

Chapter 25

FIRE PREVENTION

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[HISTORY: Adopted by the Board of Trustees of the Village of Saltaire on September 22, 1973. Amendments noted where applicable. Amended in its entirety on 12-8-2004 as Local Law No. 3, 2004. Amended to add a new Section 25-16 on 10-1-18 as Local Law No. 3, 2018 for Board of Fire Commissioners]

§ 25-1. Title, Enactment, Effective Date, Intent. [Added 12-8-2004 by L.L. No. 3, 2004]

- A. This Local Law shall be entitled “Local Law 3 of 2004 Amending Chapter 25, Fire Prevention, of the Saltaire Village Code.”
- B. Pursuant to Section 10 of the Municipal Home Rule Law, the Executive Law, the General Municipal Law and the Village Law of the State of New York, the Incorporated Village of Saltaire, County of Suffolk and State of New York, hereby

enacts by this Local Law 3 of 2004, a Local Law of the Village of Saltaire to amend Chapter 25 of the Village Code of the Village of Saltaire.

- C. 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, except that Section 25-12 of Chapter 25 shall take effect on April 1, 2005 pursuant to Section 25-12 I. of the Local Law.
- D. The purpose and intent of this Local Law is to amend and restate Chapter 25 of the Saltaire Village Code by amending and re-numbering

§ 25-2. False alarms; Damaging equipment

No person, either alone or in association with others, shall willfully give or cause to be given any false alarm of a fire or damage or cause to be damaged any fire alarm, firehouse or fire fighting equipment within the village.

§ 25-3. Throwing combustible materials in hazardous areas.

No person, either alone or in association with others, shall throw or drop lighted matches or other combustibles or lighted cigars, cigarettes or other burning substances or combustible materials on, under or along any walk or any other place within the village.

§ 25-4. Prohibited burning. [Amended 7-15-1983 by L.L. No. 6, 1983; 4-21-1990 by L.L. No. 6, 1990]

- A. No person, either alone or in association with others, shall at any time set fire to or cause to be burned within the Village of Saltaire any brush, waste, wood, rubbish or other flammable material, except employees of the Village as part of their prescribed duties or by other persons as permitted in Paragraph B of this Section. No unauthorized person shall at any time use the Village incinerator.
- B. No person, either alone or in association with others, shall at any time set fire to or cause to be burned within the village any fire, except in a properly constructed stove or fireplace within a building (installation of such stove or fireplace to be subject to inspection and authorization as provided for in this Chapter), or except as may be permitted by the Board of Trustees, or by the Fire Marshal or Chief or any acting Chief of the Saltaire Volunteer Fire Company Inc. (the "Fire Company") upon notice to the Mayor or the Village Administrator, in accordance with the provisions of this Chapter.

§ 25-5. Fireworks.

Fireworks and firecrackers shall not be brought into, maintained, lighted or discharged at any time within the village, except as may be permitted by the Board of Trustees.

§ 25-6. Defective containers; explosives.

No person, either alone or in association with others, shall use and/or maintain any defective oil or gasoline stove or lamp or any other unsafe heating or lighting equipment of any kind or bring into or keep within the village any defective containers of explosive or flammable fluids. No person, either alone or in association with others, shall bring into, keep or store within the village any dynamite or other explosives without prior authorization, in writing, from the Board of Trustees.

§ 25-7. Required fire-fighting equipment. [Amended 7-15-1983 by L.L. No. 6, 1983; Amended 8-13-2005 by L.L. No. 2, 2005]

Every building within the village intended either for occupancy by an individual or for use as a public place of assembly, as defined in Section 25-13 of this Chapter, shall be equipped with:

- A. A screen spark arrester in good repair for each chimney.
- B. A fully charged, dry-chemical fire extinguisher of capacity as determined by the Board of Trustees, located in an accessible spot, free from blocking by storage and equipment, so that the top of said fire extinguisher is not more than five (5) feet above the floor, on each floor of such building; said extinguisher to be not more than twelve (12) years old from date of manufacture and to be labeled for use on A, B and C type fires.
- C. A long-handled shovel at the front exterior of the premises.
- D. At all times when the water supply is turned on, at least one hundred (100) feet of garden-type hose in good condition, equipped with pressure nozzle, connected to a water tap at the ground level exterior of the premises.
- E. A working smoke detector on each floor, each such detector to be mounted in an accessible location not less than seven (7) feet nor more than (10) feet above the floor.
- F. Such other equipment as may be authorized by rule or regulation adopted by the Board of Trustees.

§ 25-8. Reeds, underbrush and flammable material. [Amended 11-2-1985 by L.L. No. 2, 1985]

Reeds, underbrush and all other flammable materials and debris shall be kept clear from on or around the oceanfront dunes and from around all buildings and other structures within the village. The Board of Trustees, the Fire Marshal or the Fire Chief shall have the power to order the removal of such materials and debris at the expense of the owner and/or tenant or other user of such buildings and structures in the event of noncompliance with this Section.

§ 25-9. Wood- and coal-burning stoves; permit required. [Added 5-31-1980 as L.L. No. 2, 1980]

To ensure the safety of all village residents, no wood- or coal-burning stove shall hereafter be installed in any residential or other building without a building permit. No such stove hereafter or heretofore installed shall be used unless and until it has been inspected and certified by the Building Inspector to be in compliance with the applicable provisions of the New York State Building Code, as provided in Chapter 18, § 18-10F, of the Village Code.

§ 25-10. Interference with Fire Department prohibited. [Added 4-21-1990 by L.L. No. 6, 1990]

No person, either alone or in association with others, shall at any time interfere with, obstruct or limit the work of the Fire Company or refuse to obey the execution of lawful orders by officers of the Fire Company or obstruct walks or other public places, so as to interfere with the operations of the Fire Company.

§ 25-11. Tampering with fire hydrants prohibited. [Added 4-21-1990 by L.L. No. 6, 1990]

No person, either alone or in association with others, shall open, draw water from or otherwise operate or interfere with the use of any fire hydrant unless authorized to do so by the Board of Trustees or the Chief of the Fire Company. The Board may impose reasonable fees in connection with any such authorization.

§ 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]

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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.

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- 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.

§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.

§ 25-14. Fire Marshal [Added 12-8-2004 by L.L. No. 3, 2004]

- A. Purpose. The purpose of this Section of Chapter 25 of the Code is to provide the basic method for administration and enforcement of the State Fire Prevention Code and the standards of the National Fire Protection Association in the Village of Saltaire and to establish the powers, duties and responsibilities in connection therewith.
- B. Definitions. As used in this Section, the following terms shall have the meanings indicated:
 - 1. CODE -- The Village Code of the Village of Saltaire.
 - 2. FIRE MARSHAL -- An individual charged with carrying out the duties and enforcement of this Chapter and the State Fire Protection Code within the Village of Saltaire.
 - 3. NFPA -- The National Fire Protection Association. When used in this Chapter, "NFPA" shall include the National Electrical Code and the standards as adopted by the National Fire Protection Association.

4. PUBLIC PLACE OF ASSEMBLY -- Any room, space, building or portion thereof used for gathering together thirty (30) persons or more for such purposes as deliberation, worship, entertainment, commercial, athletic, civic, education, eating, drinking, amusement, awaiting transportation or similar purposes.
 5. STATE FIRE PREVENTION CODE -- All references in this Chapter to the State Fire Prevention Code shall be deemed to refer to the Uniform Fire Prevention and Building Code of the State of New York and the regulations adopted thereunder.
- C. Adoption of State Standards. The Board of Trustees of the Village of Saltaire hereby adopts and accepts as the fire regulations of the Village of Saltaire the State Fire Prevention Code and the regulations of that Code and its enforcement as contained in the New York Codes, Rules and Regulations, and the Fire Prevention Code of the National Fire Protection Association, NFPA No. 1, and its incorporated standards and codes, and as may be hereafter amended or modified.
- D. Rules and Regulations. The Board of Trustees of the Village of Saltaire, or the Fire Marshal, upon the approval of the Board of Trustees, may adopt rules and regulations for the administration and enforcement of the State Fire Prevention Code and this Chapter. The Board of Trustees or the Fire Marshal shall publish all rules and regulations at least fifteen (15) days prior to the effective date thereof in the official newspaper of the Village of Saltaire. Such rules and regulations shall not conflict with the State Fire Prevention Code, this Chapter or any other provision of law.
- E. Permits.
1. Upon payment of a fee as prescribed in a schedule of fees to be adopted and amended from time to time by the Board of Trustees, permits shall be issued by and bear the name and signature of the Fire Marshal or the Village Administrator of the Village of Saltaire and shall specify the:
 - a. Activity or operation for which the permit is issued.
 - b. Location where the activity or operation is to be conducted.
 - c. Name and address of the permittee.
 - d. Permit number and date of issuance.
 - e. Period of permit validity.
 - f. Conditions of the permit.
 2. Permits shall not be transferable. Any change in activity, operation, location of activity, ownership or use of an existing permit shall require an amended or new permit upon application therefore. A permit shall not be granted to a person who has any outstanding violations of this Chapter.

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3. Permits shall be effective for a set period of time as designated at the time of issuance, unless suspended or revoked at an earlier date.
4. Permits shall be obtained for the following:
 - a. Flammable Gas Tanks: In conformance with the provisions of Section 25-11 of this Chapter.
 - b. Outdoor Cooking: In conformance with Section 25-12 this Chapter.
 - c. Place of Public Assembly: To maintain, operate or use a Public Place of Assembly
 - d. Retail Commercial Establishment: To maintain, operate or use a retail commercial establishment.
 - e. Such other activities as may be determined by the Board of Trustees and as may be consistent with the purposes of this Chapter.
5. Consolidated permits. When more than one (1) permit is required for the same property or premises, a single permit may be issued listing all materials or operations covered. The suspension or revocation of a portion or portions of such consolidated permit, shall not of itself invalidate the remainder of the consolidated permit.
6. Indemnity. Any person or organization requesting an Outdoor Cooking Permit or a Flammable Gas Tank Permit must agree in writing to indemnify and hold harmless the Village of Saltaire, the Fire Marshal and the Fire Company, and their personnel and agents, from all liability for damages or injuries resulting from any such outdoor cooking or Tank, except where such damages and injuries are directly the result of actions or omissions on the part of the Village, the Fire Marshal and the Fire Company, or their respective personnel or agents.
7. Location of permits. Permits shall be kept on the property or premises covered by the permit, and shall be available for inspection.
8. Revocation of permits. Permits may be suspended or revoked by the Village or the Fire Marshal when it is determined by the Board of Trustees or the Fire Marshal that there is a violation of a condition under which the permit was issued or there has been misrepresentation or falsification of material facts in connection with the permit application or a condition of the permit, upon the Board of Trustees or the Fire Marshal giving written notice to the permit holder of the violation or misrepresentation, specifying the violation or misrepresentation and, if the violation is curable, providing a reasonable time for compliance with the violation.

F. Inspections.

1. The Fire Marshal shall conduct periodic inspections of any public and private buildings and premises within the Village of Saltaire for compliance with the provisions of the State Fire Prevention Code and the Village Code or as directed by the Board of Trustees or the Chief of Fire Department, and shall be entitled to such access as may reasonably be required for the inspection. Such inspections may be made at any reasonable time with or without prior notice to the owner or the user of the property or buildings.
 2. If entrance to make an inspection is refused or cannot be obtained, the Fire Marshal or the Board of Trustees may apply to any court of competent jurisdiction for a warrant to make such inspection. Pending such inspection, the Fire Marshal may immediately suspend or revoke any permits previously issued concerning the building, premises or property to be inspected.
- G. Records. The Fire Marshal shall keep official records of all permits, inspection reports, recommendations, complaints and violation orders. The Clerk of the Village of Saltaire may maintain the official records of the Fire Marshal.
- H. Dangerous buildings or structures.
1. A building or structure, or any part thereof, which is an imminent danger to the lives and safety of the public as a result of fire, explosion or other event, is hereby declared to be a public nuisance.
 2. Upon the declaration by the Fire Marshal or the Building Inspector pursuant to Paragraph H.1. above, the Board of Trustees may cause said building or structure to be demolished and removed or may cause to have repairs or other work performed in and about the building or structure as may be necessary to remove the danger.
 3. The Fire Marshal or the Building Inspector may require the occupants of any such building or structure, or any part thereof, to vacate the premises forthwith. No person shall use or occupy such building or structure, or part thereof, until it is deemed safe by the determination of the Fire Marshal or the Building Inspector, with notice given in writing to the Board of Trustees and the owner of said premises or his agent. Except for the owner or his agent, no person shall enter such premises which have been ordered so vacated unless authorized by the Fire Marshal or the Building Inspector to perform inspections or repairs or to demolish and remove such building or structure, or part thereof.
 4. All costs and expenses incurred by the Fire Marshal or the Building Inspector or by the Village of Saltaire in connection with any work done to abate the danger or in connection with the demolition and removal of any such building or structure shall be assessed against the land on which such

building or structure is located, and a bill for such expenses shall be presented to the owner of the property, or if the owner cannot be ascertained, then such bill shall be posted in a conspicuous place on the premises. Such assessment shall be and shall constitute a lien upon such land. If the owner shall fail to pay for such expenses within ten (10) days after the bill is presented or posted, a legal action may be brought to collect such assessment or to foreclose such lien. As an alternative to the maintenance of such action, the Fire Marshal or the Building Inspector may file a certificate of the actual expenses incurred as aforesaid, together with a statement identifying the property in connection with the Village Assessor, who shall, in the preparation of the next assessment roll, assess such amount upon the levy against such property. Such amount shall constitute a lien and shall be collected and enforced in the same manner, and by the same proceedings, as provided by law for the collection and enforcement of real property taxes in the Village of Saltaire.

§ 25-15. Electrical Requirements. [Amended 8-30-02 by L. L. No. 5, 2002; 4-23-03 by L.L. No. 1, 2003; Amended 8-13-2005 by L.L. No. 2, 2005]

The Trustees hereby find that substantially all of the structures of the Village are constructed of flammable wood; that the outbreak of fire in any structure in the Village of Saltaire could dangerously spread to adjacent structures; that fire in any structure may endanger substantial amounts of property and place Village residents lives at risk; and, that evidence has been presented to the Trustees that Saltaire has experienced fires that originated within the electrical systems of structures in the village.

NOW, THEREFORE, the Trustees have determined that causing Village owners to comply with the New York State Unified Building Code and the National Electrical Code would enhance the efforts of the Village of Saltaire to reduce the incidence of fire that may be caused by non-compliant electrical systems of property owners of the village. Accordingly, it is hereby enacted:

- A. Each property owner of improved property in the Village utilizing electricity for any purpose in or on such property, shall by no later than May 31, 2006 submit or caused to be submitted to the Village Clerk/Administrator a certification of an electrician, duly licensed to engage in his or her profession in the County of Suffolk, New York, certifying that upon a physical inspection of the property designated in the certificate, the electrician subscribing to the certificate found that the property was in compliance with the provisions of subdivision B of this section. The Village Office of the Clerk/Administrator shall make available specimen forms of the certificate.
- B. The certificate shall attest to the following:

- (1) That a visual inspection of the meter pan, electrical panel, riser/ underground feed and the exterior/under house wiring was made, and a verbal or written assessment was provided to the homeowner.
 - (2) that such property is equipped with a surge arrester or arresters of rating sufficient to protect the circuits they are intended to interrupt; and
 - (3) that such property has electrical service that is properly grounded in accordance with the National Electrical Code, and
 - (4) that each circuit breaker or fuse is clearly labeled to identify the circuit it controls.
- C. In lieu of certification by a licensed electrician under Section B hereof, the property owner may substitute an electrical inspection certificate for the entire structure by an independent inspection agency licensed by New York State and approved by the Village of Saltaire to conduct electrical inspections and issue inspection certificates, evidencing the inspection of the entire premises within a period sufficiently recent to reflect accurately the existing condition of the structure. The sufficiency of the certificate shall be at the sole discretion of the Saltaire building inspector, but in no case may the date of inspection be more than 5 years prior to the submission date required by this statute.
- D. This law shall become effective immediately; however, the specified affidavit/certificate hereof need not be filed until May 31, 2006 (the "filing date"). Similar affidavits/certificates shall be filed in respect of the property on January 1, 2016, and the first day of January every ten years thereafter.
- E. The Village Clerk or Administrator shall, within 90 days following the adoption of this code section shall furnish a copy thereof and a summary of requirements of this section to each property owner at the property owner's address listed for the submission of tax bills to which a similar notice had been sent prior to the filing date of this section, and a similar notice 30 days prior to such filing date of this section, and in connection with future years' filings of affidavits/certificates required hereunder, shall furnish such notice 90 days prior to the tenth anniversary of the filing date and a similar notice 30 days prior to the tenth anniversary of the filing date.
- F. Failure to timely file an affidavit and certificate required under this code section constitutes an offense, punishable by a fine of \$250.00 if said affidavit/certificate is not filed by the filing date hereof. Failure to file such affidavit and certificate within 30 days following the filing date hereof shall constitute a separate and distinct offense which shall be punishable by a fine of \$100.00, and a failure to file such affidavit/certificate within 60 days following the effective date hereof shall constitute a separate and distinct offense which shall be punishable by a fine of \$150.00. Failure to file such affidavit/certificate subsequent to 60 days from the filing date hereof, shall constitute a separate and distinct offense, on each day that the same is not filed, and shall be punishable by a fine of \$100.00 for each such

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separate offense for each day for each offense subsequent to the 60th day of the filing date hereof.

- G. The Saltaire Village Board may from time to time enact regulations that modify the requirements of this section.

§ 25-16. Board of Trustees as Fire Commissioners. [Added 10-01-18 by L. L. No. 3, 2018]

- A. The Board of Trustees hereby adopts and shall henceforth possess those powers that are provided for a Board of Fire Commissioners by New York State Village Law Section 10-1000 with regard to the Village of Saltaire and the Saltaire Volunteer Fire Company, Inc.

§ 25-17. Authorization to accept services of non-member volunteer firefighters. [Added 1-10-04 by L. L. No. 1, 2004]

- A. The purpose and intent of this Section is to authorize the Chief of the Fire Company to accept the services of non-member volunteer firefighters who are regularly in the area served by the Fire Company on an ongoing basis for the purposes of assisting in general or emergency ambulance services, or for the purpose of assisting at a fire or other emergency scene or for the purposes of training with or providing other services to the Fire Company in accordance with the provisions of Section 209(i) of the General Municipal Law.
- B. Definitions:
1. Fire Chief. The term fire chief shall mean the Chief of the Fire Company as defined in its by-laws.
 2. Non-Member Volunteer Firefighter. The term Non-Member Volunteer Firefighter shall mean any active member, including Firefighters or Emergency Medical Technicians, in good standing of a volunteer fire department, rescue squad or ambulance service in the State of New York other than the Fire Company.
- C. The Fire Chief is hereby authorized to accept the services of non-member volunteer firefighters who are regularly in the area served by the Fire Company on an ongoing basis for the purposes of assisting in general or emergency ambulance services, or for the purpose of assisting at a fire or other emergency scene or for the purposes of training with or providing other services to the Fire Company pursuant to Section 209(i) of the General Municipal Law. The provisions of Section 209(i) of the General Municipal Law shall apply to the services of a non-member volunteer firefighter for the Fire Company.

§ 25-18. Violations and Penalties [Added 12-8-2004 by L.L. No. 3, 2004]

A. Violations.

1. A person owning, operating, occupying or maintaining property, buildings or premises within the village within the scope of the State Fire Prevention Code or this Chapter shall comply with all of the provisions of the State Fire Prevention Code, the standards of the NFPA, this Chapter and all orders, notices, rules, regulations and determinations issued in connection therewith.
2. Whenever the Fire Marshal or the Building Inspector finds that there has been a violation of the State Fire Prevention Code, this Chapter or any rule or regulation issued pursuant to this Chapter, the Fire Marshal or the Building Inspector shall issue a violation order, summons or appearance ticket to the person or persons responsible, including, but not limited to, the owner, members of his immediate family, any lessee, tenant, occupant or user of the premises where the violation exists or has occurred.[Amended 5-26-2008 by L.L. No. 5, 2008]
3. Violation orders shall be in writing; shall identify the property, buildings or premises; shall specify the violation and remedial action to be taken; shall, if the violation is curable, provide reasonable time for compliance; and shall state the time within which an appeal may be taken.
4. Violation orders may be served by personal service; by mailing by registered or certified mail to the person to whom the violation order is issued or to his agent as designated with the Clerk of the Village of Saltaire; or by posting a copy thereof in a conspicuous place on the premises and mailing a copy thereof. Any mailing of a violation order shall be enclosed in a postpaid wrapper addressed to the person responsible, or his agent, at such address as shown on the records of the Clerk of the Village of Saltaire.
5. In case the owner, family member, lessee, tenant, occupant, user or the agent of any of them shall fail, neglect or refuse to remove, eliminate or abate the violation within the time specified in the violation order, a request to take appropriate legal action shall be made to the Board of Trustees by the Fire Marshal.
6. The penalties and fines contained herein and the determination by the Village of Saltaire to assess them shall not be a waiver of or act to limit or prejudice any other rights or remedies of the Village, whether civil or otherwise. The Village of Saltaire shall be entitled to seek temporary and permanent injunctive and other relief, including an assessment of the costs

therein, from any party committing a violation of this Chapter and any other civil or other remedies that may be available to the Village by law.

B. Penalties for Offenses.

1. Failure to comply with any provision of the State Fire Prevention Code, this Chapter or any rules or regulations adopted pursuant to this Chapter, any violation order or any permit issued as provided herein shall be deemed a violation of this Chapter. Except as otherwise specifically provided for in this Chapter, the violator shall be subject to a fine of not less than one hundred fifty dollars (\$150), nor more than two hundred-fifty dollars (\$250), or imprisonment not to exceed fifteen (15) days, or both for each offense, and shall be subject to suspension or revocation of the permit. Each day that such a violation continues to exist shall constitute a separate violation of this Chapter.
2. Whenever the Fire Marshal finds that there has been a failure to comply with any provision of the State Fire Prevention Code or this Chapter or rules or regulations adopted pursuant to this Chapter or a violation order issued pursuant to this Section or Chapter, he is authorized to issue a summons for the violation, to be answerable before the Village Justice pursuant to Paragraph B.1. above. The summons shall set forth and identify the property and the nature of the violation. The summons may be served by personal service; by mailing by registered or certified mail; or by posting a copy thereof in a conspicuous place on the premises and by mailing a copy thereof on the same day as posted. Any mailing of a summons shall be enclosed in a postpaid wrapper addressed to the person responsible at the person's address as shown on the records of the Clerk of the Village of Saltaire.
3. In addition to the remedies that may be sought pursuant to Paragraph B.1. and B.2. above, the Fire Marshal or the Village may institute a civil proceeding for claims under this Chapter. The selection of any remedy by the Fire Marshal or the Village shall not preclude the selection of any other remedy under this Section by either of them.
4. An action or proceeding in the name of the Village of Saltaire may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the State Fire Prevention Code, this Chapter, or any rules or regulations adopted pursuant to this Chapter, any violation order or any permit issued as provided herein, or to vacate the occupancy of any building or structure in the case of imminent danger to life or property. Such remedy shall be in addition to penalties otherwise prescribed by law.

5. The violations and penalties in this Section shall be in addition to any specific violations and penalties set forth in other Sections in this Chapter, however, in the event the penalty for an offense provided for specifically elsewhere in this Chapter and also generally provided for in this Section, the specific penalty provision shall supersede the general penalty provision in this Section.

§ 25-19. Severability [Added 12-8-2004 by L.L. No. 3, 2004]

If any part of any Section of this Local Law shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to affect, impair or invalidate the remainder thereof.