

A LOCAL LAW No. 4 OF 2010 OF THE VILLAGE OF SALTAIRE AMENDING SECTION 12 AND 13 OF CHAPTER 25 OF THE VILLAGE CODE OF THE VILLAGE OF SALTAIRE REGARDING REGULATION OF PROPANE IN THE VILLAGE OF SALTAIRE”.

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF SALTAIRE AS FOLLOWS:

Section 1.0 Title, Enactment, Effective Date, Purpose.

- 1.1 Title of Local Law
- 1.2 Enactment.
- 1.3 Effective Date.
- 1.4 Purpose and Intent of Local Law.
- 2.0 General Provisions
- 2.1 Amendments to Section 12 of Chapter 25
- 2.2 Amendments to Section 13 of Chapter 25
- 3.0 Severability and Validity

Section 1.0 Title, Enactment, Effective Date and Purpose.

1.1. Title

This Local Law shall be entitled, "Local Law No. 4 of 2010: Amendments to Sections 12 and 13 of Chapter 25 of the Saltaire Village Code Regarding Regulation of Propane and Outdoor Cooking”.

1.2. Enactment.

Pursuant to Section 10 of the Home Rule Law, the Village Law and the

Village Code of the Incorporated Village of Saltaire, the Incorporated

Village of Saltaire, County of Suffolk and State of New York, hereby

enacts by this Local Law No. 4 of 2010, a Local Law of the Incorporated

Village of Saltaire.

1.3. Effective Date.

This local law shall take effect on the filing of the approved Local Law with the Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of Saltaire.

1.4. Purpose and Intent of Local Law.

The purpose of this Local Law is to promote and protect the health, safety and welfare of the residents of and visitors to the Village of Saltaire; to

preserve, protect and enhance the environment and aesthetic assets of the Village of Saltaire, including the environmentally sensitive areas within the boundaries of the Village; and to safeguard the value of public and private property within the Village of Saltaire by adopting these amendments to Sections 12 and 13 of Chapter 25 of the Saltaire Village Code regulating propane and outdoor cooking in the Village.

## 2.0 General Provisions.

### 2.1 Amendment to Section 12 of Chapter 25

Section 12 of Chapter 25 is hereby amended to read:

**§ 25-12. Flammable gas Tanks. [Added 2-27-2001 by L.L. No. 1, 2001; Amended 10-4-2003 by L.L. No. 4, 2003; Amended 8-13-2005 by L.L. No. 2, 2005; Amended 4-10-2010 by L.L. No. 4 of 2010]**

It being the finding of the Board of Trustees that the improper installation, use, maintenance or storage of containers of compressed propane and natural gas tanks (collectively “Tanks”) in the village creates a clear and present risk to public health and safety, therefore:

- A. It shall be unlawful for the owner, or a member of his family, guest, lessee, tenant, occupant or other users of any real property in the Village of Saltaire to install, use, maintain or store on the owner’s property or any other place within the village any container of compressed propane, LPG or of compressed natural gas Tank rated to hold in excess of ten (10) pounds (rated by volume), except pursuant to a properly issued Flammable Gas Tank Permit and in accordance with the provisions of this Section 25-12.
- B. No Flammable Gas Tank Permit shall be issued for a Tank rated to hold eighty (80) pounds or more that has not been installed by a person certified or licensed to do so by the appropriate authorities. Tanks rated to hold less than eighty (80) pounds shall be subject to any and all installation requirements of the State Fire Prevention Code and the National Fire Protection Association.
- C. All Tanks shall at all times be maintained in a safe and proper working condition in accordance with the regulations established by the Village, the State Fire Prevention Code, and the applicable guidelines of the New York State Department of Transportation, the New York State Building Code and by reference to the applicable guidelines of the National Fire Protection Association.

- D. For Tanks rated to hold eighty (80) pounds or more, such Tanks shall be securely anchored to the exterior of a building or of an outbuilding thereof, and may not at any time come in contact with the ground during use or storage and must at all times be situated on a secure, non-flammable surface.
- E. All Tanks rated to hold more than eighty (80) pounds used or located on property, other than those located on a property owned by the Village, shall be removed from the village by no later than November 30 of each year and may not be brought into the village until April 1 of the subsequent year. The following properties are exempt from the removal requirement of this section :
1. Properties located in the residential zone of the village with two or fewer Tanks installed on the property, provided that (i) the propane Tank or Tanks are turned off whenever the main electrical circuit breaker to the structure is shut down; (ii) the Tank or Tanks are turned on pursuant to the applicable guidelines of the New York State Building Code and by reference to the applicable guidelines of the National Fire Protection Association, and (iii) provided that properties located in the residential zone of the village with three or more Tanks located on the property must remove all Tanks in excess of two Tanks.
  2. Properties located in the residential zone of the Village with structures located on them which are winterized. For the purposes of this Section, “winterized” shall mean that the structure remains connected without interruption to the Village’s public water system and is heated and or sufficiently insulated to prevent the domestic water in the structure from freezing at all temperatures below 32 degrees Fahrenheit.
  3. Properties in the commercial zone of the Village with structures located on them that are winterized and from which a business or businesses continue to operate for the period from November 30 through April 1, provided that all Tanks shall be removed from the Property for any period when the business or businesses which the Tank or Tanks serve are closed for more than six (6) consecutive days.
- F. For Tanks rated to hold less than eighty (80) pounds, such Tanks shall be either (i) securely attached to the device to which they are providing fuel and such device shall be securely anchored in a manner to prevent flotation in the event of a flood, or (ii) securely attached to a structure that is securely anchored in a manner to prevent floatation in the event of a flood.

- G. Except to the extent otherwise expressly provided for in this Section, no Tank shall, at any time, be installed, used, maintained or stored:
1. inside a building, shed or any other enclosed structure; or
  2. below, underneath or atop either a building, shed or other enclosed structure, or underneath a ground level deck of a building, shed or structure.
- H. Except to the extent otherwise expressly provided for in this Section, no Tanks shall be installed, used, maintained or stored above the ground level of a residential structure, except that Tanks rated less than eighty (80) pounds may be located on decks that have direct exterior egress to the ground via a permanent staircase or ramp.
- I. All Tanks rated less than eighty (80) pounds installed, used or located on property, other than those located on a property owned by the Village or those used by and located on the property of a property owner who is a year-round resident of the village, and who has received an Outdoor Cooking Permit-Season in accordance with Section 25-13C.2. of this Chapter, shall be removed from the village no later than November 30 of each year and may not be brought into the village until April 1 of the subsequent year. For purposes of Chapter 25, a “year-round resident” shall be a property owner or a member of the immediate family of such property owner who is actually domiciled and physically residing in the village on a year-round basis.
- J. As a condition for the issuance of a Flammable Gas Tank Permit, the property owner applying for such Permit, on behalf of himself, and his family, guests, lessees, tenants, occupants or other users of his property, shall (i) consent to an on-site safety inspection of such Tank by the Fire Marshal or other duly authorized representative of the Village, and (ii) allow such person physical access to make such safety inspection of the Tank and any device or building or structure to which it is attached, connected or stored, at such times, with or without prior notice, as deemed appropriate by the person who is to conduct such inspection.
- K. The Village may impose an annual fee for the issuance of a Flammable Gas Tank Permit, which fee shall be set from time to time by the Board of Trustees.
- L. The Board of Trustees may adopt and impose such additional rules and regulations as it determines to be necessary to implement the provisions of this Section.

## 2.2 Amendments to Section 13 of Chapter 25

Section 12 of Chapter 25 is hereby amended to read:

**§25-13. Outdoor Cooking [Added 12-8-2004 by L.L. No. 3, 2004; Amended 8-13-2005 by L.L. No. 2, 2005; Amended 4-10-2010 by L.L. No. 4 of 2010]**

It being the finding of the Board of Trustees that unregulated outdoor cooking in the village imposes a clear and present risk to the public health, safety and welfare of the village and its residents, therefore:

- A. Outdoor cooking (“barbecuing”) shall not be permitted in the Village of Saltaire except (i) by use of a propane gas powered grill or by use of any other heat source as approved by the Board of Trustees and (ii) if the owner of the property on which the outdoor cooking is to be conducted holds a valid Outdoor Cooking Permit (Seasonal, Year-Round or Single Use) in accordance with this Section and Section 25-12 of this Chapter.
- B. The following conditions and requirements are applicable to obtaining and maintaining an Outdoor Cooking Permit (Seasonal, Year-Round or Single Use):
  1. The grill, barbecue and/or heat source shall at all times be maintained in proper working order and shall fully comply with all requirements of the Village Code and any regulations issued pursuant thereto, as well as all applicable provisions of the State Fire Prevention Code.
  2. Outdoor cooking shall be permitted only between the hours of 12:00 noon and 9:00 p.m.
  3. The grill, barbecue or heat source when in use shall be attended at all times and located:
    - a. Subject to c. below, at least five (5) feet from the nearest combustible material, including, but not limited to any structure, tree or hanging limb that is not protected by fire retardant material, but excluding deck railing from this distance requirement;
    - b. not less than fifteen (15) feet from any structure on an adjoining property; and
    - c. upon a heat resistant platform or base extending at least one (1) foot in all directions from the heat source.
  4. A permittee shall have on hand a fire extinguisher in proper working order (of the type set forth in Section 25-7B. of this Chapter) readily accessible from the grill or heat source and a working garden hose connected to a water tap which hose shall be located within ten (10) feet of the grill, barbecue or heat source.

5. A Tank serving as the heat source shall be installed, used, maintained, stored and removed in compliance with Section 25-12 of this Chapter, excluding Subsection H of such Section with regard to the limitations on the location of the Tanks on decks, provided that there is direct egress to the ground via a permanent staircase from any above-ground level deck on which the Tank is located.

C. Seasonal and Year-Round Permits

1. An Outdoor Cooking Permit-Summer shall be valid only during the period from April 1 (or date of issuance, if later) through October 31 in each year, and shall expire on October 31, in accordance with the conditions set forth in this Section, subject to earlier revocation or suspension.
2. Outdoor cooking shall not be permitted in the village during the period from November 1 through March 31 of the immediately following year, except by full-time employees of the village who reside in property owned by the Village and by property owners or members of their immediate family who are year-round residents of the village, as defined in Section 25-12 (I) of this Chapter, and who in each case apply for and are issued an Outdoor Cooking Permit-Year for the period from April 1 (or date of issuance, if later) in the year the permit is issued through March 31 in the immediate subsequent year on the conditions set forth in this Section, subject to earlier revocation or suspension.

D. A property owner may apply for an Outdoor Cooking Permit-Single Use. An Outdoor Cooking Permit-Single Use shall be valid for outdoor cooking for only one occasion, as specified in the application for the Permit with respect to date and time of event, location, purpose of event, estimated number of attendees, extent and duration of the cooking and other such factors. The conduct of the outdoor cooking shall be subject to such other conditions consistent with this Chapter and as may be imposed at the time the Permit is issued by the Fire Marshal, Building Inspector or Village Administrator.

E. As a condition for the issuance of an Outdoor Cooking Permit, the property owner applying for the Permit shall, on behalf of himself, and his family, guests, lessees, tenants, occupants or other users of his property, consent to the inspection of the property, its premises and of any outdoor cooking device(s) on the property and to physical access by the Fire Marshal, any Village Security Officer or duly authorized representative or the Village to conduct such on-site inspection and to ensure compliance with this Section at such times, with or without prior notice, as deemed appropriate by the person who is to conduct such inspection.

- F. The Village may impose an annual fee for the issuance of an Outdoor Cooking Permit, which fee shall be set from time to time by the Board of Trustees. An Outdoor Cooking Permit shall be separate from and in addition to a Flammable Gas Tank Permit specified in Section 25-12 of this Chapter, although the two Permits may be issued as a consolidated permit.
- G. The Board of Trustees may adopt and impose such additional rules and regulations as it determines necessary to implement the provisions of this Section.
- H. Except as expressly permitted in this Section, no outdoor cooking shall be permitted in the Village of Saltaire.

### 3.0 Severability and Validity

3.1 In the event that any portion or section of this Local Law may be determined to be invalid, the remaining portions and sections of this Local Law shall remain in full force and effect.