

(Please Use this Form for Filing your 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 Wellsville
~~Town~~
Village

Local Law No. 3 of the year 19 87

A local law for Administration and Enforcement of the New York State Uniform Fire
(Insert title)
Prevention and Building Code in the Village of Wellsville.

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~County~~
~~City~~ of Wellsville as follows:
~~Town~~
Village

SECTION 1 - Applicability.

This Local Law shall provide the basic method for administration and enforcement of the New York State Uniform Fire Prevention and Building Code (hereinafter the N.Y.S. Uniform Code) in the Village of Wellsville and shall establish powers, duties and responsibilities in connection therewith.

SECTION 2 - Effective Date.

This Local Law shall take effect upon filing in the Office of the Secretary of State.

SECTION 3 - Designation of Code Enforcement Officer and Deputy Code Enforcement Officers:

There is hereby designated in the Village of Wellsville a public official to be known as Code Enforcement Officer, who shall be appointed by the Mayor with the approval of the Village Board of Trustees at a compensation to be fixed by it, and who shall administer and enforce the Uniform Code within the Village of Wellsville. There is also hereby designated two or more officers to be known as Deputy Code Enforcement Officers who shall be appointed by the Board of Trustees and who shall administer and enforce the Uniform Code within the Village of Wellsville under the direction of the Code Enforcement Officer.

SECTION 4 - Powers and Duties of Code Enforcement Officer and Deputy Code Enforcement Officers.

The Code Enforcement Officer shall have the following powers and

(If additional space is needed, please attach sheets of the same size as this and number each)

duties.

- A. He shall receive applications, approve plans and specifications, and issue permits for the erection and alteration of buildings or structures or parts thereof and shall examine the premises for which such applications have been received, plans approved or Building Permits issued, for the purpose of insuring compliance with the N.Y.S. Uniform Code and with all applicable laws, ordinances, rules and regulations governing building construction or alterations within the Village of Wellsville. A Building Permit shall be required for all work which must conform to the N.Y.S. Uniform Code.
- B. He shall be authorized to issue Certificates of Occupancy. A Certificate of Occupancy shall be required for all work for which a Building Permit is required.
- C. The Code Enforcement Officer or Deputy shall issue in writing all appropriate notices or ordinances to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to insure compliance during the entire course of construction with the requirements of the N.Y.S. Uniform Code and such laws, ordinances, rules and regulations and such notices or orders may be served upon the property owner or his agent personally, or by sending by Certified Mail, Return Receipt Requested to the owner or his agent at the address set forth in the application for permission for the construction or alteration of such building, and by posting the same upon a conspicuous portion of the premises to which such notice or order applies.
- D. Whenever the same may be appropriate to determine compliance with the provisions of the N.Y.S. Uniform Code or applicable laws, orders, rules and regulations, he may in his discretion accept and rely upon written reports of tests in the field by experienced professional persons or by accredited and authorized testing laboratories or service and inspection bureaus or agencies. Whenever such tests or inspections, including electrical inspection shall be required these shall be at the expense of the property owner.
- E. The Code Enforcement Officer or Deputy shall issue a Certificate of Occupancy when appropriate where a building is constructed or altered in accordance with the provisions of the N.Y.S. Uniform Code which certificate shall certify that the building conforms to the requirements of the Code.
- F. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by the code enforcement officer or the deputy code enforcement officer including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, and any and all notices and orders issued by him. All such records shall be public records open to public inspection at the Office of the Village Clerk during normal business hours.
- G. The Code Enforcement Officer or Deputy shall conduct regular, periodic inspections of all buildings and premises subject to the N.Y.S. Uniform Code in order to determine compliance therewith; except that owner-occupied and one and two family dwellings shall not be subject to regular periodic inspections provided, however, that the absence of such requirements shall not be construed to constitute a limitation or inspections conducted at the invitation of the owner of property or premises or at the instance of the Code Enforcement Officer or Deputy where conditions upon the premises threaten or present a hazard to the public health, safety or welfare. Regular periodic inspections and inspections made where conditions present a hazard may be made at any reasonable time. An inspection shall be made upon receipt of a bona fide complaint in writing stating the existence of such conditions.
- H. The Code Enforcement Officer or Deputy Code Enforcement Officer shall have authority to apply for a warrant to make an inspection in any Court of competent jurisdiction when an inspection cannot be made by reason of the denial of entry by the owner or occupant or where permission cannot otherwise be obtained.

SECTION 5 - Permits.

- A. No person, firm, corporation, association or other organization shall commence the erection, construction, enlargement, alteration, improvement, removal or demolition of any building or any structure or any part thereof without having first obtained a Building Permit therefor from the Code Enforcement Officer except that no such permit shall be required for the performance of necessary repairs which are not of a structural nature and which do not involve matters encompassed in the N.Y.S. Uniform Code.
- B. A building permit shall be issued upon the filing of an application therefor, signed by the owner or his authorized agent. The application shall contain:
 - (1) The full name and address of the owner, and the applicant, and if either be a corporation, the names and addresses of the responsible officers;
 - (2) A description of the land upon which the proposed work is to be performed;
 - (3) A statement of the use or occupancy of all parts of the land and of the proposed building or structure;
 - (4) A valuation of the proposed work;
 - (5) A brief description of the nature of the proposed work;
 - (6) A duplicate set of plans and specifications or a rough sketch showing the proposed location of new construction upon the premises together with a statement that the plans and specifications and proposed structure comply in all respects with applicable provisions of the N.Y.S. Uniform Code and all applicable local laws and ordinances of the Village of Wellsville. Whenever the proposed construction shall exceed 1,500 square feet in area or \$10,000 in cost, the plans submitted shall first be approved by an architect or engineer licensed by the State.

SECTION 6 - Certificates of Occupancy

No building or structure for which a permit was issued shall be used or occupied, in whole or in part, until a Certificate of Occupancy shall have been issued by the Code Enforcement Officer. When, after final inspection, it is shown that the proposed work has been completed in compliance with all applicable laws, ordinances, rules and regulations, the Code Enforcement Officer shall issue a Certificate of Occupancy.

SECTION 7 - Fees.

- A. Building Permits: A fee is hereby imposed upon every person to whom a Building Permit is issued in accordance with the following schedule:

| | |
|---|--------|
| for the first \$1,000 or fraction thereof. . . . | \$3.00 |
| for each additional \$1,000 or fraction thereof, up to \$15,000. | 1.00 |
| for each additional \$1,000 or fraction thereof, up to \$50,000 | .50 |
| for each additional \$1,000 or fraction thereof | .25 |

Revised

The appropriate fee shall be paid to the Code Enforcement upon the issuance of a Building Permit.

FEE SCHEDULE FOR IDENTIFICATION OF CONSTRUCTION CODES
VILLAGE OF WELLSVILLE
PO BOX 591
WELLSVILLE, New York 14895

Billy Braun
Code Enforcement Officer

Fees will be based on the local building construction factor as follows:
\$20.00 per square foot (unfinished structure)
\$40.00 per square foot (finished structure)

| | |
|-------------------------------------|---|
| Up to \$2,000 | \$35.00 |
| \$2,001 to \$25,000..... | \$35.00 for the first \$2000 plus \$2.00 for each additional \$1,000 or fraction thereof. |
| \$25,000 to \$50,000..... | \$82.00 for the first \$25,000 plus \$1.00, for each additional \$1,000 or fraction thereof. |
| \$50,001 to \$100,000..... | \$107.00 for the first \$50,000 plus \$1.00 for each additional \$1,000 or fraction thereof. |
| \$100,001 to \$500,000..... | \$157.00 for the first \$100,000 plus \$1.00 for each additional \$1,000 or fraction thereof. |
| \$500,001 to \$1,000,000..... | \$557.00 for the first \$500,000 plus \$1.00 for each additional \$1,000 or fraction thereof. |
| \$1,000,001 to \$5,000,000..... | \$1057.00 for the first \$1,000,000 plus \$1.00 for each additional \$1,000 or fraction thereof. |
| \$5,000,001 to \$50,000,000..... | \$5057.00 for the first \$5,000,000 plus \$1.00 for each additional \$5,000 or fraction thereof. |
| \$50,000,001 to \$100,000,000..... | \$14,057.00 for the first \$50,000,000 plus \$1.00 for each additional \$5,000 or fraction thereof. |
| \$100,000,001 to \$500,000,000..... | \$24,057.00 for the first \$100,000,000 plus \$1.00 for each additional \$10,000 or fraction thereof. |
| EXCESS of \$500,000,000..... | To be negotiated. |

All inspections required for mobile home installations regardless of the cost of installation\$75.00

Installation of Swimming Pools.....\$45.00 above ground
.....\$125.00 in ground

Renewing permits: In the event that a building permit must be renewed, a fee equal to 50% of the original building permit fee will be charged prior to reissuance of the permit.

In the event that an application for a building permit is not approved the applicant shall be entitled to a refund of 50% of the fee paid, provided no work has commenced. If work has commenced and the application is not approved, the fees paid shall not be refunded.

NOTE: All of the above do not include electrical inspection fees.

Revised - Section A Fees 1-8-90

- B. Inspections: A fee according to the following schedule is hereby imposed upon the owner of any property for which a fire safety inspection is conducted by the Code Enforcement Officer or Deputy:

for an owner occupied or one or two family dwelling . . . \$18/hour or
fraction thereof

for multiple dwellings and commercial premises \$25/hour or
fraction thereof

The fee shall be paid to the Village of Wellsville at the conclusion of each such inspection.

SECTION 8 - Inspections.

- A. All buildings and premises to which the N.Y.S. Uniform Code applies shall be periodically inspected for compliance with the provisions of such Code, except that owner-occupied and one and two family dwellings shall not be subject to regular periodic inspections, provided, however, that this shall not be a limitation on inspections conducted at the invitation of the owner or where conditions on the premises threaten or present a hazard to public health, safety or welfare.
- B. The Code Enforcement Officer or Deputy Code Enforcement Officer shall have the power to order in writing corrective action for any condition found to exist in, on, or about any building in violation of the N.Y.S. Uniform Code. Such orders may be served upon the owner or his authorized agent personally or by registered mail sent to the address set forth in the application for permission for construction of such building or at his actual place of business.

SECTION 9 - Violations

- A. Any person owning, constructing, operating, occupying or maintaining property or premises within the scope of the N.Y.S. Uniform Code or this Local Law shall comply with all the provisions of the N.Y.S. Uniform Code, this Local Law, applicable ordinances, rules and regulations or determinations issued in connection therewith.
- B. Whenever the Code Enforcement Officer or Deputy finds that there exists a violation of the N.Y.S. Uniform Code, this Local Law or any rule or regulation adopted pursuant to this Local Law, a violation order shall be issued to the person or persons responsible therefor:
- C. Violation orders shall be in writing and shall contain the following additional information:
- (1) The identity of the property or premises where the violation is discovered to exist;
 - (2) Specification of the violation;
 - (3) Remedial action required to cure the violation;
 - (4) A reasonable time for compliance;
 - (5) The time within which an appeal may be taken which time shall not be less than ten nor greater than thirty days.
- D. Violation orders shall be served upon the person responsible for the violation as follows:
- (1) By personal service or by mail, registered or certified, return-receipt requested; or
 - (2) By posting a copy of such order in a conspicuous place upon the premises where the violation exists and by mailing first-class a copy thereof to the person responsible at the premises where the violations is found to exist.

FEEES FOR FIRE INSPECTIONS

Village of Wellsville
PO Box 591
Wellsville, New York 14895

Billy Braun,
Code Enforcement Officer

Fire Inspection Fee Schedule:

| | | |
|---|------------------------|---------------------------------|
| Single Family Home | \$35.00 | |
| Apartment Buildings | \$35.00 | (1st Apartment) |
| | \$20.00 | (each additional, 2nd to 6th) |
| | \$10.00 | (each additional, 7th to 12th) |
| | \$ 5.00 | (each additional, 13th to 24th) |
| | \$ 2.50 | (each additional, 25th to 50th) |
| Businesses up to 2000 Square Feet: | \$50.00 | |
| | \$75.00 | (2001 to 4000 square ft) |
| | \$150.00 | (4001 to 6000 square ft) |
| | negotiable | (above 6000 sq. ft.) |
| Restaurants, Clubs, and Places of Assembly: | | \$125.00 |
| Schools and Related Buildings: | (minimum 1st building) | \$150.00 |
| | (second building) | negotiate |

*Revised - Section 7B - Fees.
Inspections*

- E. In case the owner, lessor, occupant or 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, the Code Enforcement Officer shall refer the matter to the Village Board for appropriate legal action.

SECTION 10 - Fines and Penalties.

- A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, equip, use or occupy any building or structure or portion thereof in violation of any provision of the N.Y.S. Uniform Code, this Local Law or any ordinance of the Village of Wellsville as well as any regulation or rule promulgated pursuant to such Code, this Local Law or ordinance, or to fail in any manner to comply with a notice, directive or order of the Code Enforcement Officer or Deputy Code Enforcement Officer, or to construct, alter, use or occupy any building or structure or part thereof in a manner not permitted by an approved Building Permit or Certificate of Occupancy.
- B. Any person who shall fail to comply with a written order of the Code Enforcement Officer or Deputy Code Enforcement Officer within the time affixed for compliance therewith, and any owner, builder, architect, tenant, contractor, sub-contractor, construction superintendent or the agents of any of them, or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of law, or any lawful order, notice, directive, permit or certificate of the Code Enforcement Officer or Deputy Code Enforcement Officer made thereunder shall be punishable by fine of not less than \$50 per day, per violation, or imprisonment not to exceed thirty days or both. Each day that a violation continues shall be deemed a separate offense.
- C. Notwithstanding the provisions of subparagraphs A and B of this Section 10, any person, firm or corporation which shall commence construction without a Building Permit or occupy property or premises without a Certificate of Occupancy shall be liable for a fine in the amount of \$50 per day for each day that said offense continues.
- D. Except as otherwise provided by law, such a violation shall not be a crime and the penalty or punishment imposed therefor shall not be deemed for any purpose a penal or criminal penalty or punishment and shall not impose any disability upon or affect or impair the credibility as a witness or otherwise of any person found guilty of such offense.

SECTION 11 - Abatement of Violation.

An action or proceeding in the name of the Village of Wellsville may be commenced in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of the N.Y.S. Uniform Code, this Local Law, rules or regulations adopted pursuant to said Code or this Local Law, or a violation order, or to vacate the occupancy of building in the case of imminent danger to life or property. Such remedy shall be in addition to penalties otherwise prescribed by law.

SECTION 12 - Certificate of Compliance.

Whenever an owner or agent of the owner of a building has complied with a written order of the Code Enforcement Officer or Deputy Code Enforcement Officer for correction of a violation, and such violation has been corrected in such way as to comply with the Uniform Code the Code Enforcement Officer or Deputy Code Enforcement Officer shall issue a Certificate of Compliance showing that correction

of the violation has been completed in compliance with the Uniform Code and all applicable laws, regulations, Local Laws and ordinances.

SECTION 13 - Review Board.

Where practical difficulties or unnecessary hardships may result from enforcement of the strict letter of any provisions of the N.Y.S. Uniform Code, applications for variances consistent with spirit of the Code may be made to the regional board of review in accordance with Part 440 of the New York Code of Rules and Regulations entitled "Uniform Code; Boards of Review" as promulgated by the New York Department of State. The Code Enforcement Officer or Deputy shall maintain a copy of such rules and regulations for public inspection and shall obtain and retain a copy of all decisions rendered by the Board of Review pertaining to matters affecting the Village of Wellsville.

SECTION 14 - Partial Invalidity.

If any section of the 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.

SECTION 15 - Standards.

All new construction, alterations, improvements, removal or demolition of any building or structure, shall be in compliance with the most recent addition of the NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE, prepared by the New York State Division of Housing and Community Renewal.

SECTION 16 - Enforcement.

- A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, equip, use or occupy, any building or structure or portion thereof in violation of any provision of the Uniform Code or this Village Law, as well as any regulation or rule promulgated by the Code Enforcement Officer or Deputy in accordance with applicable laws, or to fail in any manner to comply with a notice, directive, or order of the Code Enforcement Officer or Deputy or to construct, alter use or occupy, any building or structure or part thereof in a manner not permitted by an approved Building Permit or Certificate of Occupancy. In the event of a violation and the failure to comply, neither a Building Permit nor Certificate of Occupancy shall be issued by the Code Enforcement Officer or Deputy. If a Certificate of Occupancy has been previously issued and thereafter a violation is found, the Certificate shall be revoked if such violation is not remedied.
- B. Whenever the Code Enforcement Officer or Deputy has reasonable grounds to believe that work on any building or structure is being done in violation of the applicable provisions of the N.Y.S. Uniform Code, or not in conformity with the provisions of an application, plans, or specifications on the basis of which a Building Permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, in the form of a Stop Order, to stop all work. Such persons shall forthwith stop such work and suspend all building activities until the Stop Order has been rescinded. Such Order and Notice shall be in writing and shall state the conditions under which the work may be resumed. It may be served upon a person to whom it is directed either by delivering

it personally to him or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the Order to him by certified mail at the address set forth in the Building Permit Application if such application shall have been made.

- C. Any person who shall fail to comply with a written Order of the Code Enforcement Officer or Deputy within the time fixed for compliance and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of this Law, or any lawful order, notice, permit or certificate of the Code Enforcement Officer or Deputy, shall be subject to a fine in an amount not to exceed \$100.00 per day. Each day that a violation continues shall be deemed a separate offense. Except as provided otherwise by law, such a violation shall be an offense.
- D. An action or proceeding in the name of the Village of Wellsville may be commenced in any Court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the Uniform Code, this Local Law, rule or regulation adopted pursuant to this Local Law, or a violation order, or to vacate the occupancy or building in the case of imminent danger to life or property. Such remedy shall be in addition to penalties otherwise prescribed by law.

SECTION 17 - Removal of Dangerous Buildings or Structures

- A. A building or structure or part thereof, which is an imminent danger to life and safety of the public as a result of structural instability, fire or explosion or other hazardous situation is hereby declared to be a public nuisance.
- B. Whenever the Code Enforcement Officer finds a building or structure, or part thereof, to be an imminent danger to life and safety of the public as a result of structural instability, fire or explosion or other hazardous situation, the Code Enforcement Officer or Deputy may cause it to be demolished and removed or may cause work to be done in and about the building or structure as may be necessary to remove the danger.
- C. The Code Enforcement Officer or Deputy may require the occupants of any such building or structure, or part thereof, to vacate the premises forthwith. No person shall use or occupy such building or structure, or part thereof, until it is made safe. Except for the owner, no person shall enter premises which have been ordered vacated unless authorized to perform inspections, repairs, or to demolish and remove such building or structure, or part thereof.
- D. All costs and expenses incurred by the Village of Wellsville in connection with any work done to remove 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 constitute a lien upon such land. If the owner shall fail to pay for such expenses within ten days after the bill is mailed or posted, a legal action may be brought to collect such assessment or to foreclose such lien. As an alternative to the maintenance of any such action, the Code Enforcement Officer or Deputy may file a certificate of the actual expenses incurred as aforesaid, together with a statement identifying the property in connection with which the expenses were incurred, and the owner thereof, with the assessor, who shall in the preparation of the next roll assess such amount upon such property. Such amount shall be included in the levy against such property, shall constitute a lien and shall be collected and enforced in the same manner, by the same proceedings, at the same time, and under the same penalties, as is provided by law for the collection and enforcement of real property taxes in the Village of Wellsville.

SECTION 18 - Rules & Regulations.

The Village Board may, after public notice and publication at least five days prior to the effective date thereof in the official newspaper, adopt by resolution further procedural/ administrative rules and regulations as the Board deems reasonable to carry out the provisions of this law. The Code Enforcement Officer of Deputy may also make recommendations to the Village Board to adopt, amend, or appeal such rules and regulations as may relate to efficient administration and enforcement of the provisions of the N.Y.S. Uniform Code. Such rules and regulations shall not conflict with the Code, this Village Law, or any other provisions of law.

SECTION 19 - Amendment.

This Local Law may be amended by action of the Board of Trustees at any time when appropriate or to conform with amended requirements of the N.Y.S. Uniform Code.

4 of 1978

A Local Law Amending Fire Prevention Ordinances

adopted: 9-25-78

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF
WELLSVILLE, NEW YORK AS FOLLOWS:

1. The Fire Prevention Ordinance of the Village of
Wellsville, to wit

Chapter 11, Article IV, Section 2-23, Paragraph C, is
hereby amended to read as follows:

Within said limits, except for single story
commercial buildings or additions situated at least five
feet (5') from the lot line, no wooden, brick-veneered
or wooden frame metal-covered, building or structure,
or addition to or enlargement or extension of any
building or structure shall hereafter be built or erected.
And further, that within said limits single story
commercial buildings or additions situated at least five
feet (5') from the lot line shall be constructed in such
a manner and with such materials as will give a minimum
one hour (1) fire rating and shall comply with all pro-
visions of the Building Code of the State of New York.

2. This Local Law will take effect immediately.

A Local Law Regarding Fire Prevention

Adopted: 3-08-65

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF
WELLSVILLE, NEW YORK, AS FOLLOWS:

ARTICLE I

Section 11.1 Definitions

PERSON- Includes an individual, copartnership, society, association, joint stock company, club, corporation and any combination of individuals.

APPROVED- When applied to materials, type of construction and appliances within a fire district signifies approval by a competent authority or generally accepted laboratory hereafter or approval by the Bureau of Fire Prevention.

PERMIT- Signifies a written authority of the Bureau of Fire Prevention. The "permit" signifies a writing expressing a warrant to act as therein indicated, and shall be executed by the Bureau of Fire Prevention or other specified authority. A permit may not be arbitrarily granted or withheld, but may be granted or withheld in the discretion of the authority empowered to grant it, in order to protect against hazard, which in the opinion of such authority, or its said appointee, should be obviated or against which protection might be reasonably regarded as necessary. In every case, a permit must be preceded by inspection by the authority empowered to grant it, of the premises which are the subject of such permit. Whenever the Bureau of Fire Prevention or other authority shall reject or refuse to grant a permit, or when it is claimed that provisions of this ordinance or any ordinances relating thereto do not apply, or when it is claimed that the true intent and meaning of this ordinance, or of any regulations, have been misconstrued or wrongly interpreted, and the permit applied for has been refused, then the applicant may appeal to the Village Board in writing.

APPLICATION FOR PERMIT- Required by this ordinance to be made to any Bureau means the form of application prescribed by such Bureau.

FIREWORKS- As used in this Article refers to firecrackers, rockets, torpedoes, roman candles, toy pistols, toy cannons, detonation canes, free floating balloons carrying any fire emitting material commonly termed "fireballoons," and other devices designed and intended for pyrotechnic display.

APPROVED DEVICES OR MATERIALS- Mean those which the Bureau of Fire Prevention as the result of test, or of its examinations, or of test by a generally accepted laboratory, has found to be properly safeguarded against fire hazard.

VILLAGE- means the Village of Wellsville.

GENERALLY ACCEPTED PRACTICE- Means a custom established or a usage prescribed, or a means adopted, or a method approved by the National Board of Fire Underwriters, and/or the Underwriters Laboratories, Inc., and/or the United States Bureau of Standards.

COMPETENT AUTHORITY AND GENERALLY ACCEPTED LABORATORY- Means the National Board of Fire Underwriters, and/or the Underwriters Laboratories, Inc., and/or the United States Bureau of Standards.

BUREAU OF FIRE PREVENTION- Whenever "Bureau of Fire Prevention" is referred to herein, said words shall include any person or persons appointed and designated as Bureau of Fire Prevention.

CONGESTED DISTRICT- Means any area where there are buildings under separate ownership not over one hundred (100) feet apart.

TENEMENT HOUSE AND APARTMENT- Is a dwelling where there are more than two (2) housekeeping units.

VEHICLE- Shall include any device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except a baby carriage and devices used exclusively on stationary rails or tracks.

BLOCK- Is that part of a street which lies between two (2) successive intersecting streets and includes both sides thereof.

ARTICLE II
General Provisions

Section 11.2 Enforcement

This ordinance shall be enforced by the Chief of the Fire Department and the Bureau of Fire Prevention.

ARTICLE III
Permits

Section 11.3 Issuance or refusal of permits; fees for permits.

Upon written demand of an application for a permit, a refusal of such permit shall be expressed in writing and the reason for such refusal shall be therein expressed. Permits issued pursuant to the provisions of this ordinance shall be obtained in writing from the Bureau of Fire Prevention or other authority specifically mentioned. Permits shall be for such period as such authority may specify but not exceeding one (1) year. They shall be kept on the premises designated therein and shall be subject to inspection of such authority. A carbon copy of a permit issued shall be forwarded to the Chief of the Fire Department and the Mayor. The Village Board may from time to time by resolution establish the amount of the fee to be charged for various permits.

Section 11.4 Inspection and tests before issuance.

Before a permit is issued, the authority empowered to grant it, Bureau of Fire Prevention, shall made or cause to be made such inspection or tests as are necessary to assure that the provisions of this ordinance are complied with.

Section 11.5 Revoking of permits.

The Bureau of Fire Prevention authorized to grant a permit is authorized to revoke any permit theretofore granted by it whenever any violation of this ordinance is deemed to warrant such revocation, but only after a fair and impartial hearing by the Village Board shall have been accorded the holder of the permit.

Section 11.6 Permits not transferable.

Permits are not transferable. Any change in use or occupancy of premises shall require a new permit.

Section 11.7 Circumstances requiring permits.

A. In addition to the specific requirements elsewhere repired in this ordinance a permit must be so obtained for:

- (1) Storage of calcium carbide in excess of one hundred (100) pounds.
- (2) In a congested district, the storage of hay, straw, excelsior and other combustibile fibres in excess of one (1) ton.
- (3) Storage of corrosive acids in excess of ten (10) gallons of each kind.
- (4) Storage of chlorates or other oxidizing chemicals in excess of ten (10) pounds.
- (5) Storage or handling or pyroxylin plastic in excess of twenty (20) pounds unless wrapped or packed for sale.
- (6) Use of stationary acetylene generators.
- (7) Use of compressed gas from cylinders in excess of four hundred (400) cubic feet aggregate capacity.
- (8) The application of paint, varnish or lacquer by spray method or with dip tanks and ovens.
- (9) The cleaning or dyeing of clothes or other materials with a Class I or II flammable liquid as provided in Section 11.37 hereof.
- (10) Storage of magnesium in excess of twenty-five (25) pounds.

B. No person shall, without a special permit from the Board of Trustees, have, possess or store, in any building, shed or other place within the limits of the Village of Wellsville, more than five (5) pounds of gunpowder, or more than five (5) pounds of dynamite not exceeding sixty percent (60%) in strength, or more than five (5) barrels of kerosene, or more than fifty-five (55) gallons of gasoline, or any quantity of any other highly inflammable or explosive material, not mentioned above or permitted in some other ordinance; and the above quantities shall only be kept or stored under the restrictions mentioned in this section. Provided that this section shall not apply to loa ded shotgun, rifle or revolver shells.

C. No person shall keep or store within the limits of the Village of Wellsville, any quantity of gasoline unless the same shall be kept in an airtight metal tank, drum or can, which shall be provided with a screw cap for filling and a faucet for drawing off and with no other openings and which shall be tightly closed at all times when gasoline is not being drawn, and none of the materials mentioned in this section shall be kept or stored in any part of any building, shed or other place where any artificial light is used except electric light, nor until such place has been inspected by the Fire Prevention Bureau and the Chief or Acting Chief of the Fire Department, and their permission given in writing that such materials may be kept or stored in such location, and such permission, when given, may be revoked at any time thereafter, upon twenty-four (24) hours' notice in writing by the said officers or their successors in office, and shall be operative until so revoked. Any person who shall keep or store any of the above materials in any building, shed, or other place, shall during the time for which such building, shed or other place, is used for such storage, keep constantly posted, at such place or places, near the entrance or entrances of such building, shed or other place as may be designated by the Mayor of the Village and the Chief or Acting Chief of the Fire Department, a legible and conspicuous sign printed in letters not less than five (5) inches in height, reading "DANGER, High Explosives Stored in This Building".

ARTICLE IV

Safeguards

Section 11.8 Right of Way.

When operated in the performance of duty the following shall have the right of way: Fire Department, emergency repair of public service corporations, ambulances, Police and the Military, but this does not relieve the driver or owner of any vehicle from consequences of the arbitrary or careless exercise of this right.

Section 11.9 Yielding for right-of-way vehicles.

A vehicle must not be driven so as to impede or obstruct the progress of the apparatus of a Fire Department or any official or employee of the Village in the discharge of his duty at a fire. The operator of a vehicle, not a part of the municipal fire apparatus shall not operate it through or within the established fire lines or over a line of fire hose. On the approach of fire apparatus as evidenced by suitable and continuous warning or by street signals operated from Fire Headquarters, visible or audible one to another indicating the route of the apparatus, the operator of a vehicle which is not a part of the fire apparatus must immediately draw up such vehicle as near as practicable to the right-hand curb and parallel thereto, and bring it to a standstill and keep it stationary, until the first apparatus has passed.

Section 11.10 Parking near hydrants.

No vehicle of any kind, except fire apparatus, shall at any time, except as otherwise provided in Section 1202 subdivision C of the Vehicle and Traffic Law, be stopped or left standing within fifteen (15) feet of any fire hydrant on any private or municipal highway, or any designated fire zone on any such road or area.

Section 11.11 Parking near fires.

No vehicle of any kind, except fire apparatus shall, at any time, be parked or stopped within one hundred (100) feet distant each way from any building which is on fire. Any vehicle which shall be parked in violation of this ordinance may be summarily removed by the Fire Department.

Section 11.12 Driving over fire hose.

No vehicle of any kind, not a part of the municipal fire apparatus, shall, at any time be driven over a fire hose or other fire equipment.

Section 11.13 Following of fire apparatus.

No person, except a driver of fire apparatus, shall follow in a vehicle of any kind within five hundred (500) feet of any fire apparatus answering a fire alarm.

Section 11.14 Chain of command.

In the event that the Chief Officers or a Company Officer is not present at a fire, the driver of the first Fire Department apparatus arriving at the fire ground will take command and have all the power and authority of the Chief until relieved by a ranking Company Officer or a Department Officer.

Section 11.15 Conduct at fires.

No member of the Fire Department of the Village of Wellsville, shall at the time of any fire refuse or neglect to obey the order of the chief engineer, or any of his assistants in command.

Section 11.16 False alarms.

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

Section 11.17 Interference with firemen.

No person or persons shall at any time interfere with the work of the Fire Department at any time or in the course of any work incidental thereto.

Section 11.18 Interference with Fire Officials.

No person or persons shall at any time interfere with any representative of the Fire Board or the Bureau of Fire Prevention in carrying out an inspection or in the performance of any other duties as such representative.

Section 11.19 Buildings to conform to regulations.

For the safety and preservation of human life, all buildings used for offices, and/or used as hotels, boarding and/or lodging houses, or factories, or wholesale and retail establishments, or used for public amusement, or for public lodge meetings, or for other public meetings, must contain fire prevention and fire protection equipment, especially as to lighted exits and fire escapes, satisfactory to the Bureau of Fire Prevention.

Section 11.20 Chimneys.

Any person who shall put up or construct any stovepipe, chimney, fireplace, incinerator, or oven in an unsafe manner, or near any building of said village, or those adjoining same, shall on notice from the Fire Prevention Inspectors, Fire Chief or Mayor of the Village, alter and repair the same

immediately upon such notice, which may be either verbal or written.

Section 11.21 Outdoor fire; smoke; tree and vegetation burning; hours of burning; containers.

A. No person shall kindle or maintain an outdoor fire within twenty-five (25) feet of any building or structure, or commercial display; or motor vehicle or property line, nor on or in any street, alley, sidewalk, public place or public property; nor in any container unless the same shall have been approved as provided herein; nor shall any such fire be left unattended nor shall any such fire be so kindled or maintained if the prevailing wind shall exceed a velocity of ten (10) miles per hour; nor shall any such fire be so kindled or maintained which creates or causes to be created any noxious or offensive odor, or smoke so dense in volume as to be hazard producing. All fires other than in an approved container shall require a permit from the Chief of the Fire Department.

B. All vegetation uprooted as a result of a land clearing operation shall be removed to the village landfill or other lawful depository within thirty (30) days after the completion of the said land clearing operation.

C. Fires requiring permits shall not be kindled before 7:00 A.M., prevailing time, and shall be extinguished by 8:00 P.M., prevailing time.

D. An approved container shall be made of nonflammable material and have no openings larger than one (1) inch including the cover. An outdoor grill or barbecue pit shall be considered an approved container providing that the fire contained therein shall be under control at all times and be used only for the purpose of cooking and not for disposal of combustible matter.

Section 11.22 Required distance during fires.

No person shall, without the permission of the Fire Chief or the man in charge of the fire force during a fire, enter upon the premises where such a fire is located or in any space within a radius of one hundred (100) feet therefrom.

Section 11.23 Fire limits.

A. The fire limits of the Village of Wellsville, New York

are and the same are hereby fixed and established within the following area:

- Commencing in the easterly boundary of the right-of-way of the Erie Railroad Company at a point in direct line with the center line of Genesee Street; thence in the center of Genesee Street to the Genesee River; thence by the center of the Genesee River to its junction with Dykes Creek; thence along Dykes Creek its various courses and distances to the most easterly boundary of the Erie Railroad Company's right-of-way; thence northerly along said easterly boundary to the place of beginning.
- B. Within said limits no fires other than in an approved container will be permitted at any time.
- C. Within said limits, no wooden, brick-veneered or wooden frame metal-covered, building or structure, or addition to or enlargement or extension of any building or structure shall hereafter be built or erected. And further, that within said limits, all buildings or structures hereafter to be erected, and all additions to, or enlargement or extensions of any buildings or structures, to be hereafter built or erected, shall be built with walls of brick, stone, or concrete or other fireproof material to be approved by the Board of Trustees, and shall be roofed with metal, slate or slag or other fireproof material to be approved by the Board of Trustees.
- D. Within said fire limits no building or structure or addition to or enlargement or extension of any building or structure shall hereafter be built or erected unless a permit be granted by the Mayor of the Village of Wellsville for the building, enlargement or extension thereof. Upon the approval of any four (4) of the Mayor and Trustees of the Village a permit to remodel or demolish and reconstruct any existing building within the fire limits may be granted where in the opinion of such four (4) members the fire hazard to such building and surrounding building will be reduced by the reconstruction or remodeling of such building.
- E. Application for permit to build any new structure or to enlarge or extend any existing structure shall be made to the Mayor and such application shall be accompanied by plans and

specifications to contain sufficient information to give the said Mayor full and complete information describing the location of the proposed building or extension, the nature of the material to be used and the purpose for which the building or extension is intended to be used.

F. Any applicant for a building permit under this ordinance, who shall have been refused such permit by the Mayor, may apply to the Board of Trustees therefor at a meeting thereof and the same may be granted or refused by the Board.

G. Any person, firm or corporation upon whom the court shall impose a penalty for the violation of the foregoing ordinance shall immediately effect, tear down, and remove the structure so erected in violation of said ordinance, or in default thereof shall be liable to and forfeit a further penalty of twenty-five dollars (\$25.) for each and every day the said structure is left standing, after the said penalty has been imposed by the said court.

Section 11.24 Deposit of materials liable to spontaneous ignition.

No person shall deposit hot ashes, smoldering coals or embers, greasy or oily substances or other materials liable to create spontaneous ignition within ten (10) feet of any wooden or plastered wall, partition, fence, floor, sidewalk, lumber, hay, shavings, rubbish or other combustible materials, except in metallic or other noncombustible receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside the building, must be placed two (2) feet away from any combustible wall or partition, and from under any stairs, stairways or fire escapes.

Section 11.25 Waste Accumulations Prohibited.

No person shall permit to remain in any congested district upon any roof, or in any courtyard, vacant lot, open space, basement or attic, any accumulation of waste paper, hay, grass, straw, weeds, litter or combustible or flammable waste or rubbish of any kind.

Section 11.26 Oil Burners and Tanks to Conform.

No oil burner or oil tank shall be installed in any private or public building the nature, or construction or operation or installation whereof is in conflict with the rules of the National Board of Fire Underwriters appertaining to such burner or such tank.

Section 11.27 Use of flammable materials for decoration restricted.

Cotton batting, straw, dry vines, leaves, trees, celluloid, papers, or other readily flammable materials shall not be used for decorative purposes in show windows, stores or any place of assembly unless such materials shall have first been treated and rendered flame-proof, provided, however, that nothing in this section shall be held to prohibit the display of salable goods permitted and offered for sale in stores.

ARTICLE V

Flammable Liquids

Section 11.28 Definitions

This article applies to all liquids having a flash point below one hundred eighty seven (187) degrees F. closed-cup tester. The flash point shall be as determined by the Tagliabue closed-cup tester.

Section 11.29 Classification of flammable liquids

For the purpose of this ordinance flammable liquids are classified as follows:

Class I

Liquids having a flash point below twenty five (25) degrees F. closed cup tester. Examples of such are ether, gasoline, naphtha and benzol.

Class II

Liquids having a flash point above that for Class I and below seventy (70) degrees F. closed cup tester. Examples of such are alcohol and amyl acetate.

Class III

Liquids having a flash point above that for Class II and below one hundred eighty seven (187) degrees F. closed-cup tester. Examples of such are kerosene and fuel oil.

Section 11.30 Permit for storage

A permit shall be obtained from the Bureau of Fire Prevention and a carbon copy of permit shall be forwarded to the Chief of the Fire Department in which premises are located for the handling of flammable liquids in excess of one (1) gallon where such storage or handling is for the purpose of sale, or for use in some business or industry, or for the storage of flammable liquids in excess of fifty-five (55) gallons after the effective date of this ordinance.

Section 11.31 Smoking prohibited near flammable liquids.

Smoking or the carrying of matches or other smoking material in rooms where flammable liquids are handled is prohibited. Suitable "NO SMOKING" signs shall be displayed.

Section 11.32 Sale of approved appliances

The Bureau of Fire Prevention shall prohibit the sale or use of any heating, lighting or cooking appliances using flammable liquids which have not been tested by Underwriter's Laboratories, Inc., or some other competent authority, and found to be properly safeguarded against fire hazard.

Section 11.33 Storage of Class I and Class II liquids in public buildings restricted.

Class I and II liquids shall not be kept or stored in any building used as a place of public assembly, except in laboratories for experimental purposes, or in the attached tanks of motor vehicles.

Section 11.34 Use of Class I and Class II liquids in manufacturing or cleaning.

In establishments, where Class I or II liquids are used in manufacturing, cleaning or other processes, the Bureau of Fire Prevention may require such preventive and protective measures as will reasonably safeguard life and property against fire.

Section 11.35 Portable container requirements.

Portable containers for Class I and II liquids shall be painted red (entire container or conspicuous band or stripe) and be conspicuously lettered in black as follows: "Dangerous - Keep Light and Fire Away."

Section 11.36 Permits for public display.

The Bureau of Fire Prevention upon due application may issue permits to properly qualified persons for giving a pyrotechnic display of fireworks in public parks or other open places. Such permits shall impose such restrictions as in the opinion of the Bureau of Fire Prevention may be a proper safeguard to life and property in each case.

ARTICLE VI

Dry Cleaning and Dry Dyeing

Section 11.37 Definitions.

DRY CLEANING Shall include the removal of dirt, grease,

paints and other stains from wearing apparel, textiles, fabrics, furs, rugs and similar articles by immersion or agitation in flammable liquids or by brushing or scouring with such liquids.

SPOTTING Is the local application of flammable liquids to spots of dirt, grease, paints or stains, and such be limited to the use of one (1) quart of such liquid, stored and applied from an approved safety can.

DRY DYEING Is the process of dyeing in a solution of dye colors and flammable liquids.

Section 11.38 Permits required.

A. No dry cleaning or dry dyeing or spotting for commercial purposes shall be done in any building without a permit from the Bureau of Fire Prevention.

ARTICLE VII

Effect of Ordinance

Section 11.39 Penalties

A. Any person violating any of the provisions of this ordinance shall be guilty of an offense punishable by a fine or imprisonment, or both; however, for the purpose of confirming jurisdiction upon courts and judicial officers, such violation shall be deemed a misdemeanor and for such purposes only all provisions of law relating to misdemeanors shall apply to such violation. In lieu of the foregoing, any person violating any provision of this ordinance shall be subject to a penalty in a sum not exceeding fifty dollars (\$50) for the first violation and in a sum not exceeding one hundred dollars (\$100) for any subsequent violation; said penalties to be recovered in a civil action in the name of the Village of Wellsville.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 11.40 Validity

If any section or part of a section or paragraph of this ordinance is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force and effect of any other section or sections or part of a section or paragraph of this ordinance.

A Local Law Regarding the Fire Prevention Bureau

Adopted 12-14-59

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE, NEW YORK, AS FOLLOWS:

Section 12.1 ESTABLISHMENT

The Village of Wellsville, hereby establishes a Bureau of Fire Prevention which shall consist of a Board of Fire Inspectors.

Section 12.2 BOARD OF FIRE INSPECTORS

The Board of Fire Inspectors shall consist of one (1) member from each of the Volunteer Fire Companies in the Village of Wellsville. The Captain of each said company shall recommend an active member of his company and the Village Board shall designate such member a Fire Prevention Inspector and appoint him to the Board of Fire Inspectors.

Section 12.3 MANNER OF APPOINTMENT

One-third (1/3) of the members of the Board of Fire Inspectors first established after the effective date of this ordinance (or as near said number as is possible) shall be appointed for one (1) year; one-third (1/3) of the members (or as near said number as possible) shall be appointed for two (2) years; and one-third (1/3) of the members (or as near said number as is possible) shall be appointed for three (3) years. Thereafter, their successors shall be appointed for three (3) years. In the event of a vacancy during the term of any member, said vacancy shall be filled in the same manner as original appointments are made, but shall only be for the unexpired portion of such term.

Section 12.4 CHAIRMAN

The Village Board shall appoint from among the members of said Board of Fire Inspectors a Chairman who shall serve for one (1) year. It shall be the duty of the Chairman to prepare or cause to be prepared annually, a report containing pertinent information of the work of the Board of Fire Inspectors.

Section 12.5 DUTY OF INSPECTORS

It shall be the duty of each of the Fire Prevention Inspectors within the jurisdiction of his company, to inspect as often as may be necessary, but not less than once a year, all building, premises and public thoroughfares, except in interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violations of the provisions or intent of any ordinance of the Village of Wellsville affecting the fire hazard.*

Section 12.6 INSPECTORS TO ISSUE ORDERS

Whenever a Fire Prevention Inspector shall find in any building, or upon any place, combustible or explosive matter, or dangerous accumulation of rubbish, waste paper, boxes, shavings or any other highly inflammable materials which are so situated as to endanger property, or any other hazardous condition liable to cause a fire, or shall find obstruction to or on fire escapes, stairs, passageways, doors, or windows liable to interfere with the operations of the fire company, or egress of occupants in case of fire, he shall order the same to be removed or remedied and such order shall forthwith be complied with by the owner or occupant of such premises or building, subject to appeal within twenty-four (24) hours, to the Mayor of the Village of Wellsville, who shall within ten (10) days review such order and file his decision thereon with the Village Board and the Chairman of the Board of Fire Inspectors, and unless the order is revoked or modified, it shall remain in full force and be obeyed by such owner or occupant.

Section 12.6 SERVING OF ORDERS

The service of any such order shall be made upon the occupant of the premises to whom it is directed by either delivering a true copy of the said order to such occupant personally, 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 the door to the entrance of said premises. Whenever it may be necessary to serve such an order upon the owner of the premises,

*See Section 16-6B re; inspection of public halls, in Chapter 16, Licenses.

such order may be served either by delivering to and leaving with said owner a true copy thereof, or if such owner cannot be found within the Village of Wellsville, by mailing such a copy to his last known place of residence.

Section 12.8 FAILURE TO COMPLY

Any owner or occupant failing to comply with such order within ten (10) days after said appeal shall have been determined, or if no appeal is taken then within ten (10) days after the service of said order, shall upon conviction thereof, be liable to the penalties prescribed in Sections 12.9 and 12.10 of this ordinance.

Section 12.9 VIOLATION DECREED DISORDERLY CONDUCT

The violation of any of the provisions hereof shall constitute disorderly conduct, and a person violating any provision hereof shall be a disorderly person and shall be subject to arrest, prosecution and punishment as provided in Section 338 of the Village Law.

Section 12.10 PENALTY

The penalty of each and every violation of any of the provisions hereof shall be and hereby is fixed at the sum of twenty-five dollars (\$25) and the costs of the proceeding.

Section 12.11 EFFECTIVE DATE

This ordinance shall take effect immediately.



STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, N.Y. 12231

GAIL S. SHAFFER
SECRETARY OF STATE

March 9, 1984

Dear Chief:

As you may know, the Uniform Fire Prevention and Building Code became effective in New York State on January 1, 1984.

Contained within the Uniform Code are several sections which effect, and may require action by, the fire department and/or the fire chief. The sections were designed to allow input from the local fire service on certain issues, as well as establish communication lines with local code enforcement officials.

Enclosed with this letter are various sections of the Code which require fire service involvement.

I trust this information will assist you in the administration of your department. If you have any questions concerning these sections, feel free to contact your regional Field Representative or Mr. Thomas J. Wutz of this Office at (518) 474-6746.

Sincerely,

A handwritten signature in cursive script, reading "Francis A. McGarry".

Francis A. McGarry
State Fire Administrator
Office of Fire Prevention
and Control

FAM:ed

Enclosures

cc: County Fire Coordinators

The following paragraphs are selected excerpts from the Uniform Fire Prevention and Building Code which involve the local fire department.

Chapter C - Fire Prevention

Part 1163.9e

"If a fire should occur in any chimney, smoke stack, flue, gasvent, smokepipe or connector than that item shall be inspected for damage by the Code Enforcement Official before any further use."

Comments

The local fire department may want to notify the homeowner of the above Code section after extinguishment of any chimney fire.

Part 1164.7 - Bowling Establishment

Part 1164.7a

"Lane resurfacing operations shall not be commenced until such time that the Code Enforcement Official and the Fire Chief are notified."

Comments

Typical resurfacing operations many times involve the use of flammable or combustible liquids. This notification provision is provided to make the Chief aware of the potential dangers if he should respond to an incident at the bowling establishment.

Part 1174.1i

"The management or owner of any building or facility where the amounts of hazardous materials exceed those in Table 1-1174 shall annually report the quantity and locations of those hazardous materials to the Fire Chief and the Code Enforcement Official. This section shall not apply to Group A occupancies (one- and two-family dwellings) or to agricultural buildings located in conjunction with Group A buildings or to hazardous materials used for heating systems when the storage is under 12000 gallons inside any occupancy."

Table I-1174 Warning Sign Requirements

| <i>Materials</i> | <i>Requirements</i> |
|---------------------------------------|---|
| <i>Explosives and Blasting Agents</i> | <i>any amount</i> |
| <i>Poison Gas</i> | <i>any amount</i> |
| <i>Flammable Liquid</i> | <i>over 5 gallons inside a building and over 10 gallons outside a building</i> |
| <i>Flammable Solid</i> | <i>any amount</i> |
| <i>Flammable Gas</i> | <i>over 2000 cubic feet at normal temperatures</i> |
| <i>Nonflammable Gas</i> | <i>over 6000 cubic feet at normal temperatures</i> |
| <i>Oxidizer</i> | <i>over 50 pounds</i> |
| <i>Combustible Liquid</i> | <i>over 25 gallons inside a building and over 60 gallons outside a building</i> |
| <i>Radioactive Material</i> | <i>any amount</i> |
| <i>Corrosive Material</i> | <i>over 55 gallons</i> |
| <i>Dangerous When Wet Material</i> | <i>any amount</i> |
| <i>Etiologic Material</i> | <i>any amount</i> |

Comments

This section is in line with Section 209-u of the General Municipal Law. The provision is intended to provide information concerning location and type of hazardous materials to the fire chief.

Part 1179.1g

"The Code Enforcement Official and Fire Official shall be notified in writing at least twenty-four hours before any building, structure, ship or other transport vehicle is to be closed in connection with the use of any toxic or flammable fumigant."

Comments

Again, this notification procedure is incorporated to make the fire department aware of any possible hazardous conditions involving fumigation to which the department may respond.

Part 1191.2c-3

"The local fire department and Code Enforcement Official shall be notified whenever outdoor burning is being conducted. Notification shall include such information as time and location."

Comments

This provision assists in making the fire department aware of any outdoor burning in their area.

Part 1193

"Fire Safety equipment including, but not limited to, fire extinguishing, fire warning, and standpipe systems shall be maintained operable at all times and under all weather conditions except during regular repairs. The Code Enforcement Official and the fire department shall be notified when such equipment is placed out of service or placed back in service."

Comments

This provision is designed to notify the fire department when fire protection and detection systems are out of service so they may make the appropriate changes in their pre-plan of the structure.

Part 1196 - Fire Department Notification

Part 1196.1 - General Requirements

Part 1196.1a

"Upon discovery of a fire, which poses a possible danger to life or property, even though it has apparently been extinguished, the existence, circumstances and location of such fire shall immediately be reported to the fire department."

Part 1196.1b

"The fire department shall be promptly notified upon discovery of evidence of the spontaneous or abnormal heating of any merchandise, commodity, cargo, or material in buildings, structures, or premises which indicates a probable danger of fire or explosion, or upon discovery or being appraised of an uncontrolled hazardous gas leak, or hazardous material or combustible or flammable liquid spill."

Part 1196.1c

"It is prohibited to make or issue regulations or orders, written or verbal, that would require any delaying action prior to reporting a serious fire hazard or fire to the fire department, except in the case of established on-premises firefighting organizations which have coordinated and arranged procedures with the fire department."

Part 1196.1d

"A reliable means of communication to the fire department which is accessible by all occupants shall be provided and maintained operable at all times."

Comments

The provisions contained in Part 1196 are designed to make the fire department aware of a potentially hazardous or dangerous situation. The provisions also require notification to the department of any fire to insure that a potential danger does not still exist and also to initiate the fire cause determination as required by General Municipal Law 204-d.

Part 1197.1c

"The Fire Chief shall notify the Code Enforcement Official of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gasvent."

Comments

This provision will keep the Code Enforcement Official informed of any fire which may have caused damage to a structure or portion of a structure so that the damage can be surveyed to assure that the fire did not create an unsafe condition for the building occupants. Also, the Code Enforcement Official will be aware of any hazardous condition which may exist and when reconstruction of the structure may begin.