

**PROPOSED ORDINANCE NO. 28 - 2016**

**AN ORDINANCE FOR THE PREVENTION OF FIRES BY ESTABLISHING  
UNIFORM REGULATIONS FOR THE CONTROL OF FIRE HAZARDS AND FOR THE  
ENFORCEMENT OF SUCH REGULATIONS**

WHEREAS, the New York State Legislature through Charter section 1706, has empowered this Legislature to establish a fire prevention ordinance for the protection of the lives and property of the people of Nassau County, and

WHEREAS, a comprehensive ordinance for the prevention of fires by establishing uniform regulations for the control of fire hazards and for the enforcement of such regulations was last established in 1962 by the Board of Supervisors, when the 1950 fire prevention ordinance was amended, and

WHEREAS, while this ordinance was amended many times thereafter to meet changing needs and changing technology, a new comprehensive fire prevention ordinance is now needed to insure the continued protection of lives and property, and

WHEREAS, the Nassau County Fire Commission has pursuant to Charter section 1706 approved and recommended a new comprehensive fire prevention ordinance to this Legislature, now, therefore,

BE IT ORDAINED by the County Legislature of the County of Nassau as follows:

**PART I**

Section 1. Ordinance No. 60-1950 entitled “An Ordinance for the prevention of fires by establishing uniform regulations for the control of fire hazards and for the enforcement of such regulations in accordance with the recommendations of the Nassau County Fire Commission and to repeal Ordinance No. 66-1942; pursuant to the County Government Law of Nassau County,” as amended by Ordinance 56-1962, and further amended on May 4, 1964, August 15, 1966, January 23, 1967, October 30, 1972, March 22, 1976, August 27, 1979, October 15, 1979, November 19, 1979, February 4, 1980, March 24, 1980, August 11, 1980, February 23, 1981, April 27, 1981, August 17, 1981, May 3, 1982, November 8, 1982, August 8, 1983, December 19, 1983, March 12, 1984, January 6, 1986, September 15, 1986, December 15, 1986, December 3, 1990, September 14, 1992, November 30, 1992, December

12, 1994, December 13, 1995, July 21, 1997, September 13, 1999, December 20, 1999 August 10, 2001, October 29, 2001, October 31, 2002, May 6, 2003, September 17, 2003, November 4, 2004, January 26, 2005, February 11, 2005, December 12, 2005, June 20, 2007, January 31, 2008, October 5, 2010, March 28, 2011, October 17, 2011, June 18, 2012, and August 8, 2012 is hereby repealed.

§2. A fire prevention ordinance as set forth in Part II below is hereby established.

§3. Part II of this ordinance may be cited as the “Nassau County Fire Prevention Ordinance” without reference to Part I of this ordinance.

§4. The Nassau County Fire Marshal is hereby empowered to publish Part II of this ordinance in book form without reference to Part I, except for a references to this Legislature’s enactment and the date thereof and any subsequent amendments and the ordinance numbers and dates thereof. The Fire Marshal may annex a table of contents thereto to ease its use and to amend such table of contents should Part II be amended. The Fire Marshal may utilize such type fonts, capitalization and layout style in the book form to facilitate use. The Fire Marshal shall file a copy of the book form of Part II with the Clerk of the Legislature and provide a copy of the book form of Part II to each member of this Legislature at the member’s request.

§5. The Nassau County Fire Marshal is hereby empowered to publish the book form of Part II on the Nassau County website with such hyperlinks as may be deemed appropriate.

§6. Prior to December 31, 2016, Part II of this ordinance may be modified to allow for the correction of any typographical errors in the text as adopted without the necessity for a vote to be taken by the this Legislature or by the members of any Standing Committee of this Legislature. The County Attorney shall notify the Clerk of the Legislature in writing of the existence of any typographical error and the Clerk will cause such correction to be made and shall notify the members of such correction.

§7. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of

priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§8. Severability. If any part or provision of this ordinance or the application thereof to any person, entity or circumstance shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to that part, provision or application of this ordinance directly involved in the controversy for which such judgment was rendered and shall not be deemed to affect or impair the validity of the remainder of this ordinance to the application thereof to other persons, entities or circumstances.

§9. This ordinance shall take effect forty-five days after its approval by the County Executive.



