time residences. The community is located on the South Shore of Long Island with a number of the lots on the waterfront still containing fragmities and cattails. These lots, along with the occupied lots, pose a threat to the Village.

The Village of Mastic Beach has over 7,500 parcels with approximately 5,500 structures. I feel that nearly half of those structures are rental homes. Many of the rental homes are owned by absentee landlords that fail to maintain their properties. For this reason, hosing codes and property maintenance codes are vital to this community.

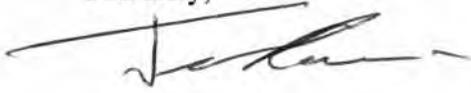
Regarding our request for a MRLS for grass height for commercial and residential properties, our community also has issues regarding brush. Since June 2011, there have been a number of brush fires, some just from the carelessness of discarded lit cigarettes. As such, we are asking to put an 8" limit on the height of grass. Specifically, on April 27, 2012 the Village had a fire on Beaver Drive, which spread and damaged three residences because it was able to spread via the vegetation between the houses.

Regarding other sections of the housing and property maintenance codes, due to the overwhelming amount of rental properties, we are experiencing an abundance of problems with property maintenance. Specifically, our request for a MRLS regarding ceiling height requirements for habitable space is reasonable. Our request seeks to eliminate an exception found in the New York State Property Maintenance Code 403.5(5), which exempts all houses built before 2003. In the Village, over 90% of the houses have been built prior to 2003, many of which were built in the 1930's. The result is that PMC 403.5(5) exempts almost the entire Village from the height requirements.

As far as our commercial properties, nearly 65% are unoccupied. The vacancy of these commercial properties is causing unsatisfactory blight and disrepair that is unacceptable to the residents of the Village of Mastic Beach.

It is my professional opinion at this time that more restrictive codes be enacted to provide for the health and safety of all Mastic Beach Village residents.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Brojer", with a long horizontal stroke extending to the right.

Timothy Brojer
Village Administrator